

ORDINANCE NUMBER O- **17358** (NEW SERIES)

ADOPTED ON OCT 16 1989

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0101, ENTITLED "PERMANENT RULES OF THE COUNCIL" BY AMENDING RULE 1 RELATING TO HOURS OF MEETINGS, RULE 2 RELATING TO PARLIAMENTARY PROCEDURE, RULE 4, RELATING TO SPECIAL ORDER OF BUSINESS, RULE 17 RELATING TO CONDUCT OF COMMITTEE BUSINESS, RULE 30 RELATING TO PREPARATION OF THE COUNCIL DOCKET, RULE 30.1 RELATING TO POSTING, NOTICE AND ITEMS FOR CONSIDERATION; AND ESTABLISHING A NEW RULE 30.2 RELATING TO NON-DOCKET ITEMS.

WHEREAS, it has been requested by the Council/Manager liaison that meetings of the Council may be extended by the Chair beyond the 5:30 p.m. time specified in Rule 1(a) when there is business remaining to be conducted, thereby alleviating the necessity of conducting additional roll call votes to extend time; and

WHEREAS, it has also been suggested by the City Clerk, and approved by the Rules Committee, that specific language be incorporated in the Rules to reflect the provision of the Charter that all legal documents to be acted upon by Council be prepared and signed by the City Attorney; and

WHEREAS, it has also been suggested that Rule 17 be clarified to more clearly specify that a Council Committee requires a quorum to take action and absent a quorum, the Committee must adjourn and continue any unfinished business; and

WHEREAS, pursuant to the latest revisions to the Brown Act and Rule 30.1 enacted pursuant thereto on January 26, 1987, it

was deemed necessary to address the matter of "Reconsideration of Items" in order to bring the procedure into legal conformance with the law, as last enacted; and

WHEREAS, such changes as above recited have been initiated by the Manager, the City Clerk, or by direction to the City Attorney, in order to bring the Permanent Rules of Council into conformance with the law or as approved by the Rules Committee in order to provide clarification of the Rules; and

WHEREAS, it is further deemed necessary and appropriate to delineate clearly the rules and procedures for entertaining items of business not appearing on the posted agenda, pursuant to section 54954.2 of the California Government Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 22.0101, Rules 1, 2, 4, 17, 30 and 30.1, to read as follows:

**RULE 1. HOURS OF MEETINGS**

No change in subsections (a) through (b).

(c) The time of a meeting may be extended by the Chair or by two-thirds (2/3) vote of the members of the Council beyond the time specified above should additional matters remain on the Council docket.

No change in subsections (d) through (g).

**RULE 2. PARLIAMENTARY PROCEDURE**

In all cases not provided by these Rules as by statute or other ordinance or resolution, the authority shall be Robert's Rules of Order Newly Revised. Robert's Rules, notwithstanding, a motion for reconsideration of any matter must be entertained on the same day as the matter is docketed from Council action. All requests for reconsideration made later than the same day the matter was acted upon must be processed and re-docketed by the Clerk under Special Order of Business/Matters of Reconsideration. [See Rule 4.]

**RULE 4. SPECIAL ORDER OF BUSINESS**

(a) Requests to have an item placed on the docket, under Special Order of Business other than Matters of Reconsideration may be initiated by any individual and must be submitted in writing to the Rules Committee. The Rules Committee shall review such requests so received and shall direct the City Clerk to list on the docket under Special Order of Business those items which it approves, by majority vote. The Rules Committee must place on the docket under Special Order of Business the written request of a Councilmember to have the full Council vote on the question of causing a matter which has been "held in committee" (see Rule 17) to be placed on the Adoption Agenda of the Council docket. In

addition, a Councilmember shall have the same privilege to cause the full Council to vote on whether or not a committee decision on any matter which has not been denied by all of the five members of the committee should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Councilmember within ten (10) days of the date of a committee's decision. A vote to hear the matter by the Council shall void any prior committee decision. The matter shall be considered de novo by the Council. A vote by the Council on a matter "held in committee" (see Rule 17), or one relating to a decision of a committee, shall not be subject to a motion to reconsider and the decision of the Council shall be final forthwith. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda of the Council docket in a timely manner. Discussion during meetings of the City Council of items listed on the docket as Special Order of Business shall be within the discretion of the chairperson. These items are not debatable.

(b) Notwithstanding any other provisions herein to the contrary and pursuant to Rule 2, any

matter for which reconsideration is requested, at a date later than the day it was acted upon by the Council, may be considered by Council by directing a request therefor to the City Clerk, complying with the process set forth in Rule 2, appropriate notice thereof under Special Order of Business/Matters of Reconsideration, and the following:

1. If the matter is one to which Council Policy 000-6 applies, waiving the permanent rules of Council by a 2/3 vote of the Councilmembers. [See Rule 32.]

2. Decision by a majority vote of the Council to reconsider the matter.

3. If approved from reconsideration by a majority vote, setting a date for a hearing on the matter.

**RULE 17. CONDUCT OF COMMITTEE BUSINESS**

Except as otherwise provided in these rules, committee hearings shall be governed as follows:

No change in subsections (a) through (b).

(c) A majority of the membership of the committee shall constitute a quorum for the transaction of business, including the decision to recommend the adoption of any amendments to a resolution or ordinance. A committee may not conduct business absent a quorum and, if properly

convened, must terminate committee proceedings upon the loss of a quorum. The committee chair may, under such conditions, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report a resolution or ordinance, or any matter properly before it, out of committee.

No change in subsection (d) through (l).

**RULE 30. PREPARATION OF THE COUNCIL DOCKET**

Add the following just before the last paragraph. No change otherwise in the rule.

The legislative authority of Councilmembers in regard to drafting documents to be considered by the Council shall be preserved and not limited; provided, however, that all resolutions, ordinances and other legal documents regarding and in support of matters listed on the Council docket for Council action shall be prepared in final form by the City Attorney and bear the City Attorney's signature or approval as to form and legality.

No change in the last paragraph of this section.

**RULE 30.1 POSTING, NOTICE AND ITEMS FOR CONSIDERATION**

At least seventy-two (72) hours before the regularly scheduled meetings of the City Council

the City Clerk shall post the agenda for same containing a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location freely accessible to the public. No discussion or action shall be taken on any item not appearing on the posted agenda, except as otherwise provided in Rule 30.2.

Section 2. That Chapter II, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby further amended by adding to section 22.0101 a new Rule 30.2 to read as follows:

**RULE 30.2 NON-DOCKET ITEMS**

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions [pursuant to California Government Code section 54954.2]:

a. An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.

b. Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.

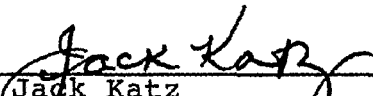
c. Upon a determination by a majority of the Council that an emergency exists as defined in Rule 1(g).

The originating official shall prepare a non-docket item form (Form CM-1557) to accompany the form 1472 and indicate thereon the reason for the request. The Council shall be required to first vote upon the matter of determining the validity of the circumstances giving rise to the request prior to discussion and action upon the item of business.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

  
\_\_\_\_\_  
Jack Katz  
Senior Chief Deputy

JK:smm  
07/11/89  
07/20/89 COR.COPY  
10/06/89 REV. 1  
Or.Dept:Mayor/Atty  
O-90-3  
Form=o.code



#150

OCT 16 1989

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 2 1989

OCT 16 1989

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 017358 Adopted OCT 16 1989

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE

89 NOV -9 AM 3:16

SAN DIEGO, CALIF.

P:

CITY OF SAN DIEGO  
202 C STREET, SECOND FLOOR  
SAN DIEGO, CA 92101  
ATTN: RHONDA BARNES

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, OF THE  
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0101,  
ENTITLED "PERMANENT RULES OF THE COUNCIL" et al....

NO.

THOMAS D. KELLEHER

I, \_\_\_\_\_, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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This ordinance amends section 22.0101 of the San Diego Municipal Code (Permanent Rules of Council) by amending Rule 1 relating to Hours of Meetings (time extension); Rule 2 relating to Parliamentary Procedures (reconsideration); Rule 4 relating to Special Order of Business (reconsideration); Rule 17 relating to Conduct of Committee Business (absence of quorum); Rule 30 relating to Preparation of Council Docket (preparation of legal documents); Rule 30.1 relating to Posting, Notice and Items for Consideration; and adds a new Rule 30.2 relating to Non-Docket Items (and procedures therefor).

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON OCT 2 1989 Passed and Adopted by the Council of The City of San Diego on OCT 16 1989

AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR City Clerk of The City of San Diego, CA

(SEAL)  
By RHONDA R. BARNES, Deputy.

Pub. Oct. 30 189348

ORDINANCE NUMBER O-17358 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCT. 30

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 30 day of OCT., 19 89.

(Signature)

3 1/2 x 2 = 45.60