

ORDINANCE NUMBER O- 19328 (NEW SERIES)

ADOPTED ON NOV 22 2004

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
THE PERMANENT RULES OF THE COUNCIL BY
AMENDING MUNICIPAL CODE SECTION 22.0101, RULE 6
RELATING TO THE ADOPTION AGENDA AND RULE 30
RELATING TO SUPPLEMENTAL ITEMS.

WHEREAS, on September 20, 2004, the City Council received a report from the law firm of Vinson & Elkins regarding disclosure practices of the City from 1996 through the present [Report]; and

WHEREAS, on September 27, the City Council considered the adoption of an ordinance implementing recommendations set forth in the Report; and

WHEREAS, in addition to the recommendations in the Report, the City Council directed that the City Attorney return to City Council with an appropriate action to preclude disclosure related matters from being placed on the City Council docket for consideration as either a “supplemental item” or a “consent item”; and

WHEREAS, the procedure and manner of docketing matters for City Council consideration is set forth in the Permanent Rules of the Council, Municipal Code section 22.0101; NOW THEREFORE,

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

Section 1. That the Permanent Rules of the Council, Municipal Code section 22.0101 is hereby amended to read as follows:

§22.0101 Permanent **Rules** of the Council

Rule 1 through Rule 5 [No changes in text]

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.

The Noticed Hearings portion of the Adoption Agenda shall consist of hearings upon matters that concern specific land usages, other individual property rights or other legislative action which, by law, require individual noticed hearings.

Consent items shall be those ordinances and resolutions for which the law does not require a noticed hearing and which have been recommended by the Rules Committee or other standing committee referring the items to docket to be disposed of by a single motion as a timesaving device as being sufficiently routine or non-controversial or as having had sufficient prior public discussion. Notwithstanding any other provision of these rules or the Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be identified as a consent item on an agenda.

Rule 7 through Rule 29 [No changes in text]

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 meetings 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 meetings 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. Notwithstanding any other provision of these rules or the Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be docketed as a supplemental item on any agenda, and all such matters must be prepared in accordance with Rules 28 and 29.

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 to be assigned to the Rules Committee Chairperson.

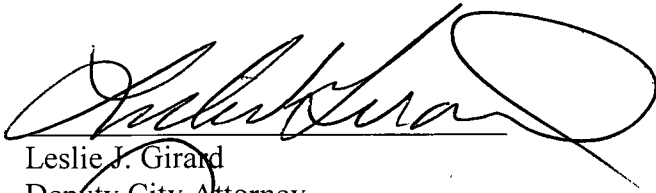
Rule 30.1 through Rule 34 [No changes in text]

Section 2. That Rule 33 of the Permanent Rules of the Council, pertaining to referrals of amendments to the Permanent Rules to the Rules Committee, is hereby waived.

Section 3. 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 4. 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 
Leslie J. Girard
Deputy City Attorney

LJG:ai
10/20/05
Or.Dept:Atty
O-2005-50