

ORDINANCE NUMBER O- 20594 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 12 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TABLE OF CONTENTS AND AMENDING SECTIONS 22.0101 AND 22.0102, ALL RELATING TO THE RULES OF COUNCIL.

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

WHEREAS, the City Council has adopted the Rules of Council (Rules), which are codified in Chapter 2, Article 2, Division 1 of the San Diego Municipal Code; and

WHEREAS, the City Council desires to amend the Rules to provide for more efficient meetings and transparent processes, including by amending orders of business to provide for consent items to be handled early in the meeting to avoid disrupting workflow and costing taxpayers staff hours and productivity; and

WHEREAS, the City Council desires to amend Rule 6 to reinstitute the Committee on Rules as a standing committee of the City Council, to provide for referral of Councilmember-initiated matters to the Committee on Rules as provided, and to clarify responsibilities of the City Council's standing committees to ensure that the committees continue to reflect the City Council's top policy priorities and are administered to reflect best practices; 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 be amended by amending the Table of Contents and sections 22.0101 and 22.0102, to read as follows:

Article 2: Administrative Code

Division 1: The Council

Table of Contents

Rule 1: Time and Place of Meetings

- 1.1. Time
- 1.2. Time of Adjournment
- 1.3. Place
- 1.4. Change of Time and Place
- 1.5. Special Meetings and Notice
- 1.6. Emergency Meetings and Notice

Rule 2: Procedure for Council Meetings

- 2.1. Agenda
- 2.2. Order of Business
- 2.3. Special Orders of Business
- 2.4. Adoption Agenda
- 2.5. Non-Agenda Items
- 2.6. Non-Agenda Public Comment
- 2.7. [Reserved]
- 2.8. Parliamentary Procedure
- 2.9. Procedure for Referral to Committee or Assignment to Council Docket

- 2.10. Procedure for Debate
- 2.11. Procedure for Reconsideration
- 2.12. Suspension of Rules of Council
- 2.13. Public Conduct

Rule 3: Duties of Councilmembers

- 3.1. Non-Public Meetings Prohibited
- 3.2. Requirement to Vote on Matters Not Involving Personal Interests
- 3.3. Voting After Absence from Council Meeting
- 3.4. Voting on Matters Where a Full Council Vote is Necessary

Rule 4: Selection and Removal of the Council President and Council President Pro Tem

- 4.1. Title
- 4.2. Selection of the Council President
- 4.3. Selection of the Council President Pro Tem
- 4.4. Removal of the Council President or Council President Pro Tem
- 4.5. Procedure When Both the Council President and Council President Pro Tem are
Absent or Unable to Perform Their Duties

Rule 5: Duties of the Council President and Council President Pro Tem

- 5.1. City Charter Provisions
- 5.2. Duties of the Council President

Rule 6: Standing and Special Committees

- 6.1. Creation of Standing Committees
- 6.2. Committee Appointments and Membership
- 6.3. Committee Meetings
- 6.4. Committee Quorums and Attendance

- 6.5. Conduct of Committee Business
- 6.6. Committee Consultants and Legislative Staff
- 6.7. Duties of Committee Chairs
- 6.8. Rights and Duties of Committee Members
- 6.9. Committee Hearings on Resolutions and Ordinances
- 6.10. Standing Committee Composition and Responsibilities
- 6.11. Special Committee Composition and Responsibilities

Rule 7: Procedures for Resolutions and Ordinances

- 7.1. Initiation of Resolutions and Ordinances by Councilmembers and Committees
- 7.2. Initiation of Resolutions and Ordinances by the City Attorney or the Mayor
- 7.3. Preparation of Resolution or Ordinance by the City Attorney
- 7.4. Delivery of Resolution or Ordinance to the Council President
- 7.5. Preparation of the Council Agenda (Docket Management)
- 7.6. Preparation and Delivery of the Regular Agenda to the City Clerk
- 7.7. Preparation and Delivery of the Supplemental Agenda to the City Clerk
- 7.8. Supplemental Posting, Notice, and Items for Consideration

Rule 8: Noticing and Conduct of Closed Sessions

- 8.1. Form and Manner of Notice
- 8.2. Public Participation
- 8.3. Council Questions and Discussion in Open Session
- 8.4. Transcription of Closed Sessions
- 8.5. Reporting of Closed Session Results in Open Session
- 8.6. Litigation Log

Rule 9: Temporary Rules

Rule 10: Amendment of Rules of Council

Rule 11: Existing Procedures Preserved

§22.0101 Rules of the Council (Rules of Council)

Rule 1: TIME AND PLACE OF MEETINGS

1.1. Time

The regular weekly meetings of the City Council (Council) shall be scheduled as follows,

Monday 2:00 p.m. — 5:30 p.m.

Tuesday 10:00 a.m. — 6:00 p.m.,

in accordance with the Council-approved legislative calendar, as amended from time to time in accordance with Rule 1.4.

1.2. Time of Adjournment

The time of adjournment each day may be extended by the Council 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. The Council may hold a duly called special meeting after the adjournment of a regular meeting.

1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, San Diego Community Concourse, in the City of San Diego, California, unless otherwise provided in the legislative calendar. The Council may also hold regularly scheduled night Council meetings starting no earlier than

6:00 p.m. in the Council Chambers of the City Administration Building or in various community facilities throughout the City of San Diego. Night Council meetings will be scheduled as determined by the Council President, with the specific date, time, and location of each meeting to be established by resolution of the Council.

1.4. Change of Time and Place

The Council may, by resolution, when necessary, change the time and place of a regular meeting by amending the legislative calendar. The resolution shall set forth the circumstances necessitating the change. Seventy-two hours prior to the first meeting to be held pursuant to an amendment to the legislative calendar, the City Clerk shall give each Councilmember written notice, personally or by mail, including electronic mail, of any change from the regular meeting day, time, and location established by the Council in the approved legislative calendar.

1.5. Special Meetings and Notice

- (a) A special meeting may be called at any time by the Council President or by a majority of the members of the Council. The party calling the special meeting shall deliver written notice, personally or by mail, which may be electronic mail, 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) The written notice must be delivered personally or by mail, which may be electronic mail, at least 24 hours before the time of the meeting specified in the notice.
- (c) The call and notice shall specify the time and place of the special meeting and the business to be transacted. The Council shall consider no other business at the meeting. Special meetings shall be chaired by the Council President.
- (d) 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. The waiver may be given by electronic mail. 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

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Council President or a majority of the Council may call a special meeting at the request of the Mayor or, in his or her absence, the Director or Assistant Director of Emergency Services or as further prescribed in Municipal Code Chapter 5, Article 1, Division 1, without complying with the 24-hour notice requirement of Rule 1.5. For purposes of this paragraph, “emergency situation” means any of the following:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council; or
- (b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

However, the Council President or designee shall notify each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to Rule 1.5, by telephone one hour prior to the special meeting.

- (c) The Council President or designee shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. If telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the Council, or designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the special meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
- (d) The Council may meet in closed session during a meeting called pursuant to Rule 1.6 pursuant to California Government Code section 54957, upon a two-thirds vote.

All special meeting requirements as prescribed in Rule 1.5 shall be applicable to a meeting called pursuant to Rule 1.6, with the exception of the 24-hour notice requirement.

- (e) The minutes of a meeting called pursuant to Rule 1.6, a list of persons the Council President or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.
- (f) This section is intended to be interpreted consistent with the authority and limitations of California Government Code sections 54956 and 54957 authorizing emergency meetings.

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. Agenda

Agendas for the Monday and Tuesday regular Council meetings, as provided in the adopted legislative calendar, 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 will generally be as follows, subject to the discretion of the presiding chair to take items out of order:

Monday at 2:00 p.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Communications:
Mayor, Council, Independent Budget Analyst,
City Clerk, City Attorney Comment
4. Requests for Continuances by a Councilmember
5. Adoption Agenda
6. Non-Agenda Public Comment
7. Non-Agenda Items
8. Adjournment

Tuesday at 9:00 a.m.

1. Public Comment on Closed Session
2. Closed Session

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Adoption Agenda Consent Items
4. Proclamations/Ceremonial Items
5. Special Orders of Business
6. Items pulled from Consent
7. Non-Agenda Public Comment (30 minutes)

8. Communications:
Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney Comment
9. Requests for Continuance by a Councilmember
10. Adoption Agenda

Tuesday at 2:00 p.m.

1. Adoption Agenda (trailed from morning session or as scheduled)
2. Non-Agenda Public Comment (trailed from morning session)
3. Non-Agenda Items
4. Report Out from Closed Session
5. Adjournment

Night Meetings

When a night meeting is scheduled in accordance with Rule 1.3, the Council President may determine the appropriate Order of Business for either Monday or Tuesday, as applicable.

2.3. Special Orders of Business

2.3.1. Special orders of business may include requests for reconsideration under Rule 2.11.2. and requests to consider items “held in committee” under Rule 6.9.2. Discussion during meetings of the Council of items listed as Special Orders of Business shall be limited to whether to place the item on the Council agenda.

2.3.2. When a matter has been “held in committee” pursuant to Rule 6.9.2., the following rules shall apply:

- (a) The Council President may place on the agenda, under Special Orders of Business, an item which has been “held in committee” in order to have the full Council vote on whether this matter shall be placed on the Adoption Agenda.
- (b) The Council 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,” shall be placed on the Adoption Agenda.
- (c) The Council may, by majority vote, cause a matter 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.

2.4. Adoption Agenda

2.4.1. The Adoption Agenda shall include noticed hearings as described in Rule 2.4.4. 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, not to exceed 120 days.

2.4.3. Consent Items on the Adoption Agenda

- (a) The Council President shall identify items that are to be placed on the Consent portion of the Adoption Agenda.
- (b) Any Councilmember or member of the public may remove any item from the Consent portion of the Agenda by notifying the Council President of his or her desire to address this item.
- (c) The Consent portion of the Adoption Agenda may include those ordinances and resolutions, reported out of a standing committee, for which the law does not require a noticed hearing as described in Rule 2.4.4. Such items may be referred to the Consent portion of the Agenda as a time-saving device, where they can be disposed of by a single motion when they are sufficiently routine or non-controversial or have had sufficient prior public discussion.

- (d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the Council President, be placed on the Consent portion of the Agenda.
- (e) Notwithstanding any other provision of these Rules of Council or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to annual financial reports, 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 placed on the Adoption Agenda as a consent item.

2.4.4. Noticed Hearings

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

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:

- (a) An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item, or
- (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those present, that the need to take action arose after the agenda was posted, or
- (c) Upon a determination by a majority of the Council that an emergency exists as defined in Rule 1.6.

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. A vote to take up these matters is only required for items under sections (b) and (c) of this section.

2.6. Non-Agenda Public Comment

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 Council President's discretion for a given agenda.

2.6.2. In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

- (a) Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of Non-Agenda Public Comment.
- (b) Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting.

- (c) Non-Agenda Public Comment is limited to 30 minutes during the morning session of the Tuesday Council meeting per Rule 2.2. Any remaining speakers will be given an opportunity to speak after Council concludes the other agenda items for that day.

2.6.3. Each person desiring to address the Council shall approach the podium, state his or her name for the record, state the subject he or she wishes to discuss, and state who he or she is representing if he or she represents an organization or other persons. The Council President 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.

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 of Council may, if appropriate, be referred by the Council President to the Mayor or to the appropriate Committee for consideration.

2.7. [Reserved]

2.8. Parliamentary Procedure

- (a) In all cases not provided by these Rules of Council, or other ordinance or resolution, Robert's Rules of Order Newly Revised will be used as a guide to the Council's conduct.

- (b) 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.
- (c) 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.

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 Council President, or the Council by majority vote, shall have the authority to refer a resolution or ordinance to a standing or special issues committee 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 Council President, or the Council by majority vote, shall have the authority to refer matters, other than resolutions or ordinances, to a standing or special issues committee for further study and consideration.

- (c) Matters assigned or referred to a standing or special issues committee shall be in keeping with the areas of responsibility and the workload of the committee.
- (d) Matters shall not be referred to more than one committee. Should a committee not have the jurisdiction to resolve the matter or if it is unclear under which committee's area of responsibility the matter falls, it may be assigned to the appropriate committee by the Council President or a majority of the Council.

2.9.2. The Council 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 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 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.

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) Brief opening statement by the item originator explaining the item (maximum of five minutes).
- (b) Statements may be made by the Independent Budget Analyst, City Attorney, and City Auditor concerning the item (maximum of five minutes each).
- (c) Comment 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 Council 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.

2.11. Procedure for Reconsideration

2.11.1. Except as provided in Rule 2.11.2., a motion to reconsider any matter may be entertained only at the same meeting that the matter was voted upon by the Council or at an adjourned session of the same meeting. The motion to reconsider must be made by a Councilmember who voted on the prevailing side on the prior vote on the matter.

- (a) If the matter was not a noticed public hearing, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may re-vote on the matter at the same meeting.
- (b) If the matter was (or included) a noticed public hearing, such as those under Council Policy 000-06, in order to reconsider the matter:
 - (1) The Council must first suspend these Rules of Council by a two-thirds vote before it may vote on the motion to reconsider.
 - (2) The motion to reconsider may be approved only by a majority vote of the Council.

- (3) If the motion to reconsider is approved, the Council shall set a date to rehear the matter, subject to applicable noticing requirements, but within a timely manner not to exceed 120 days.

2.11.2. A request to reconsider a matter at any time after the meeting at which the matter was voted upon must be processed and re-docketed as a Special Order of Business for the Council to vote on whether to docket the matter for reconsideration. Once the request to reconsider is docketed:

- (a) If the matter is one on which a noticed public hearing has been held, the Council must first suspend these Rules of Council by a two-thirds vote of the Councilmembers, and then vote to reconsider the matter.
- (b) The motion for reconsideration may be approved by a majority vote of the Council.
- (c) If the motion to reconsider is approved, the matter shall be placed on a future Council agenda in a timely manner, not to exceed 120 days and consistent with all applicable noticing requirements. The matter to be reconsidered may be placed on the same agenda as the motion to reconsider, provided that all applicable noticing requirements are met

and that the agenda and any notice clearly state that the matter will only be heard if the motion to reconsider is approved.

2.11.3. A vote by the Council to docket a matter “held in committee” or one relating to a decision of a committee is not subject to a motion to reconsider, and the decision of the Council is final.

2.12. Suspension of Rules of Council

Any Rule of Council may be suspended temporarily by a vote of two-thirds of the Councilmembers, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

2.13. Public Conduct

Notwithstanding any other provision of law, no person shall engage in any conduct that disrupts or impedes the conduct of a Council meeting, whether by loud, threatening, or obscene conduct, or otherwise. Any person who engages in such conduct that impedes the orderly conduct of any Council meeting shall, at the discretion of the Council President, be barred from further audience before the Council during that meeting. Any person having been ruled out of order by the Council President shall immediately conform to the orders of the Council President. 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 Council President.

Rule 3: DUTIES OF COUNCILMEMBERS

3.1. Non-Public Meetings Prohibited

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices by a majority of the members of the legislative body to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction 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 by the Council or legally required, all reports and comments shall be heard 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 COUNCIL PRESIDENT PRO TEM**

4.1. Title

The official title of the Council's presiding officer shall be Council President. The acting presiding officer's title shall be Council President Pro Tem.

4.2. Selection of the Council President

In odd-numbered years, at the first Monday Council meeting in December and in even-numbered years, at the first Council meeting held on or after the tenth day of December, the Council shall select a Council President from one of its members by majority vote of the Council. The Council President 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 Council President may serve more than one term.

4.3. Selection of the Council President Pro Tem

No later than the second meeting of the Council in January of each year, the Council President shall select a Council President Pro Tem, subject to confirmation by a majority of the Council. The Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties. The Council 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 Council President Pro Tem may serve more than one term.

4.4. Removal of the Council President or Council President Pro Tem

At any time, the Council President or Council President Pro Tem may be removed by a majority vote of the Council. In the event of a vacancy in either the position of Council President or Council President Pro Tem, the Council shall fill that vacancy at the next regularly scheduled Council meeting and the successor shall serve for the remaining term of his or her predecessor.

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

In the absence of both the Council President and Council 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 meeting. Such office is terminated by the entrance of the Council President or Council 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 meeting, notice must be given prior to the meeting at which such election is held. The Chair Pro Tem shall have the authority of the Council President in the absence of the Council President and the Council President Pro Tem. The procedures for electing the Chair Pro Tem are as follows:

- (a) The City Clerk calls the meeting to order, takes roll call, and takes up the item of electing a Chair Pro Tem.
- (b) The City 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 City 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 per speaker).
- (f) When there is only one nomination, the nominee may be elected by majority vote. The City Clerk will call for a vote on the main motion or, where no motion has been made, request a motion.
- (g) If there are multiple nominations, the City Clerk shall follow Council Policy 000-13 regarding how to fill a vacancy if the number of nominees is greater than the number of vacancies.

Rule 5: DUTIES OF THE COUNCIL PRESIDENT AND COUNCIL

PRESIDENT PRO TEM

5.1. City Charter Provisions

The Council 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 Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to perform his or her duties. When the Council President and Council President Pro Tem are absent or unable to vote, the City Clerk will call for a vote, per Rule 4.5.

5.2. Duties of the Council President

The duties of the Council President shall include:

- (a) Chair meetings of the Council and enforce the Rules of Council.
- (b) Call special meetings of the Council under Rule 1.
- (c) Manage the docketing process and identify which items should be docketed, placed on the consent agenda, or referred to committee.
- (d) Coordinate closed session dockets with the Mayor and City Attorney.
- (e) Select the committee chairs and committee vice chairs with approval by a Council majority.
- (f) Request information regarding matters before the Council.
- (g) Represent the Council at government and public functions.
- (h) Make appointments, required by law or other governing authority to be made by the Council President, in a timely manner.

In the event of a vacancy in the office of the Mayor, the Council President shall assume those duties of the Mayor prescribed in City Charter section 265(i).

Rule 6: STANDING AND SPECIAL COMMITTEES

6.1. Creation of Standing Committees

6.1.1. The Council hereby creates seven standing committees as follows:

- (a) Committee on Economic Development and Intergovernmental Relations
- (b) Committee on Smart Growth and Land Use
- (c) Committee on the Environment
- (d) Committee on Public Safety and Livable Neighborhoods
- (e) Committee on Budget and Government Efficiency
- (f) Committee on Infrastructure
- (g) Committee on Rules

6.1.2. Each standing committee shall have the responsibility for certain subject matters as set forth in these Rules of Council. In addition, each committee shall have the following responsibility:

- (a) If requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to matters within the committee's responsibilities.
- (b) To ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to matters within the committee's responsibilities.
- (c) To hold hearings on matters referred to it.

6.1.3. Each standing committee shall develop an annual work plan and compile a year-end report to be presented to the Council at the end of each year. It is recommended that a committee's work plan be distributed and posted online by March 1 of each year and updated at the mid-year. A mission statement may be included in the work plan.

6.2. Committee Appointments and Membership

6.2.1. For each committee, the Council President shall nominate the committee chair, vice chair, and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The Council President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.

6.2.2. The term for each committee member shall be for one year and until a successor is duly appointed and confirmed. The one-year term is renewable each year.

6.2.3. The Council President, with Council approval, shall fill, within a reasonable time, any vacancies that may occur from time to time on any of the standing committees. A committee member appointed to fill a vacancy shall serve for the remainder of the term of his or her predecessor.

6.3. Committee Meetings

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 written notice, with a copy to each member of the committee personally or by other means, at least 24 hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the special meeting. No matter shall be considered at the special meeting other than that specified in the notice.

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

6.3.4. A Councilmember who is not a member of a committee made up of less than a quorum of the Council shall not participate directly or indirectly in any meeting of that committee.

6.4. Committee Quorums and Attendance

6.4.1. A majority of the members of a 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, upon the loss of a quorum, 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 by the committee or Council, or legally required, all reports and comments shall be heard 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 Council 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 the Rules of Council, Robert's Rules of Order shall guide 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 Rules of Council, as it may deem necessary for the conduct of committee business.

- 6.5.2.** No action shall be taken on any matter outside of a duly constituted committee meeting.
- 6.5.3.** Before acting on any matter either originated by the standing committee or referred to it, the standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal and operational impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee in a timely manner, per City Charter section 32.1.
- 6.5.4.** The Mayor, City Attorney, and Independent Budget Analyst, or their designees, shall attend all committee meetings but shall have no vote therein. The Mayor, City Attorney, Independent Budget Analyst, and the 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.

6.6. Committee Consultants and Legislative Staff

6.6.1. The Council President shall assign a Director of Legislative Affairs to assist with managing the Council docket process as provided in City Charter section 270(d).

6.6.2. All committee consultants shall be subject to appointment and removal by the chairs of their respective committees. Committee consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chair, 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 any Request for Council Action when it is delivered to the Council President for listing on the Adoption Agenda.

6.6.3. Legislative analysts within the Office of the Independent Budget Analyst may be assigned to provide policy analysis and reports on legislation initiated by the Council, provide policy-related research and analysis on legislation initiated by the Mayor and independent departments, and conduct any special studies as requested by a majority of the Council.

6.6.4. Matters assigned to legislative analysts will be prioritized as follows: (1) the Council, (2) the Council President, (3) committee chairs, and (4) individual Councilmembers.

6.6.5. Matters for which the Council or Councilmembers request legal analysis from the City Attorney will be prioritized by the City Attorney as follows: (1) the Council, (2) committees; (3) the Council President, (4) committee chairs, and (5) individual Councilmembers. Prioritization will be subject to the City Attorney's duty under City Charter section 40 to provide legal services to all City departments and offices and California State Bar ethical duties. Requests for legal analysis from a committee or committee chair must pertain to a matter within the area of responsibility of the committee.

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 area of responsibilities 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 committee consultant's assistant at least 72 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. If posted on the City's website, the record of committee actions shall clearly indicate it is a draft pending approval by the committee.

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. A chair or a committee member shall have the right to present ideas to a committee for discussion and further development of the concept. Such ideas shall be within the committee's area of responsibility and shall be scheduled pursuant to Rule 6.7.4.

6.9. Committee Hearings

6.9.1. A matter shall be reported to the Council only if the committee makes one of the following recommendations:

- (a) Approve staff recommendation; or
- (b) Approve staff recommendation as amended;
- (c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members; provided, however that if the committee is made up of five members, present and voting, a majority vote is required.

6.9.2. A matter shall be deemed "held in committee" if: (1) the committee has not scheduled the item for hearing within 120 days of referral, or as otherwise specified; or (2) if the committee has not reported the matter back to the Council within 30 days of the first scheduled committee hearing on

the item. The Council President or the Council by majority vote can cause a matter which has been “held in committee” to be placed on the Adoption Agenda of the Council docket as provided in Rule 2.3.2.

- 6.9.3.** If the committee recommends that an ordinance be introduced or that a resolution be adopted by the Council, the originating official shall complete the necessary Request for Council Action. The City Attorney shall prepare and attach to the approved Request for Council Action any necessary ordinances, resolutions, and digests. The originating official shall cause the resolution or ordinance, with the digest, to be delivered to the Council President or his or her designee for listing on the agenda of a regular Council meeting.
- 6.9.4.** 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 matter, the vote shall be by roll call vote only. All roll call votes shall be recorded by the committee consultant’s assistant and the vote shall be included in the Request for Council Action so that it shall appear on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

6.10. Standing Committee Composition and Responsibilities

**6.10.1. Committee on Economic Development and
Intergovernmental Relations**

- (a) The Committee on Economic Development and Intergovernmental Relations shall be composed of four voting Councilmembers.
- (b) The Committee on Economic Development and Intergovernmental Relations shall have the following areas of responsibility: Intergovernmental Relations, Interagency and Bi-National Agreements, International Trade, Foreign Trade Zones, San Diego Regional Airport Authority, Civic San Diego, Port District, Educational Partnerships, City-wide Economic Development Programs and Strategy, Workforce Development, Commercial Marketing Districts, Business Improvement Districts, Tourism Marketing District, San Diego Convention Center Corporation, Incentive Programs, Regulatory Relief, Arts and Culture, and Open Data.

6.10.2. Committee on Smart Growth and Land Use

- (a) The Committee on Smart Growth and Land Use shall be composed of four voting Councilmembers.

- (b) The committee shall have the following areas of responsibility: Planning, Land Use, Land Development Code, General Plan, Community Plans, Coastal Overlay Zone, Affordable Housing, Transportation Planning, Transit Services, Parking, Municipal Airports, Real Estate Assets, Walkability, Bicycle Programs, Community Parking Districts, Historical Issues/Mills Act, and ADA Compliance and Accessibility.

6.10.3. Committee on the Environment

- (a) The Committee on the Environment shall be composed of four voting Councilmembers.
- (b) The committee shall have the following areas of responsibility: the Clean Water Program, Water Management and Policy, Energy (Solar, Property Assessed Clean Energy Programs, Green), Multiple Species Conservation Program, Solid Waste Disposal, Recycling, Air Quality Standards, Hazardous Waste, Regional Parks, Open Space, Public Utilities, Golf, Utility Undergrounding, Franchise Agreements, Stormwater Management and Policy, Climate Mitigation and Adaption Plan (CMAP), Wastewater Management and Policy, Independent Rates Oversight Committee, (Indirect

Potable Reuse/Direct Potable Reuse, Recycled Water, Graywater, referred to as Pure Water), San Diego County Water Authority, Wildlife Management, Environmental Services, and Environmental Policy.

6.10.4. Committee on Public Safety and Livable

Neighborhoods

- (a) The Committee on Public Safety and Livable Neighborhoods shall be composed of four voting Councilmembers.
- (b) The committee shall have the following areas of responsibility: Police, Fire, Neighborhood Parks, Recreation Programs, Lifeguards, Homeland Security, Emergency Medical Services, Gang Prevention and Intervention, Graffiti Abatement, Code Enforcement, Consumer Protection, Citizens Review Board on Police Practices, Homeless Services, Veterans Services, Youth Services, Senior Services, Volunteerism, Libraries, Special Event Permits, Maintenance Assessment Districts, and Community Development Block Grants.

6.10.5. Committee on Budget and Government Efficiency

- (a) The Committee on Budget and Government Efficiency shall be composed of four voting Councilmembers.
- (b) The Committee shall have the following areas of responsibility: the Annual Budget, Financial Reports, Fees, Performance Measures and Analytics, Corporate Partnerships and Development, Fleet Services, Risk Management, Information Technology, Enterprise Resource Management, Purchasing and Contracting, Equal Opportunity Contracting, Living Wage, Prevailing Wage, Managed Competition, Revenue, San Diego City Employees' Retirement System, Personnel, Civil Service, and Human Resources.

6.10.6. Committee on Infrastructure

- (a) The Committee on Infrastructure shall be composed of four voting Councilmembers.
- (b) The Committee shall have the following areas of responsibility: Capital Improvement Program (CIP), Oversight of CIP Streamlining, ADA CIP Projects, Infrastructure Finance, Regional Transportation Improvement Program, Asset Management, Infrastructure Condition Assessment Monitoring

and Implementation, Neighborhood Input on Infrastructure Needs and Priorities, Stormwater Infrastructure, Public Facilities Financing Plans, Development Impact Fees, Facilities Benefit Assessments, Wastewater Infrastructure, Water Infrastructure, City Facilities, Park Infrastructure, Multi-Year Capital Improvement Program Plan, Transportation Infrastructure, and Public Works. The committee's responsibility includes individual infrastructure projects related to water, wastewater, storm water, and parks, except for projects related to Pure Water, which shall be the responsibility of the Committee on the Environment.

6.10.7 Committee on Rules

- (a) The Committee on Rules shall be composed of five voting Councilmembers. The Council President shall serve as chair and the Council President Pro Tem shall serve as vice chair.
- (b) The Committee shall have the following areas of responsibility: Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Communications, Customer Service, Public

Outreach, Council-initiated matters as provided in Rule 7.1, and Committee Composition and Responsibilities.

- (c) The Committee on Rules shall review the standing committee structure and assigned areas of responsibility every three years.

6.11. Special Issues Committees: Composition and Responsibilities

6.11.1. Budget Review Committee

- (a) The Budget Review Committee shall be composed of all members of the Council. The chair of the Committee on Budget and Government Efficiency shall serve as chair of this special committee and the Council President shall serve as vice chair. If the Council President is chair, the Council President Pro Tem shall serve as vice chair.
- (b) The chair or, in his or her absence, the Council President or, in the absence of both, the Council President Pro Tem, may call a meeting of the Budget Review Committee in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Budget Review Committee by a motion adopted by the Council at a regular meeting.

- (c) The Budget Review Committee shall have the responsibility to analyze, study, and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance, and the annual budgets of the San Diego Housing Commission, Civic San Diego, San Diego Convention Center Corporation, and the City of San Diego, solely in its capacity as Successor Agency to the former Redevelopment Agency of the City of San Diego.
- (d) The committee shall have the further responsibility to review and evaluate the proposed 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.

6.11.2. Committee of the Whole

- (a) The Committee of the Whole shall be composed of all members of the Council. The Council President shall serve as Chair and the Council President Pro Tem shall serve as vice chair.
- (b) The Council President or, in his or her absence, the Council President Pro Tem or, in the absence of both, the Chair Pro Tem selected following the procedure in Rule 4.5, may call a meeting of the Committee of the Whole in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Committee of the Whole by a motion adopted by the Council at a regular meeting.
- (c) This special issues committee shall have the responsibility to analyze, study, and evaluate a proposed resolution or ordinance, or to hold fact finding hearings, on any subject concerning City government that is beyond the scope of responsibility of any one standing committee or is adjudged by the Council President or Council to be more properly a concern of the entire Council.

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

Rule 7: PROCEDURES FOR REQUESTS FOR COUNCIL ACTION

7.1. Initiation of Requests for Council Action by Councilmembers and Committees

Any member of the Council or a Council committee may initiate a Request for Council Action for matters within the jurisdiction of the Council. Committee requests for Council action must be within the areas of responsibility assigned to that committee. Requests for Council Action shall be placed on the Adoption Agenda unless referred to committee by the Council President. If the Council President determines that a Request for Council Action initiated by a Councilmember who is not a member of the committee with assigned responsibility for the subject matter should be referred to committee, it shall be referred to the Committee on Rules or the Committee of the Whole.

7.2. Initiation of Requests for Council Action by the City Attorney or the Mayor

7.2.1. Requests for Council Action may be initiated by the City Attorney or Mayor, or any other independent department head for any matter within his or her official duties as

prescribed by law. Requests for Council Action shall be placed on the Adoption Agenda, unless first referred to committee by the Council President.

7.2.2. Any Request for Council Action that includes a resolution or ordinance on which action of the Council is mandatory under any federal, state, or local law shall be placed on the Adoption Agenda by the City Clerk without further action of the Council President. Such matters include, but are not limited to, the following:

- (a) Request for a change in zoning;
- (b) An appeal from any administrative or quasi-judicial decision as permitted under the City Charter, state law, or ordinance of the City; and
- (c) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

7.3. Preparation of Resolution or Ordinance by the City Attorney

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 where required, showing any changes in the existing law which are proposed by the matter.

7.3.2. (a) 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.

(b) The City Attorney will indicate within the body of the resolution or ordinance whether a two-thirds vote of the Council is required for its passage. Failure to indicate the two-thirds vote requirement will not invalidate a resolution or ordinance otherwise passed in accordance with law.

7.3.3. The City Attorney shall attach the completed document and digest, if required, to the Request for Council Action. The originating official is responsible for ensuring the completeness of documentation accompanying the Request for Council Action.

7.3.4. If changes are made to the resolution or ordinance after the Request for Council Action has been submitted, the City Attorney shall provide a corrected copy of the resolution or ordinance with a strike-out or memorandum explaining the changes to the Council President for inclusion in backup information.

7.4. Delivery of Resolution or Ordinance to the Council President

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 Rule 7, to be submitted to the Council President or designee no later than 10:00 a.m. on Wednesday for placing on the agenda of a regular Council meeting to be held within a timely manner not to exceed 120 days or as soon as necessary to comply with any legal deadline.

7.5. Preparation of the Council Agenda (Docket Management)

7.5.1. Only those Requests for Council Action that have been prepared and submitted in accordance with these Rules of Council shall be placed on the agenda. Each Request for Council Action so prepared and submitted shall be reviewed and placed on the Adoption Agenda in one of the categories enumerated below:

- (a) Consent Items;
- (b) Noticed Hearings; or
- (c) Other Discussion and Legislative Items.

7.5.2. In assigning a Request for Council Action to one of these categories, preference should be given to listing purchasing items and routine business as Consent Items on the Adoption Agenda.

7.5.3. It is the Council's preference that a Request for Council Action be referred 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.

7.6. Preparation and Delivery of the Regular Agenda to the City Clerk

7.6.1. The agenda prepared as described above and any items under Special Order of Business, together with all Requests for Council Action prepared and delivered as required by Rule 7, shall be delivered by the Council President to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council as indicated by the Council President pursuant to Rule 7.4.1, but no sooner than the meeting to be held during the week following the next succeeding week. Additionally, any item may be set for a time certain hearing.

- 7.6.2.** When preparing the docket, the Council 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 and which items require a two-thirds vote. Failure to indicate either will not invalidate a resolution or ordinance otherwise passed in accordance with law.
- 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 Thursday and shall be posted in accordance with California Government Code section 54954.3.
- 7.6.4.** Notwithstanding the above provisions, there may be listed on the Adoption Agenda a Request for Council Action that has been initiated as required by Rules 7.1 and 7.2, but for which an ordinance or resolution has not been provided in accordance with Rules 7.3 and 7.4, if the City Attorney provides written notification to the Council President 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.

7.7. Preparation and Delivery of the Supplemental Agenda to the City Clerk

7.7.1. Notwithstanding the above provisions, the Council, at a regular meeting, or the Council President may direct the City Clerk to list an item on a supplemental agenda for the next regular Council meeting if the City Attorney provides written notice 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.

7.7.2. Notwithstanding any other provision of these Rules of Council or the San Diego 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 as required by Rule 7.

7.7.3. 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 required by City Charter section 40.

7.8. Posting, Notice, and Items for Consideration

At least 72 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 SESSION

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).

8.1. Form and Manner of Notice

- (a) All closed session items shall appear on a Closed Session Agenda or Supplemental Closed Session Agenda, which agenda may be separate and distinct from the Council's regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the Council, per Rule 7.6.3. A line item shall appear on the regular Council docket indicating that closed session items will be appearing on a separate Closed Session Agenda.

The Closed Session Agenda shall clearly indicate the time and place that open session discussion of closed session items is scheduled to occur. The Closed Session Agenda shall also indicate the time and place for the scheduled closed session.

- (b) All Closed Session Agenda items shall contain descriptions which can be easily understood and informative to the public in a meaningful way, unless to do so would harm the City and public interest by disclosing facts that are not known to the adverse party in any litigation or negotiations. Meaningful means: clear and specific enough to alert a person of average intelligence and education whose interests are affected by the item that he or she may have a

reason to attend the meeting or seek more information on the item. The description should be concise and written in plain, easily understood words.

(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.
- (2) Conference with Legal Counsel – Existing Litigation: California Government Code section 54956.9.
- (3) Conference with Legal Counsel – Initiation of Litigation: California Government Code section 54956.9.
- (4) Conference with Real Property Negotiator: California Government Code section 54956.8.
- (5) Conference with Labor Negotiators: California Government Code section 54957.6.
- (6) Threat to Public Services or Facilities: California Government Code section 54957(a).
- (7) Public Employee Performance Evaluation: California Government Code section 54957(b)(1).
- (8) Public Employee Appointment: California Government Code section 54957(b)(1).

(9) Public Employee Discipline/Dismissal/Release:

California Government Code section 54957(b)(1).

(d) In open session, before public comment or Council discussion of any closed session item, the City Attorney or appropriate staff may provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining if requested by a member of the Council.

8.2. Public Participation

The public shall have the opportunity to directly address the Council on any closed session item on the agenda, prior to the Council convening in closed session.

8.3. Council Questions and Discussion in Open Session

At the regular or special meeting of the Council, the Mayor and Councilmembers may discuss the basis for convening into closed session, ask questions, and respond to questions from the public.

8.4. Transcription of Closed Sessions

All closed sessions shall be transcribed by a court certified reporter. All transcripts shall be retained.

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 54957.1(a)(1).
- (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 54957.1(a)(2).
- (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasi-judicial-proceeding (pending litigation): California Government Code section 54957.1(a)(3).
- (4) Final disposition of any claim: California Government Code section 54957.1(a)(4).
- (5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.1(a)(5).
- (6) 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 54957.1(a)(6).

- (b) Reports that are required to be made pursuant to this section may be made orally or in writing. The City shall provide to any person who has submitted a written request to the City within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to California Government Code sections 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that an oral summation of the substance of the amendments has been made for the benefit of the document requester or any other person present and requesting the information.
- (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) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

8.6. Litigation Log

The City Attorney, in coordination with the City Clerk, shall provide the Council with a weekly listing of all litigation filed against or by the City of San Diego, its officers or employees, any City boards and commissions (collectively “the City”) that has been served upon the City. The list shall include the court in which the case was filed, the name of the litigants, the date filed, and the court case number. A copy of the list shall be kept on file in the Office of the City Clerk and available for members of the public. The list shall be provided every week, and shall report on cases served the immediate preceding week.

Rule 9: TEMPORARY RULES

The Council President 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 Rule of Council, it shall supersede such Rule of Council only for the day on which it was adopted or for such greater period as may be specified in the temporary rule.

Rule 10: AMENDMENT OF RULES OF COUNCIL

No Rule of Council shall be amended except by ordinance adopted by the Council. No such ordinance shall be considered by the Council until it has been referred to the standing Committee on Rules.

Rule 11: EXISTING PROCEDURES PRESERVED

The procedures of the Council contained in the Council Policy Manual shall be continued in full force and effect.

§22.0102 Publication of Ordinances or Resolutions

Within fifteen days after final passage of any ordinance or resolution of a general nature, the City Clerk shall cause the same to be published once in the "City Official Newspaper" as defined by section 113 of the City Charter; provided, however, that when any ordinance or resolution is, by the City Charter, or by any general law, the provisions of which have been adopted by the City Charter, required to be published more than once, the City Clerk shall cause such ordinance or resolution to be published in the manner and as often as is so required.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the 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 Prescilla Dugard
Prescilla Dugard
Chief Deputy City Attorney

PMD:ccm
December 14, 2015 REV.
December 1, 2015 COR. COPY
October 28, 2015
Or.Dept: CD-1
Doc. No.: 1159329_4

I certify that this Ordinance was passed by the Council of the City of San Diego, at this meeting
of JAN 12 2016.

ELIZABETH S. MALAND
City Clerk

By Stacy Reed
Deputy City Clerk

Passed by the Council of The City of San Diego on JAN 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 12 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Stacy Brady*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 07 2015, and on JAN 12 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Stacy Brady*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20594

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Single Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING THE TABLE OF CONTENTS AND AMENDING
SECTIONS 22.0101 AND 22.0102, ALL RELATING TO THE
RULES OF COUNCIL.

Article 2: Administrative Code

Division 1: The Council

Table of Contents

Rule 1: Time and Place of Meetings

- 1.1. Time
- 1.2. Time of Adjournment
- 1.3. Place
- 1.4. Change of Time and Place
- 1.5. Special Meetings and Notice
- 1.6. Emergency Meetings and Notice

Rule 2: Procedure for Council Meetings

- 2.1. Agenda
- 2.2. Order of Business
- 2.3. Special Orders of Business
- 2.4. Adoption Agenda
- 2.5. Non--Agenda Items
- 2.6. Non-Agenda Public Comment

- 2.7. [Reserved]
- 2.8. Parliamentary Procedure
- 2.9. Procedure for Referral to Committee or Assignment to Council Docket
- 2.10. Procedure for Debate
- 2.11. Procedure for Reconsideration
- 2.12. Suspension of ~~Permanent~~ Rules of Council
- 2.13. Public Conduct

Rule 3: Duties of Councilmembers

- 3.1. ~~Collective Concurrence~~ Non-Public Meetings Prohibited
- 3.2. Requirement to Vote on Matters Not Involving Personal Interests
- 3.3. Voting After Absence from Council Meeting
- 3.4. Voting on Matters Where a Full Council Vote is Necessary

Rule 4: Selection and Removal of the Council President and Council President Pro Tem

- 4.1. Title
- 4.2. Selection of the Council President
- 4.3. Selection of the Council President Pro Tem
- 4.4. Removal of the Council President or Council President Pro Tem
- 4.5. Procedure When Both the Council President and Council President Pro Tem are Absent or Unable to Perform Their Duties

Rule 5: Duties of ~~the~~ Council President and Council President Pro Tem

- 5.1. City Charter Provisions
- 5.2. Duties of the Council President

Rule 6: Standing and Special Committees

- 6.1. Creation of Standing Committees
- 6.2. Committee Appointments and Membership
- 6.3. Committee Meetings
- 6.4. Committee Quorums and Attendance
- 6.5. Conduct of Committee Business
- 6.6. Committee Consultants and Legislative Staff
- 6.7. Duties of Committee Chairs
- 6.8. Rights and Duties of Committee Members
- 6.9. Committee Hearings on Resolutions and Ordinances
- 6.10. Standing Committee Composition and Responsibilities
- 6.11. Special Committee Composition and Responsibilities

Rule 7: Procedures for Resolutions and Ordinances

- 7.1. Initiation of Resolutions and Ordinances by Councilmembers and Committees
- 7.2. Initiation of Resolutions and Ordinances by the City Attorney or the Mayor
- 7.3. Preparation of Resolution or Ordinance by the City Attorney
- 7.4. Delivery of Resolution or Ordinance to the Council President
- 7.5. Preparation of the Council Agenda (Docket Management)
- 7.6. Preparation and Delivery of the Regular Agenda to the City Clerk
- 7.7. Preparation and Delivery of the Supplemental Agenda to the City Clerk
- 7.8. Supplemental Posting, Notice, and Items for Consideration

Rule 8: Noticing and Conduct of Closed Sessions

- 8.1. Form and Manner of Notice
- 8.2. Public Participation
- 8.3. Council Questions and Discussion in Open Session
- 8.4. Transcription of Closed Sessions
- 8.5. Reporting of Closed Session Results in Open Session
- 8.6. Litigation Log

Rule 9: Temporary Rules

Rule 10: Amendment of ~~Permanent Rules~~ of Council

Rule 11: Existing Procedures Preserved

§22.0101 ~~Permanent Rules of the Council~~ (Rules of Council)

Rule 1: TIME AND PLACE OF MEETINGS

1.1. Time

The regular weekly meetings of the City Council (Council) shall be scheduled ~~over a two-day period~~ as follows:

Monday 2:00 p.m. — 5:30 p.m.

Tuesday ~~9~~10:00 a.m. — ~~5:36~~6:00 p.m.,

in accordance with the Council-approved legislative calendar, as amended from time to time in accordance with Rule 1.4.

1.2. Time of Adjournment

The time of adjournment each day may be extended by the Council 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. The Council may hold a duly called special meeting after the adjournment of a regular meeting.

1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, San Diego Community Concourse, in the City of San Diego, California. ~~In addition thereto, unless otherwise provided in the legislative calendar. ¶The Council may also hold regularly scheduled the San Diego Civic Concourse at the discretion of the Council President as noticed in the agenda, as well as night Council meetings starting no earlier than 6:00 p.m. in the Council Chambers of the City Administration Building or in various community facilities throughout the City of San Diego. Such a Night Council meetings will be scheduled as determined by the Council President, with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.~~

1.4. Change of Time and Place

The Council may, by resolution, when necessary, change the time and place of ~~the a~~ regular meeting by amending the legislative calendar. The resolution shall set forth the circumstances necessitating such the change. ~~Such resolution shall be published once in the City official newspaper at least twenty-four~~

~~Seventy-two~~ hours prior to the first meeting to be held pursuant to such change. ~~Twenty-four hours prior an amendment to the meeting to be held pursuant to such change~~ legislative calendar, the City Clerk shall give each Councilmember written notice, personally or by ~~registered~~ mail, including electronic mail, of any change from the regular meeting ~~days~~ day, time, and location established by ~~this section~~ the Council in the approved legislative calendar.

1.5. Special Meetings and Notice

- (a) A special meeting may be called at any time by the Council President or by a majority of the members of the Council. The party calling the special meeting shall deliver written notice, personally or by mail-written, which may be electronic mail, 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) ~~N~~The written notice must be delivered personally or by mail, including which may be electronic mail, at least ~~twenty-four~~ 24 hours before the time of ~~such~~ the meeting as specified in the notice.
- (c) The call and notice shall specify the time and place of the special meeting and the business to be transacted. The

Council shall consider no other business at the meeting.

Special meetings shall be chaired by the Council President.

~~(e) — Not 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~~ The waiver may be given by electronic mail. ~~Such~~ wWritten 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

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Council President or a majority of the Council may ~~hold-call~~ a special meeting at the request of the ~~President or the Mayor~~ or, in his or her absence, the Director or Assistant Director of Emergency Services or as further prescribed in Municipal Code Chapter 5, Article 1, Division 1, without complying with the 24-hour notice requirement of ~~this~~ Rule 1.5. For purposes of this paragraph, “emergency situation” means any of the following:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council; or
- (b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

However, the Council President or designee shall notify each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to this Rule shall be notified 1.5, by the Council President or designee, telephone one hour prior to the special meeting by telephone.

- (c) The Council President or designee, shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. In the event that if telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the Council, or designee thereof, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the special meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) ~~_____~~ -The Council ~~shall not~~ may meet in closed session during a meeting called pursuant to ~~this paragraph~~ Rule 1.6 pursuant to California Government Code section 54957, upon a two-thirds vote. All special meeting requirements as prescribed in ~~this~~ Rule 1.5 shall be applicable to a meeting called pursuant to ~~this paragraph~~ Rule 1.6, with the exception of the ~~24~~ —hour notice requirement.

(e) ~~_____~~ The minutes of a meeting called pursuant to ~~this paragraph~~ Rule 1.6, a list of persons ~~who~~ the Council President or designee, notified or attempted to notify, a copy of the roll call vote, and any actions taken at ~~such~~ the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

(f) ~~_____~~ This section is intended to be interpreted consistent with the authority and limitations of California Government Code sections 54956 and 54957 authorizing emergency meetings.

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. Agenda

~~A single consolidated agenda covering~~ Agendas for the Monday and Tuesday regular Council meeting each week meetings, as provided in the adopted legislative calendar, 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~~ will generally be
as follows, subject to the discretion of the presiding chair to take
items out of order:

Monday at 2:00 p.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Communications:
Mayor, Council, Independent Budget Analyst,
City Clerk, City Attorney Comment
4. Requests for Continuances by a Councilmember
5. Adoption Agenda
 - (a) ~~Consent Items~~
 - (b) ~~Committee Items~~
 - (c) ~~Other Legislative Items~~
 - (d) ~~Noticed Hearings and Special Hearings~~
6. Non-Agenda Public Comment
7. Public Comment on Closed Session Items
8. ~~Public Notices~~
9. ~~Non-Agenda Items~~
10. Adjournment

Tuesday at 9:00 a.m.

1. Public Comment on Closed Session
2. Closed Session

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Adoption Agenda Consent Items
4. Proclamations/Ceremonial Items
- ~~4. Non Agenda Public Comment (30 minutes)~~
5. Special Orders of Business
6. ~~Consent~~ Items pulled from Consent
7. ~~Requests for Continuance~~ Non-Agenda Public Comment (30 minutes)
8. Communications:
Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney Comment
9. Requests for Continuance by a Councilmember
10. Adoption Agenda
 - ~~(a) Noticed Hearings and Special Hearings~~
 - ~~(b) Unfinished Business from Monday~~
- ~~9. Non Agenda Items;~~

Tuesday at 2:00 p.m.

- ~~1. Report Out from Closed Session;~~
10. Adoption Agenda (trailed from morning session or as scheduled);
- ~~32. Non-Agenda Public Comment (trailed from morning session)~~
- ~~1143. Report Out from Closed Session~~Non-Agenda Items
4. Report Out from Closed Session
- ~~125. Adjournment~~

Night Meetings

When a night meeting is scheduled in accordance with Rule 1.3, the Council President may determine the appropriate Order of Business for ~~both either Monday and or Tuesday, as applicable.~~

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~~Special orders of business may include requests for reconsideration under Rule 2.11.2. and requests to consider items "held in committee" under Rule 6.9.2. Discussion during meetings of the Council of

items listed as Special Orders of Business shall be limited to whether to place the item on the Council agenda.

~~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.~~

~~2.3.32. When a matter has been "held in committee" pursuant to Rule 6.9.2., the following rules shall apply:~~

- ~~(a) The Council President may place on the agenda, under Special Orders of Business, an item which has been "held in committee" in order to have the full Council vote on whether this matter ~~may~~ shall be placed on the Adoption Agenda.~~

- (b) The Council 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~~ shall be placed on the Adoption Agenda.
- (c) The Council may, by majority vote, cause a ~~resolution or ordinance~~ matter which has been “held in committee” to be placed on ~~a future~~ 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. within the discretion of the President. These items are not debatable limited to whether to place the item on a future Council agenda.~~

2.4. Adoption Agenda

- 2.4.1. The Adoption Agenda ~~may~~ shall consist of shall include noticed hearings as described in Rule 2.4.4. 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, not to exceed 120 days.

2.4.3. Consent Items on the Adoption Agenda

- (a) The Council President shall identify items that are to be placed on the eConsent portion of the Adoption Agenda.
- (b) Any Councilmember or member of the public may remove any item from the Consent portion of the Agenda by notifying the Council President of his or her desire to address this item.
- (c) The Consent portion of the Adoption Agenda shall may include those ordinances and resolutions, reported out of a standing committee, for which the law does not require a noticed hearing as described in Rule 2.4.4. Such items may be referred to the Consent portion of the Agenda as a time-saving device, where they can be disposed of by a single motion when they are sufficiently routine or non-controversial or have had sufficient prior public discussion.

- (d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the Council President, be placed on the Consent portion of the Agenda.
- (e) Notwithstanding any other provision of these Rules of Council or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to annual financial reports, 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 ~~identifi~~placed on the Adoption Agenda as a consent ~~item on an agenda~~.

2.4.4. Noticed Hearings

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

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) An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item, or
- (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those present, that the need to take action arose after the agenda was posted, or
- (c) Upon a determination by a majority of the Council that an emergency exists as defined herein Rule 1.6.

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. A vote to take up these matters is only required for items under sections (b) and (c) of this section.

2.6. Non-Agenda Public Comment

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 Council President's discretion for a given agenda.

2.6.2. In order to ensure that the Council has time to consider all agenda items, ~~Non-Agenda Public testimony~~ Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

- (a) Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of Non-Agenda Public Comment.
- (b) Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis,

however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting.

- (c) Non-Agenda Public Comment is limited to 30 minutes during the morning session of the Tuesday Council meeting per Rule 2.2. Any remaining speakers will be given an opportunity to speak after Council concludes the other agenda items for that day.

2.6.3. Each person desiring to address the Council shall approach the podium, state his/ or her name for the record, state the subject he/ or she wishes to discuss, and state who he/ or she is representing if he/ or she represents an organization or other persons. The Council President 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.

2.6.4. No discussion or action on any matter of ~~n~~Non-aAgenda ~~p~~Public eComment shall be permitted. Any matter properly raised under this Rule of Council may, if appropriate, be referred by the Council President to the Mayor or to the appropriate Committee for consideration.

2.7. [Reserved]

2.8. Parliamentary Procedure

(a) ___ In all cases not provided by these Rules of Council, or other ordinance or resolution, Robert's Rules of Order Newly Revised will be used as a guide to the Council's conduct.

(b) ___ 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.

(c) ___ 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.

**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 Council President, or the Council by majority vote, shall have the authority to refer a resolution or ordinance to a standing or special issues 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 Council President, or the Council by majority vote, shall have the authority to refer matters, other than resolutions or ordinances, to a standing or special issues committee for further study and consideration.
- (c) Matters assigned or referred to a standing or special issues 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, or if it is unclear under which committee's area of

responsibility the matter falls under, it may be
reassigned to ~~another~~ the appropriate committee by
the Council President or a majority of the Council.

2.9.2. The Council 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~~ 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 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.

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) Brief opening statement by the item originator explaining the item (maximum of five minutes).
- (b) Statements may be made by the Independent Budget Analyst, City Attorney, and City Auditor concerning the item (maximum of five minutes each).
- (c) ~~Testimony~~ Comment 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 Council 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.

2.11. Procedure for Reconsideration

2.11.1. ~~A~~ Except as provided in Rule 2.11.2., a motion for reconsideration ~~of~~ to reconsider any matter ~~must~~ may be entertained ~~on the same day only~~ at the same meeting that the matter was voted upon by the Council or at an adjourned session of the same meeting. The motion to reconsider must be made by a Councilmember who voted on the prevailing side on the prior vote on the matter.

(a) ~~Where~~ If 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~~ at the same meeting.

(b) ~~Where~~ If the matter ~~is one on which~~ was (or included) a noticed public hearing ~~has been held,~~ such as those under Council Policy 000-06, in order to reconsider the matter:

(1) ~~¶~~ The Council must first suspend these ~~Permanent~~ Rules of Council by a two-thirds vote before it may vote on the ~~request for~~ motion to reconsideration.

- (2) ~~A~~ The motion to reconsider shall ~~may~~ be approved only by a majority vote of the Council.
- (3) If ~~a~~ the motion to reconsider is approved, the Council shall set a date to rehear the matter, subject to applicable noticing requirements, but within a timely manner not to exceed 120 days.

~~2.11.2. Notwithstanding Rule 2.11.1, any matter for which a reconsideration is requested at a date later than the same day~~ A request to reconsider a matter at any time after the meeting at which the matter was voted upon must be processed and re-docketed under as a Special Orders of Business for the Council to vote on whether to docket the matter for reconsideration. Once the request to reconsider is docketed:

- (a) ~~Where~~ If 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, and then vote to reconsider the matter and direct the City Clerk to docket the request for consideration~~ for reconsideration.

- (b) ~~A-The motion to reconsider shall docket the matter~~
for reconsideration may be approved by a majority
vote of the Council.
- (c) ~~If a-the motion to reconsider the matter for~~
reconsideration is approved, set a date to rehear the
matter, subject to other shall be placed on a future
Council agenda in a timely manner, not to exceed
120 days and consistent with all applicable noticing
requirements. The matter to be reconsidered may be
placed on the same agenda as the motion to
reconsider, provided that all applicable noticing
requirements are met and that the agenda and any
notice clearly state that the matter will only be
heard if the motion to reconsider is approved.

2.11.3. A vote by the Council ~~on to agenda~~docket a matter “held
in committee” or one relating to a decision of a committee;
~~shall is not be~~ subject to a motion to reconsider, and the
decision of the Council ~~shall be is~~ final ~~forthwith~~. Any
~~matter approved for rehearing or reconsideration by the~~
~~entire Council shall be placed on the Adoption Agenda in a~~
~~timely manner.~~

2.12. Suspension of ~~Permanent~~ Rules of Council

Any ~~permanent~~ Rule of the Council may be suspended temporarily by a vote of two-thirds of the Councilmembers, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

2.13. Public Conduct

Notwithstanding any other provision of law, no person shall ~~cause any disruption~~ engage in any conduct that disrupts or impedes the conduct of a Council meeting, whether by loud, threatening, or obscene conduct, or otherwise. 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 Council President, be barred from further audience before the Council during that meeting. Any person having been ruled out of order by the Council President shall immediately conform to the orders of the Council President. 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 Council President.

Rule 3: DUTIES OF COUNCILMEMBERS

3.1. ~~Collective Concurrence~~ Non-Public Meetings 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 discuss, deliberate, or take action to be taken~~ on any item by of business within the members subject matter jurisdiction 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 by the Council or legally required, all ~~testimony~~ reports and comments shall be ~~taken~~ heard 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 COUNCIL PRESIDENT PRO TEM**

4.1. Title

The official title of the Council's presiding officer shall be Council President of the Council. The acting presiding officer's title shall be Council President Pro Tem.

4.2. Selection of the Council President

AIn odd-numbered years, at the first Monday Council meeting in December and in even-numbered years, at the first Council meeting held on or after the tenth day of December, the Council shall select a Council President from one of its members by majority vote of the Council. The Council President 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 Council President may serve more than one term.

4.3. Selection of the Council President Pro Tem

No later than the second meeting of the Council in January of each year, the Council President shall select a Council President Pro Tem, subject to confirmation by a majority of the Council.

The Council President Pro Tem shall perform all the duties of the

Council President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties. The Council 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 Council President Pro Tem may serve more than one term.

4.4. Removal of the Council President or Council President Pro Tem

At any time, the Council President or Council President Pro Tem may be removed by a majority vote of the Council. In the event of a vacancy in either the position of Council President or Council President Pro Tem, the Council shall fill that vacancy at the next regularly scheduled Council meeting and the successor shall serve for the remaining term of his or her predecessor.

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

In the absence of both the Council President and Council 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~~ meeting. Such office is terminated by the entrance of the Council President or Council 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~~meeting, notice must be given prior to the meeting at which such election is held. The Chair Pro Tem shall have the authority of the Council President in the absence of the Council President and the Council President Pro Tem. The procedures for electing the Chair Pro Tem are as follows:

- (a) The City Clerk calls the meeting to order, takes roll call, and takes up the item of electing a Chair Pro- Tem.
- (b) The City 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 City 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 per speaker).
- ~~(f) The Clerk will call for a vote on the main motion or where no motion has been made, a request for a motion.~~

(gf) When there is only one nomination, the nominee may be elected by majority vote ~~or general consent~~. The City Clerk will call for a vote on the main motion or, where no motion has been made, request a motion.

~~(g) When there is only one nomination, the nominee may be elected by majority vote or general consent.~~

(hg) If there are multiple nominations, the City 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 shall follow Council Policy 000-13 regarding how to fill a vacancy if the number of nominees is greater than the number of vacancies.

Rule 5: DUTIES OF THE COUNCIL PRESIDENT AND COUNCIL

PRESIDENT PRO TEM

5.1. City Charter Provisions

The Council 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 Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to perform his or her duties. When the Council President and Council President Pro Tem are absent or unable to vote, the City Clerk will call for a vote, per Rule 4.5.

5.2. Duties of the Council President

The duties of the Council President shall ~~be to~~ include:

- (a) Chair meetings of the Council and enforce the Rules of Council.
- (b) Call ~~S~~special meetings of the Council under Rule 1.
- (c) Manage the docketing process and identify which items should be docketed, placed on the consent agenda, or referred to committee.
- (d) Coordinate closed session dockets with the Mayor and City Attorney.
- (e) -Select the committee chairs and committee vice-chairs with approval by a Council majority.
- (f) Request information regarding matters before the Council.
- (g) Represent the Council at government and public functions.

(h) Make appointments, in required by law or other governing authority to be made by ~~confers them on the Council~~ President, in a timely manner.

In the event of a vacancy in the office of the Mayor, the Council President shall assume those duties of the Mayor prescribed in City Charter section 265(i).

Rule 6: STANDING AND SPECIAL COMMITTEES

6.1. Creation of Standing Committees

6.1.1. The Council hereby creates ~~six~~ seven standing committees as follows:

- (a) Committee on Economic Development and Intergovernmental Relations
- (b) Committee on Smart Growth and Land Use
- (c) Committee on the Environment
- (d) Committee on Public Safety and Livable Neighborhoods
- (e) Committee on Budget and Government Efficiency
and
- (f) Committee on Infrastructure, and
- (g) Committee on Rules

6.1.2. Each standing committee shall have the responsibility for certain subject matters as set forth in these Rules of Council. In addition, each committee shall have the following responsibility:

- (a) If requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to matters within the committee's responsibilities.
- (b) To ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to matters within the committee's responsibilities.
- (c) To hold hearings on matters referred to it.

6.1.3. Each standing committee shall develop an annual work plan and compile a year-end report to be presented to the Council at the end of each year. It is recommended that a committee's work plan be distributed and posted online by March 1 of each year and updated at the mid-year. A mission statement may be included in the work plan.

6.2. Committee Appointments and Membership

- 6.2.1.** For each committee, the Council President shall nominate the committee Chair, vice-chair, and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The Council President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.
- 6.2.2.** The term for each committee member shall be for one year and until a successor is duly appointed and confirmed. The one-year term is renewable each year.
- 6.2.3.** The Council President ~~of the Council~~, with Council approval, shall fill, within a reasonable time, any vacancies that may occur from time to time on any of the standing committees. A committee member appointed to fill a vacancy shall serve for the remainder of the term of his or her predecessor.

6.3. Committee Meetings

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 written notice, with a copy to each member of the committee personally or ~~in writing~~ by other means, at least ~~twenty-four~~ 24 hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at ~~such~~ the special meetings. No matter shall be considered at ~~such~~ the 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 and special issues committees~~ shall be open to the public except as otherwise provided for by state law and shall conform to the notice, posting, public comment, and public conduct, and other provisions as provided by these Rules of Council.

6.3.4. A Councilmember who is not a member of a committee made up of less than a quorum of the City Council shall not participate directly or indirectly in any meeting of that committee.

6.4. Committee Quorums and Attendance

6.4.1. A majority of the membership of ~~the~~ a 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~~ upon the loss of a quorum, continue all remaining matters to the next scheduled committee meeting.

(a) — 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 by the committee or Council, or legally required, all ~~testimony~~ reports and comments shall be ~~taken~~ heard 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 Council 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, Robert's Rules of Order shall ~~govern~~ guide 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~~ matter outside of a duly constituted committee meeting.

6.5.3. Before acting on any matter either originated by the standing committee or referred to it, ~~a~~ the standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal and operational impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee in a timely manner, per City Charter section 32.1.

6.5.4. The Mayor, ~~the~~ City Attorney, and ~~in~~ Independent department heads Budget Analyst, or their designees, ~~may~~ shall attend all committee meetings but shall have no vote therein. The Mayor, ~~the~~ City Attorney, Independent Budget Analyst, and the 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.

6.6. Committee Consultants and Legislative Staff

6.6.1. The Council President shall assign a Director of Legislative Affairs to assist with managing the Council docket process as provided in City Charter section 270(d).~~The committee chair for each standing committee shall assign a committee consultant to provide assistance to the committee and other related matters as deemed appropriate.~~

6.6.2. All committee consultants shall be subject to appointment and removal by the chairs of their respective committees. Committee consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chair, 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 any ~~resolution or ordinance~~ Request for Council Action when it is delivered to the Council President for listing on the Adoption Agenda.

~~**6.6.3.** All committee consultants shall cooperate fully in providing staff assistance to each standing committee during the authorized absence of any committee consultant.~~

6.6.43. Legislative analysts within the Office of the Independent Budget Analyst may be assigned to provide policy analysis and reports on legislation initiated by the Council, provide policy-related research and analysis on legislation initiated by the Mayor and independent departments, and conduct any special studies as requested by a majority of the Council.

6.6.54. Matters assigned to legislative analysts will be prioritized as follows: (1) the ~~City~~ Council, (2) the Council President, (3) ~~C~~committee ~~C~~chairs, and (4) individual Councilmembers.

6.6.5. Matters for which the Council or Councilmembers request legal analysis from the City Attorney will be prioritized by the City Attorney as follows: (1) the Council, (2) committees; (3) the Council President, (4) committee chairs, and (5) individual Councilmembers. Prioritization will be, subject to the City Attorney's duty under City Charter section 40 to provide legal services to all City departments and offices and California State Bar ethical duties. Requests for legal analysis from a committee or committee chair must pertain to a matter within the area of responsibility of the committee.

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~~ area of responsibilities 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~~ 72 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. If posted on the City's website, the record of committee actions shall clearly indicate it is a draft pending approval by the committee.

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. A Chair or a Committee Member shall have the right to present ideas to a committee for discussion and further development of the concept. Such ideas shall be ~~germane to~~ within the committee's area of responsibility and shall be scheduled pursuant to Rule 6.7.4.

6.9. Committee Hearings on Resolutions and Ordinances

6.9.1. A ~~resolution or ordinance~~ matter 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~~ Approve staff recommendation; or
- (b) ~~Adopt the resolution or adopt~~ Approve staff recommendation as amended;
- (c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members; provided, however that if the committee is made up of five members, present and voting, a majority vote is required.

6.9.2. A ~~resolution or ordinance~~ Request for Council Action ~~(Rule 7)~~ matter shall be deemed "held in committee" if:

- (1) the committee has not scheduled the item for hearing within 120 days of referral, or as otherwise specified; or
- (2) if the committee has not reported the ~~resolution or ordinance~~ Request for Council Action ~~matter~~ back to the Council within ~~thirty~~ 30 days of the first scheduled committee hearing on the item. The Council President or the Council by majority vote can cause a ~~resolution or ordinance~~ Request for Council Action ~~matter~~ which has

been "held in committee" to be placed on the Adoption Agenda of the Council docket as provided in accordance with the provision of Rule 2.3.32.

6.9.3. If the committee recommends that an ordinance be introduced ~~as amended at~~ or that a resolution be adopted ~~as amended by the Council~~, the originating official shall complete the necessary Request for Council Action. The City Attorney shall prepare the and attach to the approved Request for Council Action any necessary amendments and deliver the amended resolution or ordinance and/or versions to the Committee Chair and the Committee Chair originating official for inclusion in the Request for Council Action. The Committee Chair ordinances, resolutions, and digests. The originating official shall cause the resolution or ordinance, with the digest, to be delivered to the Council President or his/ or her designee for listing on the agenda of the a regular Council meetings.

6.9.4. ~~The City Clerk must list items so delivered to it on the Adoption Agenda.~~

6.9.4. ~~The City Clerk or the Ccommittee Cconsultant's Aassistant shall keep a complete record of the meetings and actions taken by the committee. When the committee takes action on a resolution or ordinance~~Request for Council

~~Action~~ matter, 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 that vote shall be included in the Request for Council Action so that it shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

6.10. Standing Committee Composition and Responsibilities

6.10.1. Committee on Economic Development and Intergovernmental Relations

- (a) The Committee on Economic Development and Intergovernmental Relations shall be composed of ~~five~~ four voting Councilmembers.
- (b) The Committee on Economic Development and Intergovernmental Relations shall have ~~responsibilities that include~~ the following areas of responsibility: Intergovernmental Relations, Airports, Port District, Interagency and Bi-National Agreements, Workforce Development, International Trade, Foreign Trade Zones, San Diego Regional Airport Authority, Civic San Diego, Port District, Educational Partnerships, City-wide Economic Development Programs and

~~Strategy, Enterprise Zones, International Trade,
Arts and Culture, Workforce Development,
Commercial Marketing Districts, Business
Improvement Districts, City Permits and
Regulations, Tourism Marketing District, San
Diego Convention Center Corporation, Economic
Development Strategy, Commercial Marketing
District, Educational Partnerships, Living Wage,
Foreign Trade Zones, Incentive Programs,
Regulatory Relief, Arts and Culture, and Open
Data, Civic San Diego, and Prevailing Wage.~~

6.10.2. Committee on Smart Growth and Land Use

- (a) The Committee on Smart Growth and Land Use shall be composed of four voting Councilmembers.
- (b) The committee shall have responsibilities that include the following areas of responsibility:
~~Planning, Land Use, Land Development Code,
General Plan Amendments, Community Plans,
Coastal Overlay Zone, Affordable Housing, General
Plan Amendments, Transportation Planning, Transit
Services, Parking Planning, Land Development
Code, Sale Municipal Airports, Real Estate Assets,
and Lease of Property, Walkability, Bicycle~~

Programs, Community Parking Districts, Historical
Issues/Mills Act, and ~~Community Plans~~ ADA
Compliance and Accessibility.

6.10.3. Committee on the Environment

- (a) The Committee on the Environment shall be composed of four voting Councilmembers.
- (b) The committee shall have ~~responsibilities that include the following areas of responsibility:~~ the Clean Water Program, Water Management and Policy, Energy (Solar, Property Assessed Clean Energy Programs, Green), Multiple Species Conservation Program, Solid Waste Disposal, Recycling, Air Quality Standards, Hazardous Waste, Regional Parks, Open Space, Public Utilities, Golf, Utility Undergrounding, Franchise Agreements, Stormwater Management and Policy, Climate Mitigation and Adaption Plan (CMAP), Wastewater Management and Policy, Independent Rates Oversight Committee, (Indirect Potable Reuse/Direct Potable Reuse, Recycled Water, Graywater, referred to as Pure Water), San Diego County Water Authority, ~~and~~ Wildlife Management, Environmental Services, and

Environmental Policy. The committee's
~~responsibility includes programmatic policy matters~~
~~related to water, wastewater, storm water, and~~
~~parks.~~

6.10.4. Committee on Public Safety and Livable

Neighborhoods

- (a) The Committee on Public Safety and Livable Neighborhoods shall be composed of four voting Councilmembers.
- (b) The committee shall have the ~~responsibilities that include~~ following areas of responsibility: Police, Fire, Neighborhood Parks, Recreation Programs, Lifeguards, Homeland Security, Emergency Medical Services, Gang Prevention and Intervention, Graffiti Abatement, Code Enforcement, Consumer Protection, Citizens Review Board on Police Practices, Homeless Services, Veterans Services, Youth Services, Senior Services, Volunteerism, Libraries, Special Event Permits, Maintenance Assessment Districts, and Community Development Block Grants, Code Enforcement, Graffiti Abatement, Parking Regulations and Enforcement, Lifeguards, Veterans

~~Services, Libraries, Homeless Services, Consumer Protection, Homeland Security, Volunteerism, Special Event Permits, and Emergency Medical Services.~~

6.10.5. Committee on Budget and Government Efficiency

- (a) The Committee on Budget and Government Efficiency shall be composed of ~~five~~ four voting Councilmembers.
- (b) The Committee shall have ~~responsibilities that include~~ the following areas of responsibility: the Annual Budget, Financial Reports, Fees, Performance Measures and Analytics, Corporate Partnerships and Development, Fleet Services, Risk Management, Information Technology, Enterprise Resource Management, Purchasing and Contracting, Equal Opportunity Contracting, Living Wage, Prevailing Wage, Managed Competition, Revenue, Management of City Office Space, Equal Opportunity Contracting, San Diego City Employees' Retirement System, Tourism Marketing District, Personnel, Civil Service, and Human Resources Issues.

6.10.6. Committee on Infrastructure

(a) The Committee on Infrastructure shall be composed of four voting Councilmembers.

(b) The Committee shall have ~~responsibilities that include~~ the following areas of responsibility:

Capital Improvement Program (CIP), Oversight of CIP Streamlining, ADA CIP Projects, Infrastructure Finance, Regional Transportation Improvement Program, Asset Management, Infrastructure Condition Assessment Monitoring and Implementation, Neighborhood Input on Infrastructure Needs and Priorities, Stormwater Infrastructure, Public Facilities Financing Plans, Development Impact Fees, Facilities Benefit Assessments, Wastewater Infrastructure, Water Infrastructure, City Facilities, Park Infrastructure, Multi-Year Capital Improvement Program Plan, ~~and~~ Transportation Infrastructure, and Public Works.

The committee's responsibility includes individual infrastructure projects related to water, wastewater, storm water, and parks, except for projects related to Pure Water, which shall be the responsibility of the Committee on the Environment.

**6.10.7. Additional Responsibilities of the Committee Chaired
by the Council President**

- (a) ~~The standing committee chaired by the Council President shall have additional responsibilities that include the Permanent Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Customer Service, Public Outreach, and Committee Composition and Responsibilities.~~
- (b) ~~The standing committee structure and assigned areas of responsibilities shall be reviewed by the committee chaired by the Council President every three years.~~
- (c) ~~At the discretion of the Council President, any of the above responsibilities may be assigned to the standing committee chaired by the Council President Pro Tem or other appropriate standing committee.~~

6.10.7 Committee on Rules

- (a) The Committee on Rules shall be composed of five voting Councilmembers. The Council President shall serve as chair and the Council President Pro Tem shall serve as vice chair.

~~(b) The committee shall meet as provided in the legislative calendar adopted by the Council or the Council President or, in his or her absence, the Council President Pro Tem or, in the absence of both, the Chair Pro Tem may call a meeting of the Rules Committee in accordance with California Government Code section 54954 or 54956.~~

~~(e) — The Committee shall have the following areas of responsibility: Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Communications, Customer Service, Public Outreach, Council-initiated matters as provided in Rule 7.1, and Committee Composition and Responsibilities.~~

~~(cd) The Committee on Rules shall review the standing committee structure and assigned areas of responsibility every three years.~~

6.11. Special Issues Committees: Composition and Responsibilities

6.11.1. Budget Review Committee

(a) The Budget Review Committee shall be composed of all members of the Council. The Council ~~President~~ chair of the Committee on Budget and

Government Efficiency shall serve as ~~C~~chair of this special ~~C~~committee and the Council President ~~Pro Tem~~ shall serve as ~~V~~vice-~~C~~ chair. If the Council President is Cchair, the Council President Pro Tem shall serve as Vvice-C chair.

- (b) ~~The Council President, chair~~ or, in his or her absence, the Council President ~~Pro Tem~~, or, in the absence of both, the ~~Chair~~ Council President Pro Tem ~~selected following the procedure in Rule 4.5,~~ may call a ~~special~~ meeting of the Budget Review Committee in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Budget Review Committee by a motion adopted by the Council at a regular meeting.
- (c) ~~This special e~~The Budget Review Committee shall have the responsibility to analyze, study, and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance, and the annual budgets of the San Diego Housing Commission, Civic San Diego, San Diego Convention Center Corporation, and the City of San

Diego, solely in its capacity as Successor Agency to the former Redevelopment Agency of the City of San Diego.

- (d) The committee shall have the further responsibility to review and evaluate the ~~tentative~~ proposed 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.
- ~~(f) During the annual budget review process, the Budget Review Committee may determine if available funding exists to establish a permanent standing "Special Issues Committee" to meet on an as-needed basis to address short term or special issues.~~

6.11.2. Committee of the Whole

- (a) The Committee of the Whole shall be composed of all members of the Council. The Council President shall serve as Chair and the Council President Pro Tem shall serve as ~~V~~ice-~~C~~hair.
- (b) The Council President or, in his or her absence, the Council President Pro Tem; or, in the absence of both, the Chair Pro Tem selected following the procedure in Rule 4.5, may call a ~~special~~-meeting of the Committee of the Whole in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Committee of the Whole by a motion adopted by the Council at a regular meeting.
- (c) This special issues committee shall have the responsibility to analyze, study, and evaluate a proposed resolution or ordinance, or to hold fact finding hearings, on any subject concerning City government that is beyond the scope of responsibility of any one standing committee or is adjudged by the Council President or Council to be more properly a concern of the entire Council.

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

Rule 7: PROCEDURES FOR ~~RESOLUTIONS AND~~

ORDINANCES REQUESTS FOR COUNCIL ACTION

7.1. Initiation of Resolutions and Ordinances Requests for Council Action 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 for matters within the jurisdiction of the Council. Committee requests for Council action must be germane to within the subject matter areas of responsibility properly considered by assigned to that committee. Requests for Council Action shall be placed on the Adoption Agenda unless referred to committee by the Council President matters. A referred If the Council President determines that a Request for Council Action initiated by a Councilmember who is not a member of the committee with assigned responsibility for the subject matter, should be referred to committee, then it shall be referred to the Rules Committee on Rules or the Committee of the Whole.

7.2. Initiation of Resolutions and Ordinances-Requests for Council Action by the City Attorney or the Mayor

7.2.1. Requests for Council ~~a~~ Action may be initiated by the City Attorney or Mayor, or any other independent department head for any matter ~~that is germane to~~ within his or her official duties as prescribed by law. ~~Resolutions or ordinances drafted in accordance with such r~~ Requests for Council Action shall be assigned by placed on the Adoption Agenda, unless first referred to committee by the Council President to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances ~~matters.~~

7.2.2. Any Request for Council Action that includes a resolution or ordinance on which action of the Council, is mandatory under any federal, state, or local law shall be placed on the Adoption Agenda by the City Clerk without further action of the Council President. Such matters include, but are not limited to, the following:

- (a) ~~-~~ Request for a change in zoning;
- (b) ~~—~~ Request for approval of a final map;
- (eb) An appeal from any administrative or quasi-judicial decision as permitted under the City Charter, state law, or ordinance of the City; and

(dc) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

~~Such resolution or ordinance shall be prepared and delivered by the City Attorney and a copy thereof shall be delivered by the City Attorney to the Council President for information.~~

7.3. Preparation of Resolution or Ordinance by the City Attorney

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 where required, showing any changes in the existing law which are proposed by the ~~resolution or ordinance~~ matter.

7.3.2. (a) 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 ~~m~~Mayor's inability to veto that measure within the body of that resolution or ordinance.

(b) The City Attorney will indicate within the body of the resolution or ordinance whether a two-thirds vote of the Council is required for its passage. Failure to indicate the two-thirds vote requirement will not invalidate a resolution or ordinance otherwise passed in accordance with law.

7.3.3. ~~The City Attorney shall then cause attach the completed document, with digest attached, to be delivered and digest, if required, to the official who originated the Request for Council Action. If more than one~~ The originating official signed is responsible for ensuring the completeness of documentation accompanying the Request for Council Action.

7.3.4. If changes are made to the resolution or ordinance after the Request for Council Action has been submitted, the City Attorney shall cause the completed document, provide a corrected copy of the resolution or ordinance digest attached, to be delivered with a strike-out or memorandum explaining the changes to the first signatory. It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance Council President for inclusion in backup information.

7.4. Delivery of Resolution or Ordinance to the Council President

~~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 7, to be ~~delivered~~ submitted to the Council President or his/her designee no later than 10:00 a.m. on Wednesday for ~~list~~placing 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~~ within a timely manner not to exceed 120 days or as soon as necessary to comply with any legal deadline.

~~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 meeting to be held, at the discretion of the President, the second or third week after receipt of the Request for Council Action.

7.5. Preparation of the Council Agenda (Docket Management)

~~7.5.1.~~ Only those ~~resolutions or ordinances~~ Requests for Council Action that have been prepared and ~~delivered~~ submitted in accordance with these Rules of Council shall be ~~list~~placed on the agenda. Each ~~resolution or ordinance~~ Requests for

Council Action so prepared and ~~so delivered~~ submitted shall be reviewed and ~~shall be assigned to~~ placed on the Adoption Agenda ~~to in~~ one of the categories enumerated below:

- (a) Consent Items;
- (b) -Noticed Hearings; or
- (c) Other Discussion and Legislative Items.

7.5.2. In assigning an ~~ordinance or resolution item~~ Request for Council Action to one of these categories, preference should be given to listing purchasing items and routine business ~~resolutions~~ as Consent Items on the Adoption Agenda.

7.5.3. ~~In assigning every other ordinance or resolution to one of these categories, it is preferable to refer it~~ It is the Council's preference that a Request for Council Action be referred 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.

7.6. Preparation and Delivery of the Regular Agenda to the City Clerk

7.6.1. The agenda prepared as described above and any items under Special Order of Business, together with all ~~resolutions and ordinances~~ Requests for Council Action prepared and delivered as required by Rule 7, shall be delivered by the Council President to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council as indicated by the Council President pursuant to Rule 7.4.1, but no sooner than the meeting to be held during the week following the next succeeding week ~~and the City Clerk shall so list the items~~. Additionally, any item may be set for a time certain hearing.

7.6.2. When preparing the docket, the Council President shall identify items to be placed on the ~~e~~Consent aAgenda, ~~n~~Noticed hHearing ~~a~~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 and which

items require a two-thirds vote. Failure to indicate either will not invalidate a resolution or ordinance otherwise passed in accordance with law.

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 ~~Wedne~~Thursday and shall be posted in accordance with California Government Code section 54954.3.

7.6.4. Notwithstanding the above provisions, there may be listed on the Adoption Agenda an ~~ordinance or resolution~~ Request for Council Action that has been initiated as required by Rules 7.1 and 7.2, but for which an ordinance or resolution has not been ~~prepared and delivered~~ provided in accordance with Rules 7.3 and 7.4, if the City Attorney ~~certifies in writing~~ provides written notification to the Council President 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.

7.7. Preparation and Delivery of the Supplemental Agenda to the City Clerk

7.7.1. Notwithstanding the above provisions, the Council, at a regular meeting, or the Council President may direct the City Clerk to list ~~A resolution or ordinance~~ an item on a supplemental agenda for the next regular Council meeting if the City Attorney ~~certifies~~ provides written notice 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.

7.7.2. Notwithstanding any other provision of these Rules of Council or the San Diego 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 as required by Rule 7.

7.7.3. 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 required by City Charter section 40.

7.8. Posting, Notice, and Items for Consideration

At least ~~seventy-two~~ 72 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~~ NOTICING AND

CONDUCT OF CLOSED SESSION

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).

8.1. Form and Manner of Notice

- (a) All closed session items shall appear on a Closed Session Agenda or Supplemental Closed Session Agenda, which agenda may be separate and distinct from the City Council’s regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the City Council, ~~which shall meet the 72-hour public noticing requirement per Rule 7.6.3.~~ A line item shall appear on the regular Council docket indicating that closed session items will be appearing on a separate Closed Session Agenda. ~~The closed session items will be appearing on a separate Closed Session Agenda.~~

The Closed Session Agenda shall clearly indicate the time and place that open session discussion of closed session items is scheduled to occur. The Closed Session Agenda shall ~~further~~ also indicate the time and place for the scheduled closed session ~~will occur~~.

- (b) All Closed Session Agenda items shall contain descriptions which can be easily understood and informative to the public in a meaningful way, unless to do so would harm the

City and public interest by disclosing facts that are not known to the adverse party in any litigation or negotiations. Meaningful means: clear and specific enough to alert a person of average intelligence and education whose interests are affected by the item that he or she may have a reason to attend the meeting or seek more information on the item. The description should be concise and written in plain, easily understood words.

- (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~~(e)~~.
 - (4) Conference with Real Property Negotiators: California Government Code section 54957.1(a)(1)54956.8.

- (5) Conference with Labor Negotiators: California
Government Code section 54957.6.
 - (6) Threat to Public Services or Facilities: California
Government Code section 54957(a).
 - (7) Public Employee Performance Evaluation:
California Government Code section 54957(b)(1).
 - (8) Public Employee Appointment: California
Government Code section 54957(b)(1).
 - (9) Public Employee Discipline/Dismissal/Release:
California Government Code section 54957(b)(1).
- (d) In open session, before public comment or Council discussion of any closed session item, the City Attorney or appropriate staff ~~shall~~ may provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining if requested by a member of the Council.

8.2. Public Participation

The public shall have the opportunity to directly address the Council on any closed session item on the agenda, prior to the Council ~~questions and discussion on the item and after the oral report by the City Attorney or appropriate staff~~ adjourning ~~into~~ convening in closed session.

8.3. Council Questions and Discussion in Open Session

At the regular or special meeting of the Council, the Mayor and Councilmembers shall have the opportunity to may discuss the basis for convening into closed session, ask questions, and respond to questions from the public.

8.4. Transcription of Closed Sessions

All closed sessions shall be transcribed by a court certified reporter. All transcripts shall be retained.

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 54956-87.1(a)(1).

(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 54956-97.1(a)(2).

- (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasi-judicial-proceeding (pending litigation):

California Government Code section
~~54956.97.1(a)(3).~~

- (4) Final disposition of any claim: California Government Code section 54957.1(a)(4).

- (45) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.1(a)(5).

- (56) 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 54957.1(a)(6).

- (b) Reports that are required to be made pursuant to this section may be made orally or in writing. The City shall provide to any person who has submitted a written request to the City within ~~twenty-four~~ 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to California Government Code

sections 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that an oral summation of the substance of the amendments has been made for the benefit of the document requester or any other person present and requesting the information.

- (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) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

8.6. Litigation Log

The City Attorney, in coordination with the City Clerk, shall provide the Council with a weekly listing of all litigation filed against or by the City of San Diego, its officers or employees, any

City boards, ~~redevelopment agencies,~~ and commissions (collectively “the City”) that has been served upon the City. The list shall include the court in which the case was filed, the name of the litigants, the date filed, and the ~~C~~ourt case number. A copy of the list shall be kept on file in the Office of the City Clerk and available for members of the public. The list shall be provided every week, and shall report on cases served the immediate preceding week.

Rule 9: TEMPORARY RULES

The Council President 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 r~~Rule of Council, it shall supersede such ~~permanent r~~Rule of Council only for the day on which it was adopted or for such greater period as may be specified in the temporary rule.

Rule 10: AMENDMENT OF PERMANENT RULES OF COUNCIL

No ~~Permanent~~ Rule of ~~the~~ Council shall be amended except by ordinance adopted by the Council. No such ordinance shall be considered by the Council until it has been referred to the standing ~~e~~Committee ~~chaired by the Council President~~ on Rules.

Rule 11: EXISTING PROCEDURES PRESERVED

The procedures of the Council contained in the Council Policy Manual shall be continued in full force and effect.

§22.0102 Publication of Ordinances or Resolutions

Within fifteen (15)-days after final passage of any ordinance or resolution of a general nature, the City Clerk shall cause the same to be published once in the "City Official Newspaper" as defined by Section 113 of the City Charter; provided, however, that when any ordinance or resolution is, by the City Charter, or by any general law, the provisions of which have been adopted by the City Charter, required to be published more than once, the City Clerk shall cause such ordinance or resolution to be published in the manner and as often as is so required.

PMD:ccm
December 14, 2015 REV.
December 1, 2015 COR. COPY
October 28, 2015
Or.Dept: CD-1
Doc. No.: 1159331_5