

ORDINANCE NUMBER O- 20765 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 06 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 22.0101, 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 section 22.0101 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 amending the order 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 2.2, Order of Business, to provide for Closed Session at 11:00 a.m. instead of 9:00 a.m.; and

WHEREAS, the City Council desires to amend Rule 2.8, Parliamentary Procedure, to address procedures when an item fails to receive a majority or supermajority vote required for action; and

WHEREAS, the City Council desires to amend Rule 2.10, Procedure for Debate, to address existing guidelines for public comment on agenda items; and

WHEREAS, the City Council desires to amend Rule 2.11, Procedure for Reconsideration, to eliminate reference to an inconsistent Council policy; and

WHEREAS, the City Council desires to amend Rule 7.2.2 to clarify procedures for docketing of certain matters by the City Clerk; and

WHEREAS, under San Diego Charter section 280(a)(1), this ordinance is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

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

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

§22.0101 Rules of the Council (Rules of Council)

Table of Contents

[No change in text.]

Rule 1: TIME AND PLACE OF MEETINGS

[No change in text.]

Rule 2: FOR COUNCIL MEETINGS

2.1. Agenda

[No change in text.]

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. through 8. [No change in text.]

Tuesday at 10:00 a.m.

1. through 6. [No change in text.]

7. Public Comment on Closed Session (must be heard prior to Closed Session)
8. Non-Agenda Public Comment (30 minutes)
9. Communications:
Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney Comment
10. Requests for Continuance by a Councilmember
11. Adoption Agenda

Tuesday at 11:00 a.m.

Closed Session

Tuesday at 2:00 p.m.

1. through 2. [No change in text.]
3. Communications (trailed from morning session)
4. Non-Agenda Items
5. Report Out from Closed Session
6. Adjournment

Night Meetings

[No change in text.]

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. [No change in text.]

2.4. through **2.5** [No change in text.]

2.6. Non-Agenda Public Comment

2.6.1. [No change in text.]

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

(c) Non-Agenda Public Comment during the Tuesday Council meeting is limited to 30 minutes during the morning session 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. through **2.6.4.** [No change in text.]

2.7. [No change in text.]

2.8. Parliamentary Procedure e

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

(d) Failure of an Item to Receive Sufficient Votes. The failure of a motion to obtain a majority or supermajority vote, as required, means no action has been taken; therefore, the

agenda item or staff recommendation is not yet approved or denied. The Chair shall call for alternative motions.

Alternative motions may include a motion to continue. If no further motions are passed, the Chair will close with the following results, except where otherwise provided by law:

- (1) If the matter is an appeal from a decision of a lower decision-making body, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed sustained.
- (2) If the matter is a quasi-judicial matter, which by statute or ordinance is under the original jurisdiction of the City Council, so that no lower decision has been made, then the matter is deemed denied.
- (3) For all other legislative or administrative matters, the matter is not approved.

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

[No change in text.]

2.10. Procedure for Debate

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

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

(c) Comment by members of the public regarding the item.

The general policy of the Council regarding public comment on an item on the Council's agenda is as follows: up to three minutes per person depending upon the number of speakers, plus time ceded by others who are present and have submitted speaker slips; the Chair may limit organized group presentations of five or more persons to 15 minutes or less, and may limit the total amount of time for speakers depending upon the number of speakers and to appropriately manage the docket.

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

2.11. through 2.13. [No change in text.]

Rule 3 through Rule 6 [No change in text.]

Rule 7: PROCEDURES FOR REQUESTS FOR COUNCIL ACTION

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

[No change in text.]

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

7.2.1. [No change in text.]

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) [No change in text.]
- (b) A decision or appeal on any administrative or quasi-judicial matter as permitted under the City Charter, state law, or ordinance of the City; and
- (c) [No change in text.]

7.3. Preparation of Resolution or Ordinance by the City Attorney

7.3.1. [No change in text.]

7.3.2. (a) [No change in text.]

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

7.3.3. through 7.3.4. [No change in text.]


7.4. through 7.8 [No change in text.]

Rule 8 through Rule 11 [No change in text.]

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
Chief Deputy City Attorney

PMD:ccm
October 6, 2016
Or.Dept: CD-1
Doc. No.: 1370679

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double 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 SECTION 22.0101, RELATING TO THE RULES
OF COUNCIL.

§22.0101 Rules of the Council (Rules of Council)

Table of Contents

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

Rule 1: TIME AND PLACE OF MEETINGS

[No change in text.]

Rule 2: FOR COUNCIL MEETINGS

2.1. Agenda

[No change in text.]

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. through 8. [No change in text.]

~~**Tuesday at 9:00 a.m.**~~

~~1. Public Comment on Closed Session~~

~~2.~~ Closed Session

Tuesday at 10:00 a.m.

1. through 6. [No change in text.]

7. Public Comment on Closed Session (must be heard prior to Closed Session)

~~8.~~ Non-Agenda Public Comment (30 minutes)

~~89.~~ Communications:

Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney Comment

~~910.~~ Requests for Continuance by a Councilmember

~~101.~~ Adoption Agenda

Tuesday at 11:00 a.m.

Closed Session

Tuesday at 2:00 p.m.

1. through 2. [No change in text.]

3. Communications (trailed from morning session)

~~4.~~ Non-Agenda Items

~~45.~~ Report Out from Closed Session

~~56.~~ Adjournment

Night Meetings

[No change in text.]

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. [No change in text.]

2.4. through 2.5 [No change in text.]

2.6. Non-Agenda Public Comment

2.6.1. [No change in text.]

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

(c) Non-Agenda Public Comment during the Tuesday Council meeting 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. through 2.6.4. [No change in text.]

2.7. [No change in text.]

2.8. Parliamentary Procedure

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

(d) Failure of an Item to Receive Sufficient Votes. The failure of a motion to obtain a majority or supermajority vote, as required, means no action has been taken; therefore, the agenda item or staff recommendation is not yet approved or denied. The Chair shall call for alternative motions.

Alternative motions may include a motion to continue. If no further motions are passed, the Chair will close with the following results, except where otherwise provided by law:

(1) If the matter is an appeal from a decision of a lower decision-making body, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed sustained.

(2) If the matter is a quasi-judicial matter, which by statute or ordinance is under the original jurisdiction of the City Council, so that no lower decision has been made, then the matter is deemed denied.

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2.9. Procedure for Referral to Committee or Assignment to Council

Docket

[No change in text.]

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:

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

2.11. through 2.13. [No change in text.]

Rule 3 through Rule 6 [No change in text.]

Rule 7: PROCEDURES FOR REQUESTS FOR COUNCIL ACTION

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

[No change in text.]

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

7.2.1. [No change in text.]

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) [No change in text.]

(b) An decision or appeal ~~from on~~ any administrative or quasi-judicial ~~decision-matter~~ as permitted under the City Charter, state law, or ordinance of the City; and

(c) [No change in text.]

7.3. Preparation of Resolution or Ordinance by the City Attorney

7.3.1. [No change in text.]

7.3.2. (a) [No change in text.]

(b) The City Attorney will indicate within the body of the resolution or ordinance whether a ~~two-thirds~~ supermajority vote of the Council is required for its passage. Failure to indicate the ~~two-thirds~~

supermajority vote requirement will not invalidate a resolution or ordinance otherwise passed in accordance with law.

7.3.3. through **7.3.4.** [No change in text.]

7.4. through **7.8** [No change in text.]

Rule 8 through **Rule 11** [No change in text.]

PMD:ccm
October 6, 2016
Or.Dept: CD-1
Doc. No.: 1370680

Passed by the Council of The City of San Diego on DEC 06 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"/>
District 3 - (Vacant)	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 06 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 Ginda Iruen, 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

NOV 15 2016, and on DEC 06 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 Ginda Iruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20765