

ORDINANCE NUMBER O- 20066 (NEW SERIES)

DATE OF FINAL PASSAGE ~~_____~~ **JUN 8 2011**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE IS AMENDED BY STRIKING THE PREAMBLE; BY REPEALING SUSPENDED SECTION 22.0101; BY RENUMBERING CURRENT SECTION 22.0101.5 TO 22.0101; BY AMENDING RULE 1.2; BY AMENDING RULE 1.5 BY ADDING NEW SUBSECTIONS 1.5(a), (b), (c), AND (d); BY AMENDING RULES 2.1, 2.2, 2.3.1 THROUGH 2.3.3, AND 2.4.1 THROUGH 2.4.3; BY AMENDING THE TITLE OF RULE 2.4.4; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.5; BY AMENDING THE TITLE OF RULE 2.6; BY AMENDING RULES 2.6.1 AND 2.6.4; BY AMENDING THE TITLE OF RULE 2.7; BY AMENDING THE TITLE AND BY AMENDING RULE 2.8; BY AMENDING RULE 2.9.1 BY AMENDING SUBSECTIONS 2.9.1(a), (b), AND (c), BY REPEALING SUBSECTION 2.9.1(d), AND BY RENUMBERING CURRENT SUBSECTION 2.9.1(e) TO 2.9.1(d); BY AMENDING RULE 2.9.2; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.10 BY REPEALING SUBSECTION 2.10(c), BY RENUMBERING CURRENT SUBSECTION 2.10(d) TO 2.10(c), BY RENUMBERING AND BY AMENDING CURRENT SUBSECTION 2.10(e) TO 2.10(d), AND BY RENUMBERING CURRENT SUBSECTION 2.10(f) TO 2.10(e), BY AMENDING RULE 2.11.1 AND BY ADDING NEW SUBSECTIONS 2.11.1(a) AND 2.11.1(b), 2.11.1(b)(1), (b)(2), AND (b)(3); BY AMENDING RULE 2.11.2 AND BY ADDING NEW SUBSECTIONS 2.11.2(a), (b), AND (c); BY AMENDING RULE 2.11.3; BY AMENDING THE TITLES OF RULES 2.12 AND 2.13; BY AMENDING RULES 3.1 THROUGH 3.4, AND 4.3; BY AMENDING RULE 5.1; BY AMENDING THE TITLE OF RULE 6.2; BY AMENDING RULES 6.3.1, 6.3.2, 6.3.3; BY AMENDING RULES 6.4.1 THROUGH 6.4.5 AND 6.5.1 THROUGH 6.5.4; BY AMENDING THE TITLE OF RULE 6.6; BY AMENDING RULES 6.6.1, 6.6.5, 6.7.1 THROUGH 6.7.5, 6.8.1, AND 6.8.2; BY AMENDING BY REPEALING RULE 6.8.4; BY AMENDING THE TITLE OF RULE 6.9; BY AMENDING RULE 6.9.1 BY AMENDING SUBSECTIONS 6.9.1(a) AND 6.9.1(b); BY AMENDING

RULES 6.9.3 AND 6.9.4; BY REPEALING RULE 6.10; BY RENUMBERING CURRENT RULE 6.11 TO 6.10; BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.11.1 TO 6.10.1 AND BY REPEALING SUBSECTION 6.10.1(c); BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.11.2 TO 6.10.2 AND BY AMENDING SUBSECTIONS 6.10.2(b) AND 6.10.2(e); BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.11.3 TO 6.10.3 AND BY AMENDING SUBSECTION 6.10.3(e); BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.11.4 TO 6.10.4 AND BY AMENDING SUBSECTION 6.10.4(e); BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.11.5 TO 6.10.5 AND BY AMENDING SUBSECTION 6.10.5(c); BY RENUMBERING CURRENT RULE 6.12 TO 6.11; BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.12.1 TO 6.11.1 AND BY AMENDING SUBSECTIONS 6.11.1(d) AND 6.11.1(e); BY AMENDING THE TITLE OF, BY AMENDING, AND BY RENUMBERING CURRENT RULE 6.12.2 TO 6.11.2 AND BY ADDING NEW SUBSECTIN 6.11.2(d); BY AMENDING RULE 7.1; BY AMENDING THE TITLES OF RULES 7.2 AND 7.3; BY AMENDING RULES 7.3.1 THROUGH 7.3.3; BY AMENDING THE TITLE OF RULE 7.4; BY AMENDING RULES 7.4.1 AND 7.4.2; BY AMENDING THE TITLE OF RULE 7.5; BY AMENDING RULE 7.5.1; BY AMENDING THE TITLE OF RULE 7.6; BY AMENDING RULES 7.6.2 AND 7.6.3; BY AMENDING THE TITLE OF RULE 7.7; BY AMENDING THE TITLES OF AND BY AMENDING RULES 7.8 AND 8; BY AMENDING RULE 8.1 BY AMENDING SUBSECTIONS 8.1(c) THROUGH 8.1(c)(5), BY REPEALING SUBSECTIONS 8.1(c)(1)(A) THROUGH 8.1(c)(1)(D) AND 8.1(c)(2), BY RENUMBERING CURRENT SUBSECTION 8.1(c)(3) TO 8.1(c)(2), AND BY ADDING NEW SUBSECTIONS 8.1(c)(3), 8.1(c)(4), AND 8.1(c)(5); BY AMENDING RULE 8.5 BY AMENDING SUBSECTIONS 8.5(a) AND 8.5(a)(1), BY REPEALING SUBSECTIONS 8.5(a)(1)(A) AND 8.5(a)(1)(B), BY AMENDING SUBSECTIONS 8.3(a)2 AND 8.3(a)3, BY REPEALING SUBSECTIONS 8.5(a)(3)(A) AND 8.5(a)(3)(B), BY AMENDING SUBSECTIONS 8.5(a)(4), 8.5(a)(5), AND 8.5(c); AND BY AMENDING THE TITLES OF RULES 9, 10, AND 11 OF SECTION 22.0101 ALL RELATING TO THE PROCEDURE FOR COUNCIL MEETINGS.

WHEREAS, Charter section 14 states that the City Council shall determine its own rules and order of business; and

WHEREAS, on November 2, 2004, the voters of San Diego approved a Charter amendment to convert the City's Council-Manager form of government to that of Mayor-Council for a period of five years; and

WHEREAS, the City Council suspended its Permanent Rules applicable to the Council-Manager form of government and adopted rules to govern its procedures and proceedings during the five year period pursuant to San Diego Ordinance No. O-19429 N.S.; and

WHEREAS, on June 8, 2010, the voters of San Diego approved a Charter amendment to implement the Mayor-Council form of government; and

WHEREAS, in February 2011, Council President Young created a Working Group comprised of representatives from the Offices of the Council President, City Clerk, and City Attorney to perform a comprehensive review of the Permanent Rules of Council (Rules) given the form of governance and current council practices; and

WHEREAS, the Working Group further reviewed the Rules to ensure conformance with applicable state and local laws, and to provide clarity to the Council and the citizens of San Diego regarding the procedures and protocols necessary to conduct the business of the City Council and its committees; and

WHEREAS, the City Council desires to review and amend, where appropriate, these Rules, at least every five year; and

WHEREAS, under Charter section 280(a)(1), this ordinance is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not

affecting the administrative service of the City under the control of the Mayor; 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 amended by striking the *PREAMBLE*.

Section 2. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by repealing suspended section 22.0101.

Section 3. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by renumbering section 22.0101.5 to read section 22.0101.

Section 4. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 1.2 of section 22.0101 to read as follows:

§22.0101 Permanent Rules of the Council

Rule 1: TIME AND PLACE OF MEETINGS

1.1. Time

[No change in text.]

1.2. Time of Adjournment

The time of adjournment each day may be extended by the President or by two-thirds vote of the members of the Council beyond the time specified above should additional matters remain on the Council agenda.

1.3. Place

[No change in text.]

1.4. Change of Time and Place

[No change in text.]

Section 5. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 1.5 by adding new subsections 1.5(a), (b), (c), and (d) of section 22.0101 to read as follows:

1.5. Special Meetings and Notice

- (a) A special meeting may be called at any time by the President or by a majority of the members of the Council. The party calling the special meeting shall deliver personally or by mail written notice to each member of the Council and the Mayor, and to each local newspaper of general circulation, radio, or television station requesting notice in writing.
- (b) Notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.
- (c) No other business shall be considered at such meetings by the Council. Such special meetings shall be chaired by the President.
- (d) Such written notice may be dispensed with as to any member who at, or prior to the time the meeting

convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

1.6. Emergency Meetings and Notice

[No change in text.]

Section 6. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 2.1, 2.2, 2.3.1 through 2.3.3, and 2.4.1 through 2.4.3 of section 22.0101 to read as follows:

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. Agenda

A single consolidated agenda covering the regular Council meeting each week shall be published and when possible made available on the City's website.

2.2. Order of Business

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

Monday at 2:00 p.m.

1 through 2 [No change in text.]

3. Communications

Mayor, Council, Independent Budget

Analyst, City Clerk, City Attorney

Comment

4. [No change in text.]

5. Adoption Agenda

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

(d) Noticed Hearings ~~and~~ Special
Hearings

6 through 9 [No change in text.]

Tuesday at 9:00 a.m.

1 [No change in text.]

Tuesday at 10:00 a.m.

1 through 2 [No change in text.]

3. Proclamations/Ceremonial Items

4. Special Orders of Business

5. Consent Items

6. Non-agenda Public Comment

7. Requests for Continuance

8. Adoption Agenda

(a) Noticed Hearings and Special
Hearings

(b) Unfinished Business from Monday

9. Non-Agenda Items
10. Report Out from Closed Session
11. Adjournment

Night Meetings

[No change in text.]

2.3. Special Orders of Business

2.3.1. Requests to have an item placed on the agenda, under Special Orders of Business may be initiated by any Councilmember and must be submitted in writing to the President. The President shall review such requests and may direct the City Clerk to list the item on the agenda under Special Orders of Business.

2.3.2. A Councilmember may request that the Council President place on the agenda, under Special Orders of Business, an item which has not been denied by all members of a committee in order to have the full Council vote on whether the committee decision should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest that it requires the attention of the full Council. The request shall be made by a Councilmember within ten 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.

2.3.3. When a matter has been "held in committee" pursuant to Rule 5.9, the following rules shall apply:

(a) [No change in text.]

(b) The President must place on the agenda, under Special Orders of Business, the written request of a Councilmember to have the full Council vote on whether a matter, which has been "held in committee," may be placed on the Adoption Agenda.

(c) The Council may, by majority vote, cause a resolution or ordinance which has been "held in committee" to be placed on the Adoption Agenda. A Council majority vote to hear a matter "held in committee" shall void any prior committee decision. The matter shall be considered de novo by the Council.

2.3.4. [No change in text.]

2.4. Adoption Agenda

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

2.4.2. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda in a timely manner.

2.4.3. Consent Agenda.

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

(d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the President, be placed on the Consent Agenda.

(e) [No change in text.]

Section 7. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.4.4 of section 22.0101 to read as follows:

2.4.4. Noticed Hearings.

[No change in text.]

Section 8. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.5 of section 22.0101 to read as follows:

2.5. 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 if:

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

The originating official shall follow the existing docketing process and indicate 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 9. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.6 of section 22.0101 to read as follows:

2.6 . Non-Agenda Public Comment

Section 10. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 2.6.1 and 2.6.4 of section 22.0101 to read as follows:

2.6.1. 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. Non-Agenda Public Comment shall be subject to the exercise of the President's discretion for a given agenda.

2.6.2. [No change in text.]

2.6.3. [No change in text.]

2.6.4. No discussion or action on any matter of non-agenda public comment shall be permitted. Any matter properly raised under this Rule may, if appropriate, be referred by the President to the appropriate Committee for consideration.

Section 11. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.7 of section 22.0101 to read as follows:

2.7. Communications Requests to Council

Section 12. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.8 of section 22.0101 to read as follows:

2.8. Parliamentary Procedure

In all cases not provided by these Rules, or other ordinance or resolution, Robert's Rules of Order Newly Revised will be used as a guide to the Council's conduct. Robert's Rules of Order notwithstanding, a "majority" of Councilmembers means five Councilmembers. A "majority vote" means the

affirmative vote of five Councilmembers. A “two-thirds vote” means the affirmative vote of six Councilmembers. For committee meeting purposes, “majority” means 50 percent of the members appointed to a committee plus one and “majority vote” means the affirmative vote of 50 percent plus one of the members appointed to a committee.

Section 13. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.9.1 by amending subsections 2.9.1(a), (b), and (c), and by repealing subsection 2.9.1(d), and renumbering subsection 2.9.1(e) to 2.9.1(d) of section 22.0101 to read as follows:

2.9. Procedure for Referral to Committee or Assignment to Council Docket

2.9.1. The procedures for referral to Committee are as follows:

- (a) The President or the Council by majority vote shall have the authority to refer a resolution or ordinance to a standing committee or to the Committee of the Whole for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption.

- (b) The President or the Council by majority vote shall have the authority to refer matters, other than resolutions or ordinances, to a standing committee for further study and consideration.
- (c) Matters assigned or referred to a standing committee shall be in keeping with the general areas of responsibility and the workload of the committee.
- (d) Matters shall not be referred to more than one committee. Should a committee find that it does not have the jurisdiction to resolve the matter; it may be reassigned to another committee by the President or a majority of the Council.

Section 14. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending 2.9.2 of section 22.0101 to read as follows:

2.9.2. The President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty 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 any Councilmember, subject to a vote of the Council majority or by unanimous consent. This matter shall be scheduled for hearing at a regular meeting of that committee within 120 days unless otherwise directed in the assignment process.

Section 15. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.10, by repealing subsection 2.10(c), by renumbering current subsection 2.10(d) to 2.10(c), by renumbering and amending current subsection 2.10(e) to 2.10(d), and by renumbering current subsection 2.10(f) to 2.10(e) of section 22.0101 to read as follows:

2.10. Procedure for Debate

The following guidelines shall be used in debating any item and may be modified at the discretion of the Council President or by a vote of the Council majority setting different time limits for debates:

- (a) through (b) [No change in text.]
- (c) Testimony by members of the public regarding the item.

- (d) Questions and Discussion. The order of recognition of a Councilmember, the City Attorney, or the Independent Budget Analyst desiring to speak shall be determined by the President in accordance with the recognition light panel. Each Councilmember, the City Attorney, and the Independent Budget Analyst shall be allowed the opportunity to speak and shall be limited to five minutes per person. Each Councilmember has the right to obtain an additional three minutes upon request, with the further right of any other member to yield all or a portion of such member's time to another member. Motions by Councilmembers may be made at this time.
- (e) Call for a vote on the main motion; or, where no motion has been made, a request for a motion.

Section 16. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.1 and by adding new subsections 2.11.1(a) and (b), 2.11.1(b)(1), (b)(2), and (b)(3) of section 22.0101 to read as follows:

2.11. Procedure for Reconsideration

2.11.1. A motion for reconsideration of any matter must be entertained on the same day that the matter was voted upon by the Council.

- (a) Where the matter has not been one on which a noticed public hearing has been held, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may re-vote on the matter that same day.
- (b) Where the matter is one on which a noticed public hearing has been held, such as those under Council Policy 000-06:
 - (1) the Council must first suspend these Permanent Rules of Council by a two- thirds vote before it may vote on the request for reconsideration.
 - (2) A motion to reconsider shall be approved by a majority vote of the Council.
 - (3) If a motion to reconsider is approved, set a date to rehear the matter, subject to applicable noticing requirements.

Section 17. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.2 and by adding new subsections 2.11.2 (a), (b), and (c) of section 22.0101 to read as follows:

2.11.2. Notwithstanding Rule 2.11.1, any matter for which a reconsideration is requested at a date later than the same day the matter was voted upon must be processed and re-docketed under Special Orders of Business. Once the request is docketed:

- (a) Where the matter is one on which a noticed public hearing has been held, the Council must first suspend these Permanent Rules of Council by a two-thirds vote of the Councilmembers before it may vote to direct the City Clerk to docket the request for reconsideration.
- (b) A motion to reconsider shall be approved by a majority vote of the Council.
- (c) If a motion to reconsider is approved, set a date to rehear the matter, subject to other applicable noticing requirements.

Section 18. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.3 of section 22.0101 to read as follows:

2.11.3. A vote by the Council on a matter “held in committee” 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 reconsideration by the entire Council shall be placed on the Adoption Agenda in a timely manner.

Section 19. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of Rules 2.12 and 2.13 of section 22.0101 to read as follows:

2.12. Suspension of Permanent Rules

[No change in text.]

2.13. Public Conduct

[No change in text.]

Section 20. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 3.1 through 3.4 and 4.3 of section 22.0101 to read as follows:

Rule 3: DUTIES OF COUNCILMEMBERS

3.1. Collective Concurrence Prohibited

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative

body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

3.2. Requirement to Vote on Matters Not Involving Personal Interests

No member shall be excused from voting at a Council meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved. *(See California Political Reform Act, Government Code sections 1090, 1126, 81000)*

3.3. Voting After Absence from Council Meeting

Council business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a Council meeting shall be required to study and review applicable material and tapes before voting thereafter on any such matters.

3.4. Voting on Matters Where a Full Council Vote is Necessary

On those matters where a full Council vote is deemed necessary, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full Council after absent members have had sufficient time for review of applicable material and tapes.

**Rule 4: SELECTION AND REMOVAL OF THE COUNCIL
PRESIDENT AND PRESIDENT PRO TEM**

4.1. Title

[No change in text.]

4.2. Selection of the President

[No change in text.]

4.3. Selection of the President Pro Tem

No later than the second meeting of the Council in January of each year, the President shall select a President Pro Tem, subject to confirmation by a majority of the Council. The President Pro Tem shall perform all the duties of the President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties, or in the absence of both, the immediate past President. The President Pro Tem shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The President Pro Tem may serve more than one term.

4.4. Removal of President or President Pro Tem

[No change in text.]

Section 21. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the Rule 5.1 of section 22.0101 to read as follows:

5.1. City Charter Provisions

The President shall have such duties as prescribed for the presiding officer in Article XV of the City Charter and such other responsibilities, rights and duties prescribed by the Council and authorized by law. The President Pro Tem shall perform all the duties of the President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties. When the President and President Pro Tem are absent or unable to vote, the City Clerk will call for a vote.

Section 22. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 6.2 of section 22.0101 to read as follows:

6.2. Committee Appointments and Membership

Section 23. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.3.1, 6.3.2, and 6.3.3 of section 22.0101 to read as follows:

6.3.1. The Council shall establish such schedules for regular meetings of the committees as will permit a full attendance of their members without conflict of committee engagements. Such schedules shall be adopted by Council resolution no later than the second regular Council meeting in January.

6.3.2. The Chair, or a majority of the committee, may call a special meeting of the committee by giving appropriate notice, with a copy to each member of the committee personally or in writing twenty-four hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at such special meetings. No matter shall be considered at such special meeting other than that specified in the notice.

6.3.3. Every committee meeting of each standing committee, the Budget Review Committee and the Committee of the Whole shall be open to the public except as otherwise provided for by state law and conform to the notice, posting, public comment, and public conduct provisions as provided by these Rules.

Section 24. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.4.1 through 6.4.5 and 6.5.1 through 6.5.4 of section 22.0101 to read as follows:

6.4. Committee Quorums and Attendance

6.4.1. A majority of the membership of the committee shall constitute a quorum for the transaction of business. A committee may not conduct business

absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The 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.

6.4.2. Committee business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a committee meeting shall be required to study and review applicable material and tapes before voting thereafter on any such matters.

6.4.3. On those matters where a full committee vote is deemed necessary, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full committee after absent members have had sufficient time for review of applicable material and tapes.

6.4.4. When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the

President is authorized to act as a voting member of that standing committee.

6.4.5. The Council shall vacate the committee seat of any appointed committee member who is absent from four consecutive scheduled committee meetings of that committee unless the absence thereof is excused by resolution of the Council.

6.5. Conduct of Committee Business

6.5.1. Except as provided in Robert's Rules of Order, the Permanent Rules of Council shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules, not in conflict with the Permanent Rules of Council, as it may deem necessary for the conduct of committee business.

6.5.2. No action shall be taken on any measure outside of a duly constituted committee meeting.

6.5.3. Before acting on any matter referred to it, a standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall

cooperate fully in providing the information required by the committee.

6.5.4. The Mayor, the City Attorney, and independent department heads, or their designees, may attend all committee meetings but shall have no vote therein. The Mayor, the City Attorney, and independent department heads, or their designees, shall have the right to take part in discussions on matters properly before a committee relating to their respective offices, and may participate in discussions in such committee meetings when requested to do so by a member of the committee.

Section 25. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 6.6 of section 22.0101 to read as follows:

6.6. Committee Consultants and Legislative Staff

Section 26. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.6.1, 6.6.5, 6.7.1 through 6.7.5, 6.8.1, and 6.8.2 of section 22.0101 to read as follows:

6.6.1. The Council President shall assign a Director of Legislative Affairs and a committee consultant for the Rules Committee and the Committee of the Whole. A committee consultant shall be assigned by the committee chair for each remaining standing

committee. The committee consultant will provide assistance to the committee.

6.6.2. [No change in text.]

6.6.3. [No change in text.]

6.6.4. [No change in text.]

6.6.5. Matters assigned to legislative analysts will be prioritized as follows: (1) the City Council, (2) the President, (3) Committee Chairs, and (4) individual Councilmembers.

6.7. Duties of Committee Chairs

6.7.1. The Chair shall preside at all meetings of the committee. Whenever the Chair is absent, the vice-chair shall preside.

6.7.2. The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum.

6.7.3. The Chair may initiate matters within the subject matter of the committee. The Chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. An agenda for each

committee meeting shall be delivered by the Chair or designee to the City Clerk or a Committee Consultant's Assistant at least seventy-two hours prior to the committee meeting.

6.7.4. The Chair has discretion as to whether and when to schedule an item referred to the committee, except that the Chair shall schedule the first standing committee hearing on an item within 120 days of referral, or as otherwise specified, when (1) the matter has been referred to the committee by a majority vote of the Council; or (2) the issue referred is an ordinance or resolution submitted for approval by the Council.

6.7.5. Within one week following each meeting of a standing committee, the Chair of that committee shall notify the Council of the roll call votes on all actions taken at the standing committee meeting.

6.8. Rights and Duties of Committee Members

6.8.1. It shall be the duty of each Councilmember to attend every meeting of every committee of which he or she is a member, and he or she is charged with fulfilling the responsibilities of such committees.

6.8.2. No member shall be excused from voting at a committee meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved.

6.8.3. [No change in text.]

Section 27. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by repealing Rule 6.8.4 of section 22.0101.

Section 28. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 6.9 of section 22.0101 to read as follows:

6.9. Committee Hearings on Resolutions and Ordinances

Section 29. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.91 by amending subsections 6.91(a) and 6.9.1(b) of section 22.0101 to read as follows:

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

- (a) Introduce or introduce the ordinance as amended; or
- (b) Adopt the resolution or adopt as amended;
- (c) [No change in text.]

6.9.2. [No change in text.]

Section 30. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.9.3 and 6.9.4 of section 22.0101, to read as follows:

6.9.3. If the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall prepare the necessary amendments and deliver the amended resolution or ordinance to the Committee Chair and the originating official for inclusion in the Request for Council Action. The Committee Chair shall cause the resolution or ordinance, with the digest, to be delivered to the President or his/her designee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.

6.9.4. The City Clerk or the Committee Consultant's Assistant shall keep a complete record of the meetings and actions taken by the committee. 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 or the Committee Consultant's Assistant and shall appear thereafter on the Council agenda in

explanation of the item whenever the item appears
on the Council agenda.

Section 31. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by repealing Rule 6.10 of section 22.0101.

Section 32. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by renumbering Rule 6.11 to 6.10 of section 22.0101 to read as follows:

6.10. Standing Committee Composition and Responsibilities

Section 33. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and by renumbering current Rule 6.11.1 to 6.10.1 and repealing subsection 6.10.1(c) of section 22.0101 to read as follows:

**6.10.1. Committee on Rules, Open Government and
Intergovernmental Relations**

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

Section 34. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and by renumbering current Rule 6.11.2 to 6.10.2 and by amending subsection 6.10.2(b) and (e) of section 22.0101 to read as follows:

6.10.2. Committee on Land Use and Housing

(a) [No change in text.]

(b) The committee shall have responsibilities
that include Planning, Land Use, Affordable
Housing, Development Services, General
Plan Amendments, Subdivisions,
Community Facility Finance, Engineering,

Annexations, Transportation Planning,
Transit Services, Parking, Building Code
Inspection, Land Development Code,
Utilities, Infrastructure Finance, sale and
lease of property, and Housing Commission
Quarterly Reports.

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

(e) The committee shall have the responsibility
to hold hearings on matters referred to it.

Section 35. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and by renumbering current Rules 6.11.3 to 6.10.3, and by amending subsection 6.10.3(c) of section 22.0101 to read as follows:

6.10.3. Committee on Natural Resources and Culture

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

(e) The committee shall also have the
responsibility to hold hearings on matters
referred to it.

Section 36. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and by renumbering current Rules 6.11.4 to 6.10.4, and by amending subsection 6.10.4(e) 6.11.4 to 6.10.4 of section 22.0101 to read as follows

6.10.4. Committee on Public Safety and Neighborhood

Services

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

(e) The committee shall also have the responsibility to hold hearings on matters referred to it.

Section 37. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending and by renumbering current Rule 6.11.5 to 6.10.5 and by amending subsection 6.10.5 (c) of section 22.0101 to read as follows:

6.10.5. Committee on Budget and Finance

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

(c) The Committee shall also have the responsibility to hold hearings on matters referred to.

Section 38. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by renumbering current Rule 6.12 to 6.11 of section 22.0101 to read as follows:

6.11. Special Committee Composition and Responsibilities

Section 39. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and renumbering current Rule 6.12.1 to 6.11.1 and by amending subsections 6.11.1(d) and (e) of section 22.0101 to read as follows:

6.11.1. Budget Review Committee

- (a) through (c) [No change in text.]
- (d) The committee shall have the further responsibility to review and evaluate the tentative Capital Improvements Program. Proposals regarding revenue and taxation shall be referred to the Budget Review Committee.
- (e) Annual budget review meetings shall be set in accordance with California Government Code section 54954, no later than the ten weeks immediately preceding the introduction of the Annual Appropriation Ordinance subject to the provisions of Council Policy No. 000-02.

Section 40. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of, by amending, and by renumbering Rule 6.12.2 to 6.11.2 and by adding new subsection 6.11.2(d) of section 22.0101 to read as follows:

6.11.2 Committee of the Whole

- (a) through (c) [No change in text.]

- (d) Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis shall be referred to the Committee of the Whole.

Section 41. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 7.1 of section 22.0101 to read as follows

Rule 7: PROCEDURES FOR RESOLUTIONS AND ORDINANCES

7.1. Initiation of Resolutions and Ordinances by Councilmembers and Committees

Any member of the Council or a Council committee may initiate a resolution or ordinance by a Request for Council Action. Committee requests for Council action must be germane to the subject matter properly considered by that committee.

Section 42. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of Rules 7.2 and 7.3 of section 22.0101 to read as follows

7.2. Initiation of Resolutions and Ordinances by the City Attorney or the Mayor

7.2.1. [No change in text.]

7.2.2. [No change in text.]

7.3. Preparation of Resolution or Ordinance by City Attorney

Section 43. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.3.1, through 7.3.3 of section 22.0101 to read as follows

7.3.1. Upon receiving a properly initiated Request for Council Action, the City Attorney shall prepare a resolution or ordinance as requested and shall affix a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a digest showing any changes in the existing law which are proposed by the resolution or ordinance.

7.3.2. Pursuant to City Charter sections 280 a and b, whenever a resolution or ordinance is not subject to a mayoral veto, the City Attorney shall, before signing off as to the form or correctness of that document, indicate the mayor's inability to veto that measure within the body of that resolution or ordinance.

7.3.3. The City Attorney shall then cause the completed document, with digest attached, to be delivered to the official who originated the Request for Council Action. If more than one official signed the Request for Council Action, the City Attorney shall cause the completed document, with digest attached, to be

delivered to the first signatory. It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance.

Section 44. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.4 of section 22.0101 to read as follows:

**7.4. Delivery of Resolution or Ordinance to Council
President**

Section 45. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.4.1 and 7.4.2 of section 22.0101 to read as follows:

7.4.1. The official who originated the Request for Council Action shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with this Rule, to be delivered to the President or his/her designee no later than 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meeting to be held, at the discretion of the President, the second or third week after receipt of the Request for Council Action.

7.4.2. Ordinances or resolutions that are reported out of committee in accordance with Rule 6.9 shall be delivered to the President or his/her designee by the

Committee Chair by 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meetings to be held, at the discretion of the President, the second or third week after receipt of the Request for Council Action.

Section 46. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.5 of section 22.0101 to read as follows:

7.5. Preparation of the Council Agenda (Docket Management)

Section 47. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 7.5.1 of section 22.0101 to read as follows:

7.5.1. Only those resolutions or ordinances that have been prepared and delivered in accordance with these Rules 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 Discussion and Legislative Items

7.5.2. [No change in text.]

7.5.3. [No change in text.]

Section 46. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.6 of section 22.010 to read as follows:

7.6. Preparation and Delivery of Regular Agenda to Clerk

Section 49. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.6.2 and 7.6.3 of section 22.0101 to read as follows:

7.6.1. [No change in text.]

7.6.2. When preparing the docket, the President shall identify items to be placed on the consent agenda, noticed hearing agenda, and other items for discussion. Per City Charter section 280(b), the City Clerk shall indicate on the agenda which ordinances, resolutions and other matters are not subject to mayoral veto.

7.6.3. 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 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 in accordance with California Government Code section 54954.3.

7.6.4. [No change in text.]

Section 50. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.7 of section 22.0101 to read as follows:

7.7. Preparation and Delivery of Supplemental Agenda to Clerk

Section 51. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of and by amending Rules 7.8, and 8 of section 22.0101 to read as follows:

7.8. Posting, Notice and Items for Consideration

At least seventy-two hours before the regularly scheduled meeting of the Council, the City Clerk shall post the agenda with 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 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 2.5.

Rule 8: Noticing and Conduct of Closed Sessions

The Council may impose upon itself requirements which allow greater access to its meetings than prescribed by the minimum legal standards set forth in the California Open Meeting Law, commonly known as “the Brown Act” (California Government Code sections 54950-54963).

Section 52. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 8.1 by amending subsections 8.1(c) and 8.1(c)(1), by repealing subsections 8.1(c)(1)(A) through 8.1(c)(1)(D) and 8.1(c)(2), by renumbering current subsection 8.1(c)(3) to 8.1(c)(2), and by adding new subsections 8.1(c)(3), 8.1(c)(4), and 8.1(c)(5) of section 22.0101 to read as follows:

8.1. Form and Manner of Notice

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

(c) For authorized exceptions to open meetings, the following minimum noticing and disclosure requirements, as may be amended, shall apply:

(1) Significant Exposure to Litigation;

California Government Code

section 54956.9(b).

(2) Conference with Legal Counsel – Existing

Litigation: California Government Code

section 54956.9(a).

(3) Conference with Legal Counsel – Initiation

of Litigation: California Government Code

section 54956.9(c).

(4) Conference with Real Property Negotiators:

California Government Code

section 54957.1(a)(1).

- (5) Conference with Labor Negotiators:
California Government Code
section 54957.6.

(d) [No change in text.]

Section 53. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 8.5 by amending subsections 8.5(a) and 8.5(a)(1), by repealing subsections 8.5(a)(1)(A) and 8.5(a)(1)(B), by amending subsections 8.5(a)(2) and 8.5.3, by repealing subsections 8.5(a)(3)(A), and 8.5(a)(3)(B), by amending subsections 8.5(a)(4) and 8.5(a)(5), and 8.5(c) of section 22.0101 to read as follows:

8.5. Reporting of Closed Session Results in Open Session

- (a) After every closed session, a public report is required as set forth herein. The Council shall adjourn from closed session, reconvene in open session, and publicly report such final action and the vote or abstention of every member present:
 - (1) Approval of an agreement concluding real estate negotiations: California Government Code section 54956.8.
 - (2) Approval given to the City's legal counsel to defend, or seek, or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the

result of a consultation: California

Government Code section 54956.9.

- (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasijudicial proceeding (pending litigation): California Government Code section 54956.9.
- (4) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.
- (5) Approval of an agreement concluding labor negotiations with represented employees which is a final and has been accepted or ratified by the other party: California Government Code section 54957.6.

(b) [No change in text.]

- (c) The documentation referred to in Rule 8.5(b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial

amendments, when any necessary retyping is complete.

(d) [No change in text.]

8.6. Litigation Log

[No change in text.]

Section 54. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles for Rules 9, 10, and 11 of section 22.0101 to read as follows:

Rule 9: TEMPORARY RULES

[No change in text.]

Rule 10: AMENDMENT OF PERMANENT RULES

[No change in text.]

Rule 11: EXISTING PROCEDURES PRESERVED

[No change in text.]

Section 55. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 56. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Mary Jo Lanzafame
Assistant City Attorney

MJL:jab
5/25/2011
6/07/2011 REV.
Or.Dept: Council Dist. 4
Doc. No. 133756