

ORDINANCE NUMBER O- 18983 (NEW SERIES)

ADOPTED ON SEP 24 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0101 RELATING TO PERMANENT RULES OF THE COUNCIL.

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

Section 1. That Chapter 2, Article 2, Division 1, of the San Diego Municipal Code be and is hereby amended by amending section 22.0101, to read as follows:

§22.0101 Permanent Rules of the Council

Rule 1. Hours of Meeting

- (a) The regular weekly meeting of the City Council required by Charter section 13 shall be scheduled over a two-day period as follows:

Monday 2:00 p.m. – 5:30 p.m.

Tuesday 9:00 a.m. – 5:30 p.m.

- (b) A single consolidated agenda covering the regular Council meeting each week shall be published.
- (c) The time of adjournment each day 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 agenda.
- (d) through (g). [No change in text.]

Rule 2. Parliamentary Procedure

[No change in text.]

Rule 3. Procedure for Council Meetings

The order of business for Council meetings shall be as follows:

Monday at 2:00 p.m.:

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Special Orders of Business
4. Requests for Continuances
5. Communications (see Rule 5)
6. Adoption Agenda
 - (a) Consent Items
 - (b) Committee Items
 - (c) Other Legislative Items
7. Public Notices
8. Non-agenda items under Rule 30
9. Adjournment

Tuesday at 9:00 a.m.

1. Roll Call
2. Non-agenda Public Comment (limited to three (3) minutes – See Rule 8)
3. Requests for Continuances
4. Adoption Agenda
 - (a) Noticed Hearings (to be scheduled at various times throughout the day by the City Clerk based on the number of hearings and reasonable expectation of length) and Special Hearings.
 - (b) Unfinished business from Monday
5. Non-agenda items under Rule 30
6. Adjournment

Rule 4. Special Order of Business

- (a) Requests to have an item placed on the agenda under Special Order of Business 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 agenda under Special Order of Business those items which it approves, by majority vote. The Rules Committee must place on the agenda under Special Order of Business the written request of a Council member to have 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 portion of the Agenda [the Adoption Agenda]. In addition, a Council member 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 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 Council member 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 in a timely manner. Discussion during meetings of the City Council of items listed on the agenda as Special Order of Business shall be within the discretion of the chairperson. These items are not debatable.
- (b) [No change in text.]

Rule 5. Communications Requests to Council

Communications requests may be initiated by any individual and submitted to the Rules Committee chairperson by letter or on forms provided by the City Clerk. Requests must state the subject matter and the action which the writer wishes the Council to take. The Rules Committee shall review all communication requests so received and shall direct the City Clerk to list on the Council agenda under Communications, those items which it deems, by majority vote, to be proper areas of discussion or action by the City Council. When a Communications item is listed on the agenda, appropriate committee or other public agency, or filed. Referral to a committee may include direction to staff to prepare a report or to develop relevant information for consideration by the committee to which referral is made. When directed to be in writing, such reports shall be in the form of a memorandum to the appropriate committee.

Rule 6. Adoption Agenda

The Adoption Agenda shall consist of noticed hearings and ordinances and resolutions placed on the agenda for action by the Council.

The City Clerk shall identify consent items upon the agenda. Any Councilmember or member of the audience may remove any item from the Consent Items portion of the Adoption Agenda by notifying the chairperson of his or her desire to do so.

[No change to remaining text of Rule 6.]

Rule 7. Referral to Committee

Except as otherwise provided in these rules, the Rules Committee shall have the authority to assign a resolution or an ordinance to a standing committee for further study and consideration, or to the Committee of the

Whole, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption. The Rules Committee shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four (4) members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty (30) days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by three (3) members of the committee or the committee chairperson having jurisdiction over the matter. The matter shall be scheduled for hearing at a regularly scheduled meeting of the committee within thirty (30) days thereafter. Any matter shall be placed on the appropriate committee agenda upon the written request of three (3) members of that committee within thirty (30) days thereafter.

Rule 8. Nonagenda Public Comment

- (a) Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Subject to the exercise of the Mayor's discretion for a given agenda, Nonagenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda.
- (b) through (d). [No change in text.]
- (e) No discussion or action on any matter of nonagenda public comment shall be permitted. Any matter properly raised under this rule may, if appropriate, be referred by the Chair to the Rules Committee Consultant for appropriate action.

Rule 8.1 through 14. [No change in text.]

Rule 15. Committee Staff

A committee consultant from the Committee Consultant Activity of the Council Administration Division shall be assigned to each standing committee other than the Rules Committee to provide staff assistance to the committee. A committee consultant shall be assigned to the Rules Committee from the office of the Mayor. All committee consultants shall be subject to appointment and removal by the chairpersons of their respective committees. Committee consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chairperson, prepare an objective informational analysis addressing both the policy and fiscal considerations of any matter that is reviewed by the committee. Such consultant analysis shall be attached to the resolution or ordinance when it is delivered to the Rules Committee for listing on the Adoption Agenda. All committee consultants shall cooperate fully in providing staff assistance to each standing committee during the authorized absence of any committee consultant.

Rule 16. Fiscal Impact Determined

[No change in text.]

Rule 17. Conduct of Committee Business

(a) through (d). [No change in text.]

(e) A resolution or ordinance shall be reported back to Council only if the committee makes one of the following recommendations:

(1) [No change in text]

(2) Adopt or adopt as amended (for resolutions). If the committee does report the resolution or ordinance back to the Council by making one of these recommendations, the committee may make the additional recommendation that the resolution or ordinance be listed as a consent item on the Adoption Agenda portion of the

Council agenda, and such recommendation shall cause the City Clerk to so list the resolution or ordinance. If the full committee votes favorably on the matter, the City Clerk shall automatically list it as a consent item, unless a noticed hearing by the City Council is required or the Clerk is otherwise directed by the chairperson of the committee. (See Rule 30).

(3) [No change in text.]

(f) [No change in text.]

(g) if the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall cause the amendments to be shown by interlineation and shall, if necessary, prepare an amended digest, attach it to the amended resolution or ordinance, and deliver both to the committee chairperson. The committee chairperson shall cause the resolution or ordinance, with attached digest, to be delivered to the Rules Committee for listing on the agenda of the regular Council meeting. The City Clerk must list items so delivered to it on the Adoption Agenda.

(h) [No change in text.]

(i) When the committee takes action on a resolution or ordinance, the vote shall be by roll call vote only. All roll call votes shall be recorded by the City Clerk and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

(j) through (l). [No change in text.]

Rule 17.1 through Rule 28

[No change in text.]

Rule 29. Delivery of Resolution or Ordinance to Rules Committee

The official who originated the for 1472 shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with Rule 28, to be delivered to the Rules Committee no later than 10:00 a.m. on Wednesday for listing on the agenda of the regular Council meeting to be held during the week following the next succeeding week or, at the discretion of the Rules Committee, the week thereafter.

Ordinances or resolutions that are reported out of committee in accordance with Rule 17 shall be delivered to the Rules Committee by the committee chairperson by 10:00 a.m. on Wednesday for listing on the agenda of the regular Council meeting to be held during the week following the next succeeding week or, at the discretion of the Rules Committee, the week thereafter.

Rule 30. Preparation of the Council Agenda

Only those resolutions or ordinances that have been prepared and delivered in accordance with Rules 28 and 29 shall be listed on the agenda.

Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

- (a) Consent Items
- (b) Noticed Hearings
- (c) Other Ordinances and Resolutions

Each item on a noticed hearing must be assigned to the Noticed Hearing portion of the Adoption Agenda.

Each ordinance or resolution that is reported out of committee in accordance with Rule 17 must be assigned to the Adoption Agenda.

In assigning every other ordinance or resolution to one of these categories, preference should be given to listing purchasing items and routine business resolutions on the Adoption Agenda, and usually as Consent Items on the Adoption Agenda. Any item considered in committee and reported out with five (5) affirmative votes shall, unless otherwise specified by the chairperson, be placed on the consent items portion of the agenda except those items for which a noticed hearing is required. In assigning every other ordinance or resolution, preference should be given to referring the item to a standing committee or the Committee of the Whole when it would do any of the following: (1) support or oppose state or federal legislation; (2) result in a substantial expenditure of City money; (3) result in a substantial loss of revenue to the City; (4) result in a substantial reduction of expenditures of City money by reducing, transferring or eliminating any existing responsibilities of the City; (5) appropriate money; or (6) add to, modify, or abolish existing City policy.

The agenda prepared as above and any items under Special Order of Business, together with all resolutions and ordinances prepared in accordance with Rule 28 and delivered in accordance with Rule 29, shall be delivered to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the City Council to be held during the week following the next succeeding week and the Clerk shall so list the items. Additionally, any item may be set for a time certain hearing.

The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 10:00 a.m. each Wednesday preceding the regular meeting of the full Council to be

held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Wednesday and shall be posted by 2:00 p.m. each Friday preceding the regular meeting of the full council to be held the following week.

Notwithstanding the above provisions, there may be listed on the Adoption Agenda an ordinance or resolution that has been initiated in accordance with Rules 25, 26, and 27, but which has not been prepared and delivered in accordance with Rules 28 and 29, if the City Attorney certifies in writing to the Rules Committee that an ordinance or resolution will be prepared and delivered by the City Attorney to the City Clerk prior to the time the item is considered on the Adoption Agenda.

Notwithstanding the above provisions, the Council, at a regular meeting, or the Rules Committee may direct the City Clerk to list a resolution or ordinance on a supplemental agenda for the next regular Council meeting if the City Attorney certifies to the City Clerk that an ordinance or resolution has been prepared or will be prepared and delivered to the City Clerk prior to the time the item is considered at the regular Council meeting.

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 agenda 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.

All agenda preparation functions in these rules assigned to the Rules Committee shall be construed and assigned to the Rules Committee Chairperson.

Rule 30.1 Posting, Notice and Items for Consideration

[No change in text.]

Rule 30.2 Non-Agenda 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) through (c) [No change in text.]

The originating official shall prepare a non-agenda 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.

Rule 31 Temporary Rules

The Rules Committee may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule. Upon adoption by the Council, the temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule is in conflict with a permanent rule, it shall supersede such permanent rule only for the say on which it was adopted or for such greater period as may be specified in the temporary rule.

Rule 32 through 34 [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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

APPROVED: CASEY GWINN, City Attorney

By Theresa C. McAteer
Theresa C. McAteer
Deputy City Attorney

TCM:lb
08/02/01
Or.Dept:Mayor
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