

ORDINANCE NUMBER O- 21101 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 06 2019

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 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 San Diego Municipal Code section 22.0101; and

WHEREAS, on December 17, 2018, the City Council adopted San Diego Resolution R-312159 (Dec. 17, 2018), establishing a temporary rule amending Rules 6.1 and 6.10 relating to standing committees to: (1) change the name of the Committee on Infrastructure to the "Committee on Active Transportation and Infrastructure;" (2) change the name of the Committee on Smart Growth and Land Use to the "Committee on Land Use and Housing;" (3) transfer certain responsibilities of the Committee on Land Use and Housing to the Committee on Active Transportation and Infrastructure; and (4) add "permanent supportive housing" as an area of responsibility for the Committee on Land Use and Housing; and

WHEREAS, the City Council now desires to make the temporary rule a permanent rule; and

WHEREAS, the City Council further desires to amend Rule 6.1.3 to better coordinate adoption of annual work plans by the Council standing committees with the development of an annual Council work plan by the Council President; and

WHEREAS, the City Attorney has made clarifying edits to Rule 2.8, Parliamentary Procedure; Rule 2.10, Procedure for Debate; Rule 2.11, Procedure for Reconsideration;

Rules 3.2 and 3.3, regarding Councilmember vote requirements; Rule 6.8.2 regarding rights and duties of Committee members; and Rule 6.9.1 regarding matters reported out of Committee; 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 does not affect 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:

**Article 2: Administrative Code**

**Division 1: The Council**

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

**Table of Contents**

[No change in text.]

**Rule 1: TIME AND PLACE OF MEETINGS**

**1.1. through 1.6.** [No change in text.]

**Rule 2: FOR COUNCIL MEETINGS**

**2.1. through 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 permit 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) through (3) [No change in text.]

**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 (d) [No change in text.]

(e) Call for a vote on the motion or where no motion has been made, a request for a motion.

**2.11. Procedure for Reconsideration**

**2.11.1.** A Councilmember may move to reconsider any vote on any matter on the agenda, except a motion to adjourn and a motion to suspend the Rules of Council. The motion to reconsider must be made by a Councilmember who voted on the prevailing side on the prior vote on the matter.

- (a) 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.
- (b) If the matter was not a noticed hearing as described in Rule 2.4.4, the Council may approve a motion to reconsider by majority vote. If the motion to reconsider passes, the Council may re-vote on the matter at the same meeting.
- (c) In order to reconsider a matter that included a noticed hearing as described in Rule 2.4.4:
  - (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) A majority of the Council must approve the motion to reconsider.
  - (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

re-docketed as a Special Order of Business. Once the request to reconsider is docketed:

(a) In order to reconsider a matter that included a noticed hearing as described in Rule 2.4.4, the Council must first suspend these Rules of Council by a two-thirds vote of the Councilmembers before it may vote on the motion to reconsider.

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

2.11.3. [No change in text.]

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

### **Rule 3: DUTIES OF COUNCILMEMBERS**

3.1. **Non-Public Meetings Prohibited** [No change in text.]

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, when his or her own personal interests are involved and as otherwise required by law. (*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 should study and review applicable materials before

voting on any such matters. In the case of quasi-judicial matters, a Councilmember must review applicable materials before voting.

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

[No change in text.]

**Rule 4 through Rule 5.2.** [No change in text.]

**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) [No change in text.]

(b) Committee on Land Use and Housing

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

(f) Committee on Active Transportation and  
Infrastructure

(g) [No change in text.]

**6.1.2.** [No change in text.]

**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 posted online by February 1 of each year and updated at the mid-year. A mission statement may be included in the work plan. The Council President shall use the posted work plans to develop the annual

Council work plan to be presented at a Council meeting in  
March of each year.

**6.2. through 6.7.5.** [No change in text.]

**6.8. Rights and Duties of Committee Members**

**6.8.1.** [No change in text.]

**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, when his or her own personal interests are involved and as otherwise required by law.

**6.8.3.** [No change in text.]

**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's proposed action; or
- (b) Approve staff's proposed action, as amended; or
- (c) [No change in text.]

**6.9.2. through 6.9.4.** [No change in text.]

**6.10. Standing Committee Composition and Responsibilities**

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

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

**6.10.2. Committee on Land Use and Housing**

- (a) The Committee on Land Use and Housing 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, Permanent Supportive Housing, Real Estate Assets, and Historical Issues/Mills Act.

**6.10.3. through 6.10.5.** [No change in text.]

**6.10.6. Committee on Active Transportation and Infrastructure**

- (a) The Committee on Active Transportation and 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, Public Works, Transportation Planning, Transit Services, Parking, Community Parking Districts, Municipal Airports, Walkability, Bicycle Programs, and ADA Compliance and Accessibility. 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) through (c) [No change in text.]

**6.11. Special Issues Committees: Composition and Responsibilities**

**6.11.1. Budget Review Committee**

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

**6.11.2. Committee of the Whole**

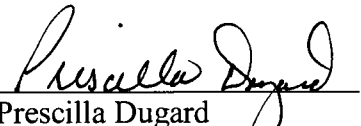
(a) through (d) [No change in text.]

**Rule 7 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: MARA W. ELLIOTT, City Attorney

By:   
Prescilla Dugard  
Senior Chief Deputy City Attorney

PMD:sc:jvg:cm;jvg  
05/20/2019  
07/25/2019 COR. COPY  
Or.Dept: Council  
Doc. No.: 1996932\_8

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE:** ~~Struck Out~~

**NEW LANGUAGE:** Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

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**Article 2: Administrative Code**

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[No change in text.]

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(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~~ permit 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:

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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:

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

(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. A Councilmember may move to reconsider any vote on any matter on the agenda, except a motion to adjourn and a motion to suspend the Rules of Council.~~ A Councilmember may move to reconsider any vote on any matter on the agenda, except a motion to adjourn and a motion to suspend the Rules of Council. 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.~~ 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.
- (b) If the matter was not a noticed hearing as described in Rule 2.4.4, the Council may approve a motion to reconsider by majority vote. If the motion to reconsider passes, the Council may re-vote on the matter at the same meeting.
- (bc) ~~If the~~ In order to reconsider a matter that was (or included) a noticed public hearing, as described in Rule 2.4.4 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) A majority of the Council must approve ~~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~~ In order to reconsider a matter that included a noticed public hearing as described in Rule 2.4.4 has been held, the Council must first suspend these Rules of Council by a two-thirds vote of the Councilmembers; ~~and then before~~ it may vote to on the motion to reconsider the matter.

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

**2.11.3.** [No change in text.]

**2.12. through 2.13.** [No change in text.]

**Rule 3: DUTIES OF COUNCILMEMBERS**

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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~~should study and review applicable materials ~~and tapes~~ before voting ~~thereafter~~ on any such matters. In the case of quasi-judicial matters, a Councilmember must review applicable materials before voting.

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Housing
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- (f) Committee on Active Transportation and  
Infrastructure
- (g) [No change in text.]

**6.1.2.** [No change in text.]

**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~~ February 1 of each year and updated at the mid-year. A mission statement may be included in the work plan. The Council President shall use the posted work plans to develop the annual Council work plan to be presented at a Council meeting in March of each year.

**6.2. through 6.7.5.** [No change in text.]

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**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's ~~recommendation~~ proposed action; or
- (b) Approve staff's ~~recommendation~~ proposed action, as amended; or
- (c) [No change in text.]

6.9.2. through 6.9.4. [No change in text.]

**6.10. Standing Committee Composition and Responsibilities**

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

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

**6.10.2. Committee on ~~Smart Growth and Land Use~~ and Housing**

- (a) The Committee on ~~Smart Growth and Land Use~~ and Housing shall be composed of four voting Councilmembers.
- (b) The ~~e~~Committee shall have the following areas of responsibility: Planning, Land Use, Land Development Code, General Plan, Community Plans, Coastal Overlay Zone, Affordable Housing,

~~Permanent Supportive Housing, Transportation Planning, Transit Services, Parking, Municipal Airports, Real Estate Assets, Walkability, Bicycle Programs, Community Parking Districts and Historical Issues/Mills Act, and ADA Compliance and Accessibility.~~

**6.10.3. through 6.10.5.** [No change in text.]

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- (a) The Committee on Active Transportation and 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,  
Transportation Planning, Transit Services, Parking,  
Community Parking Districts, Municipal Airports,  
Walkability, Bicycle Programs, and ADA  
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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  
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PMD:sc:jvg:cm:jvg  
05/20/2019  
07/25/2019 COR. COPY  
Or.Dept: Council  
Doc. No.: 1996909\_11

Passed by the Council of The City of San Diego on AUG 06 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 06 2019

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 Connie Patterson, 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

JUL 22 2019, and on AUG 06 2019

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 Connie Patterson, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21101</u></p>
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