

ORDINANCE NUMBER O- 19359 (NEW SERIES)

ADOPTED ON FEB 28 2005

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, ENTITLED "PERMANENT RULES OF THE COUNCIL" BY AMENDING RULE 8 AND RULE 8.1, ALL RELATING TO NONAGENDA PUBLIC COMMENT.

WHEREAS, on February 1, 2005, the City Council adopted Resolution No. R-300105, that directed the City Attorney to draft an ordinance to amend the Permanent Rules of Council regarding Nonagenda Public Comment (Rule 8 and Rule 8.1); NOW, THEREFORE,

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 is hereby amended by amending Section 22.0101, Rule 8 relating to Nonagenda Public Comment, to read as follows:

§22.0101 **Permanent Rules of the Council**

Rules 1 through 7. [No change in text.]

Rule 8. Nonagenda Public Comment

- (a) [No change in text.]
- (b) Speakers shall be limited to three (3) minutes each and comments shall be limited to three (3) minutes per subject regardless of the number of people in attendance. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the Clerk. Speakers will be called in the order reserved within the available time.

- (c) Each person desiring to address the Council shall approach the podium, state his/her name and address for the record, state the subject he/she wishes to discuss, and state who he/she is representing if he/she represents an organization or other persons. The presiding officer shall not permit any communication, oral or written, to be made or read where it does not bear on something of interest to the public which is within the subject matter jurisdiction of the Council. However, the presiding officer shall not prohibit public criticism of the policies, procedures, programs or services of the City, or of the acts or omissions of the Council, or individual Councilmembers as it relates to the performance of his or her duties as a Councilmember. The presiding officer shall not prohibit public comment because of disagreement with the speaker's position or view on any matter within the jurisdiction of the Council.

- (d) No discussion or action on any matter of nonagenda public comment shall be permitted. The presiding officer may allow staff and/or members of the Council to briefly respond, however, responses shall be limited to the specific issue raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The Council shall not take action relative to any public comment unless an action would be authorized by Section 54954.2(b) of the California Government Code. 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. Public Conduct

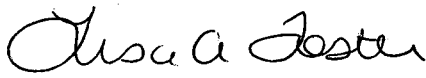
Notwithstanding any other provision of law, no person shall cause any disruption of a Council meeting by loud, threatening or obscene conduct. Any person who engages in such conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting. Any person having been ruled out of order by the presiding officer shall immediately conform to the orders of the presiding officer. Any person who refuses when ordered to conform to the rules of conduct may be removed from the place of the Council meeting by order of the presiding officer.

Rule 9 through Rule 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: MICHAEL J. AGUIRRE, City Attorney

By 
Lisa A. Foster
Deputy City Attorney

LAF:jab
02/04/2005
Or.Dept:Committee-RTF
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