

ORDINANCE NUMBER O- 20109 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 01 2011

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING RULE 4.3 AND ADDING RULE 4.5, ALL RELATING TO PROCEDURES WHEN THE COUNCIL PRESIDENT AND PRESIDENT PRO TEM ARE ABSENT.

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

WHEREAS, the City Council has adopted the Permanent Rules of Council (Rules) which are codified in San Diego Municipal Code section 22.0101; and

WHEREAS, the City Council desires to amend the Rules to provide a process for determining whom shall serve as Chair if the Council President and the Council President Pro Tem are absent; 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 amending Rule 4.3 of section 22.0101 and adding Rule 4.5 to section 22.0101 to read as follows:

**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. 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.]

4.5 Procedure When Both the President and President Pro Tem are Absent or Unable to Perform Their Duties

In the absence of both the President and President Pro Tem, the City Clerk shall call the Council meeting to order, and the Council shall immediately elect a Chair Pro Tem to

preside during that session. Such office is terminated by the entrance of the Council President or President Pro Tem, or by the election of another Chair Pro Tem. If the Council must elect a Chair Pro Tem to hold office beyond the current session, notice must be given prior to the meeting at which such election is held. The procedures for electing the Chair Pro Tem are as follows:

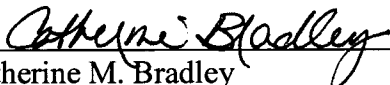
- (a) The Clerk calls the meeting to order, takes roll call, and takes up the item of electing a Chair Pro-Tem.
- (b) The Clerk opens the floor to nominations, calling on Councilmembers in accordance with the recognition light panel.
- (c) When all nominations have been placed on the floor, the Clerk calls on each nominee to make a statement (maximum of three minutes).
- (d) Councilmembers will have five minutes per person for questioning nominees.
- (e) Members of the public may comment regarding the item (maximum of three minutes).
- (f) The Clerk will call for a vote on the main motion or where no motion has been made, a request for a motion.

- (g) When there is only one nomination, the nominee may be elected by majority vote or general consent.
- (h) If there are multiple nominations, the Clerk provides a ballot to each Councilmember, who shall vote for the candidate he or she feels to be most qualified and return the ballot to the Clerk. The candidate receiving the highest number of votes (minimum of five) shall be elected as Chair Pro Tem. If no candidate receives a minimum of five votes, the Clerk may limit the slate of finalists to the two candidates who received the highest number of votes. The finalist receiving the highest number votes (minimum of five) shall be elected as Chair Pro Tem.

Section 2. 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 3. 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 
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
9/26/2011
Or.Dept: Council