

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 IS AMENDED BY REPEALING SUSPENDED SECTION 22.0101, BY RENUMBERING SECTION 22.0101.5 TO SECTION 22.0101, BY AMENDING RULE 1.2, BY AMENDING RULE 1.5 BY ADDING NEW SUBSECTIONS 1.5(a), (b), (c), AND (d); BY AMENDING RULES 2.1, 2.2, 2.3.1 THROUGH 2.3.3, AND 2.4.1 THROUGH 2.4.3; BY AMENDING THE TITLE FOR RULE 2.4.4; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.5; BY AMENDING THE TITLE OF RULE 2.6; BY AMENDING RULES 2.6.1 AND 2.6.4; BY AMENDING THE TITLE OF RULE 2.7; BY AMENDING THE TITLE AND BY AMENDING RULE 2.8; BY AMENDING RULE 2.9.1 BY AMENDING SUBSECTIONS 2.9.1(a), (b), AND (c), BY REPEALING SUBSECTION 2.9.1(d), AND RENUMBERING SUBSECTION 2.9.1(e) TO 2.9.1(d); BY AMENDING RULE 2.9.2; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.10 BY REPEALING SUBSECTION 2.10(c) AND RENUMBERING SUBSECTIONS 2.10(d) TO 2.10(c), 2.10(e) TO 2.10(d), AND 2.10(f) TO 2.10(e), BY AMENDING RULE 2.11.1 AND BY ADDING NEW SUBSECTIONS 2.11.1(a) AND (b), 2.11.1(b)(1), (b)(2), AND (b)(3); BY AMENDING RULE 2.11.2 AND BY ADDING NEW SUBSECTIONS 2.11.2 (a), (b), AND (c); BY AMENDING RULE 2.11.3; BY AMENDING RULES 2.12 AND 2.13, BY AMENDING RULES 3.1 THROUGH 3.4, AND 4.3; BY AMENDING THE TITLE OF RULE 5; BY AMENDING RULE 5.1, BY AMENDING THE TITLE OF RULE 6.2; BY AMENDING BY REPEALING RULE 6.3.1 AND BY RENUMBERING AND AMENDING RULE 6.3.2 TO 6.3.1 AND RULE 6.3.3 TO 6.3.2; BY AMENDING RULES 6.4.1 THROUGH 6.4.5 AND 6.5.1 THROUGH 6.5.4; BY AMENDING THE TITLE OF RULE 6.6; BY AMENDING RULES 6.6.1, 6.6.5, 6.7.1 THROUGH 6.7.5, 6.8.1, AND 6.8.2; BY AMENDING BY

REPEALING RULE 6.8.4; BY AMENDING THE TITLE OF RULE 6.9; BY AMENDING RULES 6.9.1, 6.9.3, 6.9.4, AND 6.10; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.11.1 BY REPEALING SUBSECTION 6.11.1(c); BY AMENDING THE TITLES OF AND BY AMENDING RULES 6.11.2 THROUGH 6.11.4; BY AMENDING RULE 6.11.5; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.12.1; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.12.2 BY ADDING NEW SUBSECTION 6.12.2(d); BY AMENDING RULE 7.1; BY AMENDING THE TITLES FOR RULES 7.2 AND 7.3; BY AMENDING RULES 7.3.1 THROUGH 7.3.3; BY AMENDING THE TITLE OF RULE 7.4; BY AMENDING RULES 7.4.1 AND 7.4.2; BY AMENDING THE TITLE FOR RULE 7.5; BY AMENDING RULE 7.5.1; BY AMENDING THE TITLE OF RULE 7.6; BY AMENDING RULES 7.6.2 AND 7.6.3; BY AMENDING THE TITLE OF RULE 7.7; BY AMENDING THE TITLES OF AND AMENDING RULES 7.8 AND 8; AND BY AMENDING RULE 8.1 BY AMENDING SUBSECTIONS 8.1(c) AND 8.1(c)(1), BY REPEALING SUBSECTIONS 8.1(c)(1)(A) THROUGH 8.1(c)(1)(D), AND 8.1(c)(2), BY RENUMBERING 8.1(c)(3) TO 8.1(c)(2), AND BY ADDING NEW SUBSECTIONS 8.1(c)(3), 8.1(c)(4), AND 8.1(c)(5), AND BY AMENDING RULE 8.5 BY REPEALING SUBSECTIONS 8.5(a)(1)(A) AND 8.5(a)(1)(B), 8.5(a)(3)(A), AND 8.5(a)(3)(B); AND BY AMENDING THE TITLES OF RULES 9, 10, AND 11 OF SECTION 22.0101.5 ALL RELATING TO THE PROCEDURE FOR COUNCIL MEETINGS.

**§22.0101.5 Permanent Rules of the Council**

**Rule 1: TIME AND PLACE OF MEETINGS (Former Rule 1)**

**1.1. Time**

[No change in text.]

**1.2. Time of Adjournment**

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

**1.3. Place**

[No change in text.]

**1.4. Change of Time and Place**

[No change in text.]

**1.5. Special Meetings and Notice**

~~A special meeting may be called at any time by the President or by a majority of the members of the Council.~~

~~The party calling the special meeting shall deliver personally or by mail written notice to each member of the Council and the Mayor, and to each local newspaper of general circulation, radio, or television station requesting notice in writing. Notice must be delivered personally or by mail at least twenty four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. Such special meetings shall be chaired by the President. Such written~~

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

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

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

**1.6. Emergency Meetings and Notice**

[No change in text.]

**Rule 2: PROCEDURE FOR COUNCIL MEETINGS**

**2.1. Agenda**

A single consolidated agenda covering the regular Council meeting each week shall be published and when possible made available on the City's website. ~~(Former Rule 1(b))~~

**2.2. Order of Business**

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

**Monday at 2:00 p.m.**

1 through 2 [No change in text.]

3. Communications

Mayor, Council, Independent Budget

Analyst, City Clerk, City Attorney

Comment

4. [No change in text.]

5. Adoption Agenda

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

(d) Noticed Hearings ~~(to be scheduled at various times throughout the day by the City Clerk based on the number of hearings and reasonable expectation of length)~~ and Special Hearings

6 through 9 [No change in text.]

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

1 [No change in text.]

**Tuesday at 10:00 a.m.**

1 through 2 [No change in text.]

~~3. Special Orders of Business~~

3. Proclamations/Ceremonial Items

4. Special Orders of Business

~~45. Consent Items~~

~~56. Non-agenda Public Comment (limited to three minutes)~~

~~67. Requests for Continuance~~

~~78. Adoption Agenda~~

(a) Noticed Hearings ~~(to be scheduled at various times throughout the day by the City Clerk based on the number~~

~~of hearings and reasonable~~  
~~expectation of length) and Special~~  
Hearings

(b) Unfinished Business from Monday

~~89.~~ Non-Agenda Items

~~9.~~ Adjournment

~~10.~~ Report Out from Closed Session

~~11.~~ Adjournment

### Night Meetings

[No change in text.]

### 2.3. Special Orders of Business

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

2.3.2. A Councilmember ~~has the privilege to~~ 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.

~~Such privilege~~ The request shall be exercised made by a Councilmember within ten days of the date of a committee's decision. A vote to hear the matter by the Council shall void any prior committee decision. The matter shall be considered de novo by the Council.

2.3.3. When a matter has been "held in committee" pursuant to Rule 65.9, the following rules shall apply:

- (a) [No change in text.]
- (b) The President must place on the agenda, under Special Orders of Business, the written request of a Councilmember to have the full Council vote on whether a matter, which has been "held in committee," may be placed on the Adoption Agenda.
- (c) The Council ~~can~~ may, by majority vote, cause a resolution or ordinance which has been "held in committee" to be placed on

the Adoption Agenda. ~~(Former Rule 17 (f)).~~

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. ~~(Former  
Rule 4)~~

2.3.4. [No change in text.]

**2.4. Adoption Agenda**

2.4.1. The Adoption Agenda shall consist of noticed  
hearings and ordinances and resolutions placed on  
the agenda for action by the Council.  
~~(Former Rule 6)~~

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.  
~~(Former Rule 4 (a))~~

2.4.3. Consent Agenda. ~~(Former Rule 6)~~

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

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

placed on the Consent Agenda. (~~Former  
Rule 30~~)

(e) [No change in text.]

**2.4.4. Noticed Hearings. (~~Former Rule 6~~)**

[No change in text.]

**2.5. Non-Agenda Items (~~Former Rule 30.2~~)**

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions pursuant to California Government Code section 54954.2 if:

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

The originating official shall ~~prepare a non-agenda item form (Form CM 1557) to accompany the form 1472 follow~~ the existing docketing process and indicate ~~thereon~~ 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.

**2.6. Non-Agenda Public Comment (~~Former Rule 8~~)**

**2.6.1.** Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within

the jurisdiction of the Council. Non-Agenda Public Comment shall be ~~Subject to the exercise of the President's discretion for a given agenda; Non-Agenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda.~~

2.6.2. [No change in text.]

2.6.3. [No change in text.]

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

**2.7. Communications Requests to Council (~~Former Rule 5~~)**

2.7.1. [No change in text.]

2.7.2. [No change in text.]

2.7.3. [No change in text.]

**2.8. Parliamentary Procedure (~~Former Rule 2~~)**

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

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

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

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

- (a) The President or the Council by majority vote shall have the authority to refer a resolution or ordinance to a standing committee or to the Committee of the Whole for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption. ~~(Former Rule 7)~~
- (b) The President or the Council by majority vote shall have the authority to refer matters,

other than resolutions or ordinances, to a standing committee for further study and consideration. ~~(Restatement of former Rules 7, 14, 22,)~~

(c) Matters assigned or referred to a standing committees shall be in keeping with the general areas of responsibility and the workload of each the committee. ~~(Former Rule 22)~~

(d) ~~Proposals regarding revenue and taxation shall be referred to the Budget Review Committee. Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis shall be referred to the Committee of the Whole. (Former Rule 24~~

(ed) Matters shall not be referred to more than one committee. Should a committee find that it does not have the jurisdiction to resolve the matter; it may be reassigned to another committee by the President or a majority of the Council.

2.9.2. The President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by ~~three committee members or the committee Chair having jurisdiction over the matter~~ 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.

(Former Rule 7)

**2.10. Procedure for Debate** ~~(Former Rule 9)~~

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.]

(e) ~~Questions by Council members regarding the item, limited to five minutes per person, with the right of any other member to yield all or a portion of such member's time to another member.~~

(dc) Testimony by members of the public regarding the item.

(ed) Questions and Discussion, by Council members regarding the item. The order of recognition of a Councilmember, the City Attorney, or the Independent Budget Analyst desiring to speak shall be determined by the President in accordance with the recognition light panel. Each Councilmember, the City Attorney, and the Independent Budget Analyst shall be allowed the opportunity to speak and shall be limited to five minutes per person. Each Councilmember has the right to obtain an additional three minutes upon request, with the further right of any other member to yield all or a portion of such member's time to another member. Motions by Councilmembers may be made at this time.

- (d) ~~Testimony by members of the public regarding the item.~~
- (e) ~~Discussion. The order of recognition of a Councilmember, the City Attorney, or the Independent Budget Analyst desiring to speak shall be determined by the President in accord 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 a maximum of three minutes with the right of any other Councilmember to yield all or a portion of such member's time to another member. Motions by Councilmembers may be made at this time.~~
- (fe) 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. ~~Robert's Rules notwithstanding, a~~A motion for reconsideration of any matter must be entertained on the same day that the matter was voted upon by the Council. ~~Where the matter has not been the subject of public testimony, 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. Where, under Council Policy 000-6, public testimony has been heard and the public testimony portion of the hearing has been closed, the Council must suspend the Permanent Rules of Council by a two-third vote, and, approve the motion to reconsider by majority vote, and, if such motion is approved, set a date to rehear the matter as a Special Order of Business/Matter of Reconsideration. (Rules 2 and 4)~~

(a) Where the matter has not been one on which a noticed public hearing has been held, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may re-vote on the matter that same day.

(b) Where the matter is one on which a noticed public hearing has been held, such as those under Council Policy 000-06:

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

(2) A motion to reconsider shall be approved by a majority vote of the Council.

(3) If a motion to reconsider is approved, set a date to rehear the matter.

2.11.2. Notwithstanding Rule 2.11.1, any matter for which  
A a motion for reconsideration made is requested at  
a date later than the same day the matter was voted  
upon must be processed and re-docketed by the  
Clerk under Special Orders of Business/Matters of  
Reconsideration. (Former Rule 2) Once the request  
is docketed:

(a) Where the matter is one on which a noticed  
public hearing has been held, the Council  
must first suspend these Permanent Rules of  
Council by a two- thirds vote of the  
Councilmembers before it may vote to direct  
the City Clerk to docket the request for  
reconsideration.

(b) A motion to reconsider shall be approved by  
a majority vote of the Council.

- (c) If a motion to reconsider is approved, set a date to rehear the matter, subject to other applicable noticing requirements.

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

**2.12. Suspension of Permanent Rules**

[No change in text.]

**2.13. Public Conduct**

[No change in text.]

**Rule 3: DUTIES OF COUNCILMEMBERS**

**3.1. Collective Concurrence Prohibited**

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited. (Former Rule 1 (h))

**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. ~~(Former Rule 13)~~ *(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. ~~(Former Rule 43)~~

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

On those matters where a full Council vote is deemed necessary, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full Council after absent members have had sufficient time for review of applicable material and tapes. ~~(Former Rule 13)~~

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

**4.1. Title**

[No change in text.]

**4.2. Selection of the President**

[No change in text.]

**4.3. Selection of the President Pro Tem**

No later than the second meeting of the Council in January of each year, the President shall select a President Pro Tem, subject to confirmation by a majority of the Council. The President Pro Tem shall perform all the duties of the President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties, or in the absence of both, the immediate past President. The President Pro Tem shall serve for a term of one year, ~~and until a successor is selected and qualified.~~ The position of President Pro Tem is ~~not subject to term limits.~~ commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The President Pro Tem may serve more than one term.

**4.4. Removal of President or President Pro Tem**

[No change in text.]

**Rules 5: DUTIES OF THE PRESIDENT AND PRESIDENT PRO TEM**

**5.1. City Charter Provisions**

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

**5.2. Duties of President**

[No change in text.]

**Rule 6: STANDING AND SPECIAL COMMITTEES**

**6.1. Creation of Standing Committees**

[No change in text.]

**6.2. Committee Appointments and Membership (~~Former Rule 13~~)**

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

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

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

**6.3. Committee Meetings**

~~6.3.1. The Rules Committee 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.  
(Former Rule 12)~~

**6.3.21.** The Chair, or a majority of the committee, may call a special meeting of the committee by giving appropriate notice, with a copy to each member of the Council personally or in writing twenty-four hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at such special meetings. No matter shall be considered at such special meeting other than that specified in the notice.  
(Former Rule 12)

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

public conduct provisions as provided by these  
Rules. ~~(Former Rule 12)~~

**6.4. Committee Quorums and Attendance**

**6.4.1.** A majority of the membership of the committee shall constitute a quorum for the transaction of business, including the decision to recommend the adoption of any amendments to a resolution or ordinance. A committee may not conduct business absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The Chair may, under such conditions, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report a resolution or ordinance, or any matter properly before it, out of committee. ~~(Former Rule 17(e))~~

**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. ~~(Former Rule 13)~~

6.4.3. On those matters where a full committee vote is deemed necessary, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full committee after absent members have had sufficient time for review of applicable material and tapes. (~~Former Rule 13~~)

6.4.4. When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the President is authorized to act as a voting member of that standing committee. (~~Former Rule 13~~)

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. (~~Former Rule 13~~)

**6.5. Conduct of Committee Business**

6.5.1. Except as provided in Robert's Rules of Order, the Permanent Rules of Council shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire

membership, such additional rules, not in conflict with the Permanent Rules of Council, as it may deem necessary for the conduct of committee business. (~~Former Rule 11~~)

6.5.2. No action shall be taken on any measure outside of a duly constituted committee meeting. (~~Former Rule 17 (k)~~)

6.5.3. Before acting on any matter referred to it, a standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee. (~~Former Rule 16~~)

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

committee meetings when requested to do so by a member of the committee. (~~Former Rule 171~~)

**6.6. Committee Consultants and Legislative Staff (~~Former Rule 15~~)**

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

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

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

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

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

**6.7. Duties of Committee Chairs**

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

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

6.7.3. The Chair may initiate matters within the subject matter of the committee. The Chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. An agenda for each committee meeting shall be delivered by the Chair or designee to the City Clerk or a Committee Consultant's Assistant ~~at a time sufficiently in advance for the purpose of public notice~~ at least seventy-two hours prior to the committee meeting.  
(Former Rule 17d)

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. ~~(Former Rule 14)~~

**6.7.5. ~~On the next business day~~ 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. ~~(Former Rule 17(j))~~

**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. ~~(Former Rule 13)~~

**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. ~~(Former Rule 13)~~

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

**6.8.4.** ~~A Councilmember shall have the privilege to cause the full Council to vote on whether or not a committee decision on any matter which has not been denied by all of the four members of the~~

~~committee should be set aside and the matter  
reheard by the entire Council as being one involving  
such wide community and public interest as  
requiring the attention of the Council itself. Such  
privilege shall be exercised by a Councilmember  
within ten days of the date of the 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.~~

~~(Former Rule 4a)~~

**6.9. Committee Hearings on Resolutions and Ordinances**

~~(Former Rule 17 (e))~~

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

- (a) ~~Introduce or introduce as amended (for ordinances)~~ the ordinance as amended; or
- (b) ~~Adopt or adopt as amended (for resolutions)~~ the resolution or adopt as amended ~~If the committee does report the resolution or ordinance back to the Council by making one of these recommendations, the committee may make the additional~~

~~recommendation that the resolution or ordinance be listed as a consent item on the Adoption Agenda portion of the Council agenda, and such recommendation shall cause the City Clerk to so list the resolution or ordinance. If the full committee votes favorably on the matter, the City Clerk shall automatically list it as a consent item, unless a noticed hearing by the Council is required or the Clerk is otherwise directed by the chair of the committee; or~~

(c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members.

6.9.2. [No change in text.]

6.9.3. If the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall ~~cause the amendments to be shown by interlineations and shall, if necessary, prepare an amended digest, attach it to the amended resolution or ordinance, the~~ necessary amendments and deliver both the amended resolution or ordinance to the Committee

Chair and the originating official for inclusion in the Request for Council Action. The Committee Chair shall cause the resolution or ordinance, with the digest, to be delivered to the President or his/her designee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.

If the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall ~~cause the amendments to be shown by interlineation and shall, if necessary, prepare an amended digest, attach it to the amended resolution or ordinance~~ prepare the necessary amendments and deliver ~~both~~ to the Committee Chair. The Committee Chair shall cause the resolution or ordinance, with attached digest, to be delivered to the President or his/her designee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.

**6.9.4.** The City Clerk or ~~his designee~~ the Committee Consultant's Assistant shall keep a complete record of the meetings and actions taken by the committee.

When the committee takes action on a resolution or ordinance, the vote shall be by roll call vote only.

All roll call votes shall be recorded by the City Clerk or the Committee Consultant's Assistant and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

**6.10. Special Rule with Respect to Appeals to Committees**

~~Various sections of the San Diego Municipal Code provide for appeals to the Committees of the Council established by these Rules. Upon a decision being rendered on appeal~~

Where a committee has been designated in the San Diego Municipal Code as an appellate body and a decision by such committee has been rendered, the Chair of the committee shall advise all interested ~~persons~~ parties of the provisions regarding reconsideration in Rule 2.11.

**6.11. Standing Committee Composition and Responsibilities**

**6.11.1. Committee on Rules, Open Government and Intergovernmental Relations ~~(Former Rule 18)~~**

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

(e) ~~There is a Select Committee on Governmental Efficiency and Fiscal Reform (Select Committee) which shall be a~~

~~subcommittee of the Rules Committee and shall consist of three members of the Rules Committee and such advisors as it shall appoint. The President Pro Tem shall chair this Select Committee which has the responsibility to oversee the implementation of the recommendations of the citizens' committee (known as Change 2) that were approved by the Council.~~

**6.11.2. Committee on Land Use and Housing (Former Rule 19)**

(a) [No change in text.]

(b) The committee shall have responsibilities that include Planning, Land Use, Affordable Housing, Development Services, General Plan Amendments, Subdivisions, Community Facility Finance, Engineering, Annexations, Transportation Planning, Transit Services, Parking, Building Code Inspection, Land Development Code, Utilities, Infrastructure Finance, sale and lease of property, and Housing Commission Quarterly Reports.

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

(e) The committee shall have the responsibility to hold hearings on matters referred to it ~~and to act upon them as soon as practicable.~~

**6.11.3. Committee on Natural Resources and Culture**

(Former Rule 19)

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

(e) The committee shall also have the responsibility to hold hearings on matters referred to it ~~and to act upon them as soon as practicable.~~

**6.11.4. Committee on Public Safety and Neighborhood**

**Services** (Former Rule 21)

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

(e) The committee shall also have the responsibility to hold hearings on matters referred to it ~~and to act upon them as soon as practicable.~~

**6.11.5. Committee on Budget and Finance**

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

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

referred to it ~~and to act upon them as soon as~~  
practicable.

## 6.12 Special Committee Composition and Responsibilities

### 6.12.1. Budget Review Committee

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

(d) The committee shall have the further responsibility to review and evaluate the tentative Capital Improvements Program. Proposals regarding revenue and taxation shall be referred to the Budget Review Committee.

(e) Annual budget review meetings shall be set in accordance with California Government Code section 54954, during 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.

### 6.12.2 Committee of the Whole (~~Former Rule 24~~)

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

(d) Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis

shall be referred to the Committee of the  
Whole.

**Rule7: PROCEDURES FOR RESOLUTIONS AND ORDINANCES**

**7.1. Initiation of Resolutions and Ordinances by  
Councilmembers and Committees**

Any member of the Council or a Council committee may initiate a resolution or ordinance by a Request for Council Action (~~Form 1472~~). Committee requests for Council action must be germane to the subject matter properly considered by that committee. (~~Consolidation of Rules 25 and 26~~)

**7.2. Initiation of Resolutions and Ordinances by the City  
Attorney or the Mayor (~~Former Rule 27~~)**

7.2.1. [No change in text.]

7.2.2. [No change in text.]

**7.3. Preparation of Resolution or Ordinance by City  
Attorney (~~Former Rule 28~~)**

7.3.1. Upon receiving a properly initiated Request for Council Action (~~Form 1472~~), the City Attorney shall prepare a resolution or ordinance as requested and shall affix a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a

digest showing any changes in the existing law  
which are proposed by the resolution or ordinance.

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

7.3.3. The City Attorney shall then cause the completed  
document, with digest attached, to be delivered to  
the official who originated the ~~Form 1472~~ Request  
for Council Action. If more than one official signed  
the ~~form 1472~~ Request for Council Action, the City  
Attorney shall cause the completed document, with  
digest attached, to be delivered to the first signatory.  
It will be the responsibility of the originating  
official to ensure the completeness of  
documentation accompanying the resolution or  
ordinance.

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

**President (~~Former Rule 29~~)**

7.4.1. The official who originated the ~~Form 1472~~Request for Council Action shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with this Rule, to be delivered to the President or his/her designee no later than 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meeting to be held, at the discretion of the President, the second or third week after receipt of the ~~1472~~Request for Council Action.

7.4.2. Ordinances or resolutions that are reported out of committee in accordance with Rule 6.9 shall be delivered to the President or his/her designee by the Committee Chair by 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meetings to be held, at the discretion of the President, the second or third week after receipt of the ~~1472~~Request for Council Action.

**7.5. Preparation of the Council Agenda (Docket Management) (~~Former Rule 30~~)**

7.5.1. Only those resolutions or ordinances that have been prepared and delivered in accordance with ~~this~~ these Rules shall be listed on the agenda. Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

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

7.5.2. [No change in text.]

7.5.3. [No change in text.]

**7.6. Preparation and Delivery of Regular Agenda to Clerk (~~Former Rule 30~~)**

7.6.1. [No change in text.]

7.6.2. When preparing the docket, the ~~City Clerk~~ 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 also indicate on the agenda which ordinances, resolutions and other matters are not subject to mayoral veto. (~~City Charter mandate~~)

7.6.3. The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 10:00 a.m. each Wednesday preceding the regular meetings of the Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Wednesday and shall be posted by 2:00 p.m. each Friday preceding the regular meetings of the full Council to be held the following week in accordance with California Government Code section 54954.3, as may be amended.

7.6.4. [No change in text.]

**7.7. Preparation and Delivery of Supplemental Agenda to Clerk (Former Rule 30)**

7.7.1. [No change in text.]

7.7.2. [No change in text.]

7.7.3. [No change in text.]

**7.8. Posting, Notice and Items for Consideration (Former Rule 30.1)**

At least seventy-two hours before the regularly scheduled meetings of the Council the City Clerk shall post the agenda for same containing 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 regular 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 7.92.5.

**Rule 8: Noticing and Conduct of Closed Sessions** (Former Rule 30.1)

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" (~~Cal. Gov't~~ California Government Code § section 54950-54963).

**8.1. Form and Manner of Notice**

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

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

(1) Significant Exposure to Litigation:

California Government Code

section 54956(b)

~~When a closed session is scheduled under the heading significant exposure to litigation —unless the facts and circumstances~~

creating the threat of litigation are not yet known to the likely plaintiffs, such facts and circumstances must be made known to the public. Supplemental oral or written announcements shall be made in the following circumstances:

- (A) There has been no communication yet from the foreseeable plaintiffs but the City is aware of circumstances likely to prompt a litigation threat—for example, an accident, disaster, incident, or transactional dispute; in such instances the circumstances shall be stated on the agenda known at the time of its 72-hour advance posting or announced prior to the closed session if not.
- (B) If a claim or some other written threat of litigation has been received, the document is a public record and a copy shall be attached to the agenda if known at the time of its 72-hour

~~advance posting or announced and distributed to those requesting a copy prior to the closed session if not.~~

~~(C) When the closed session is deemed to be justified by a litigation threat made in an open and public meeting, reference to the statement shall be publicly stated on the agenda if known at the time of its 72-hour advance posting or announced prior to the closed session if not.~~

~~(D) When an oral threat of litigation is made outside a meeting, it may not be made the basis of a closed session unless the official who heard it has made a memo explaining what was stated and by whom. A copy of the memo shall be attached to the agenda if the threat is known at the time of its 72-hour advance posting or announced and distributed prior to the closed session if not.~~

(2) ~~Conference with Real Property Negotiators~~

~~Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation) Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)~~

~~Negotiating parties: (Specify name of party (not agent)) Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)~~

(3) ~~Conference with Legal Counsel – Existing~~

~~Litigation: California Government Code section 54956.9(a)~~

~~Name of case: (Specify by reference to claimant's name, names of parties, case, or claim numbers) Or Case name unspecified: (Specify whether disclosure would~~

~~jeopardize service of process or existing  
settlement negotiations.)~~

(3) Conference with Legal Counsel – Initiation  
of Litigation: California Government Code  
section 54956.9(c).

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

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

(d) [No change in text.]

**8.2. Public Participation**

[No change in text.]

**8.3. Council questions and discussion in Open Session**

[No change in text]

**8.4. Transcription of Closed Sessions**

[No change in text.]

**8.5. Reporting of Closed Session Results in Open Session**

(a) After every closed session, if a public report ~~of any  
final action taken in closed session~~ 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 as follows in  
accordance with the following requirements, as may  
be amended:

(1) Approval of an agreement concluding real  
estate negotiations pursuant to California  
Government Code section 54956.8 shall be  
reported after the agreement is final as  
specified below:

(A) If the Council's own approval  
renders the agreement final, it shall  
report that approval and the  
substance of the agreement in open  
session at the public meeting during  
which the closed session is held.

(B) If final approval rests with the other  
party to the negotiations, the local  
agency shall disclose the fact of that  
approval and the substance of the  
agreement upon inquiry by any  
person, as soon as the other party or  
its agent has informed the local  
agency of its approval.

- (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 ~~under~~ California Government Code section 54956.9 ~~shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to~~

~~conclude existing settlement negotiations to its advantage.~~

- (3) Approval given to its legal counsel of a settlement of ~~pending~~ litigation ~~as defined in~~ at any stage prior to or during a judicial or quasijudicial proceeding (pending litigation); California Government Code section 54956.9, ~~at any stage prior to or during a judicial or quasijudicial proceeding shall be reported after the settlement is final,~~ as specified below:

- (A) ~~If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.~~
- (B) ~~If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local~~

~~agency shall disclose the fact of that approval, and identify the substance of the agreement.~~

- (4) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to California Government Code section 54957 ~~shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.~~
- (5) Approval of an agreement concluding labor negotiations with represented employees which is a final and has been accepted or ratified by the other party pursuant to:  
California Government Code

~~section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.~~

(b) [No change in text.]

(c) The documentation referred to in ~~paragraph (2)~~ Rule 8.5(b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) [No change in text.]

**8.6. Litigation Log**

[No change in text.]

**Rule 9: TEMPORARY RULES (Former Rule 31)**

[No change in text.]

**Rule 10: AMENDMENT OF PERMANENT RULES (Former Rule 33)**

[No change in text.]

**Rule 11: EXISTING PROCEDURES PRESERVED (Former Rule 34)**

[No change in text.]

MJL:jab  
5/09/2011  
Or.Dept: Atty/Clerk



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

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE IS AMENDED BY REPEALING SUSPENDED SECTION 22.0101, BY RENUMBERING SECTION 22.0101.5 TO SECTION 22.0101; BY AMENDING RULE 1.2, BY AMENDING RULE 1.5 BY ADDING NEW SUBSECTIONS 1.5(a), (b), (c), AND (d); BY AMENDING RULES 2.1, 2.2, 2.3.1 THROUGH 2.3.3, AND 2.4.1 THROUGH 2.4.3; BY AMENDING THE TITLE FOR RULE 2.4.4; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.5; BY AMENDING THE TITLE OF RULE 2.6; BY AMENDING RULES 2.6.1 AND 2.6.4; BY AMENDING THE TITLE OF RULE 2.7; BY AMENDING THE TITLE AND BY AMENDING RULE 2.8; BY AMENDING RULE 2.9.1 BY AMENDING SUBSECTIONS 2.9.1(a), (b), AND (c), BY REPEALING SUBSECTION 2.9.1(d), AND RENUMBERING SUBSECTION 2.9.1(e) TO 2.9.1(d); BY AMENDING RULE 2.9.2; BY AMENDING THE TITLE OF AND BY AMENDING RULE 2.10 BY REPEALING SUBSECTION 2.10(c) AND RENUMBERING SUBSECTIONS 2.10(d) TO 2.10(c), 2.10(e) TO 2.10(d), AND 2.10(f) TO 2.10(e), BY AMENDING RULE 2.11.1 AND BY ADDING NEW SUBSECTIONS 2.11.1(a) AND (b), 2.11.1(b)(1), (b)(2), AND (b)(3); BY AMENDING RULE 2.11.2 AND BY ADDING NEW SUBSECTIONS 2.11.2 (a), (b), AND (c); BY AMENDING RULE 2.11.3; BY AMENDING RULES 2.12 AND 2.13, BY AMENDING RULES 3.1 THROUGH 3.4, AND 4.3; BY AMENDING THE TITLE OF RULE 5; BY AMENDING RULE 5.1, BY AMENDING THE TITLE OF RULE 6.2; BY AMENDING BY REPEALING RULE 6.3.1 AND BY RENUMBERING AND AMENDING RULE 6.3.2 TO 6.3.1 AND RULE 6.3.3 TO 6.3.2; BY AMENDING RULES 6.4.1 THROUGH 6.4.5 AND 6.5.1 THROUGH 6.5.4; BY AMENDING THE TITLE OF RULE 6.6; BY AMENDING RULES 6.6.1, 6.6.5, 6.7.1 THROUGH 6.7.5, 6.8.1, AND 6.8.2; BY AMENDING BY REPEALING RULE 6.8.4; BY AMENDING THE TITLE OF RULE 6.9; BY AMENDING RULES 6.9.1, 6.9.3, 6.9.4, AND 6.10; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.11.1 BY REPEALING SUBSECTION 6.11.1(c); BY AMENDING THE TITLES OF AND BY AMENDING

RULES 6.11.2 THROUGH 6.11.4; BY AMENDING RULE 6.11.5; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.12.1; BY AMENDING THE TITLE OF AND BY AMENDING RULE 6.12.2 BY ADDING NEW SUBSECTION 6.12.2(d); BY AMENDING RULE 7.1; BY AMENDING THE TITLES FOR RULES 7.2 AND 7.3; BY AMENDING RULES 7.3.1 THROUGH 7.3.3; BY AMENDING THE TITLE OF RULE 7.4; BY AMENDING RULES 7.4.1 AND 7.4.2; BY AMENDING THE TITLE FOR RULE 7.5; BY AMENDING RULE 7.5.1; BY AMENDING THE TITLE OF RULE 7.6; BY AMENDING RULES 7.6.2 AND 7.6.3; BY AMENDING THE TITLE OF RULE 7.7; BY AMENDING THE TITLES OF AND AMENDING RULES 7.8 AND 8; AND BY AMENDING RULE 8.1 BY AMENDING SUBSECTIONS 8.1(c) AND 8.1(c)(1), BY REPEALING SUBSECTIONS 8.1(c)(1)(A) THROUGH 8.1(c)(1)(D) AND 8.1(c)(2), BY RENUMBERING 8.1(c)(3) TO 8.1(c)(2), AND BY ADDING NEW SUBSECTIONS 8.1(c)(3), 8.1(c)(4), AND 8.1(c)(5), AND BY AMENDING RULE 8.5 BY REPEALING SUBSECTIONS 8.5(a)(1)(A) AND 8.5(a)(1)(B), 8.5(a)(3)(A), AND 8.5(a)(3)(B); AND BY AMENDING THE TITLES OF RULES 9, 10, AND 11 OF SECTION 22.0101.5 ALL RELATING TO THE PROCEDURE FOR COUNCIL MEETINGS.

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

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

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

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

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

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

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

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

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

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

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

Section 3. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 1.2 of section 22.0101, to read as follows:

**§22.0101 Permanent Rules of the Council**

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

**1.1. Time**

[No change in text.]

**1.2. Time of Adjournment**

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

**1.3. Place**

[No change in text.]

**1.4. Change of Time and Place**

[No change in text.]

Section 4. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 1.5 by adding new subsections 1.5(a), (b), (c), and (d) of section 22.0101 to read as follows:

**1.5. Special Meetings and Notice**

- (a) A special meeting may be called at any time by the President or by a majority of the members of the Council. The party calling the special meeting shall deliver personally or by mail written notice to each

member of the Council and the Mayor, and to each local newspaper of general circulation, radio, or television station requesting notice in writing.

- (b) Notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.
- (c) No other business shall be considered at such meetings by the Council. Such special meetings shall be chaired by the President.
- (d) Such written notice may be dispensed with as to any member who at, or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

**1.6. Emergency Meetings and Notice**

[No change in text.]

Section 5. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 2.1, 2.2, 2.3.1 through 2.3.3, and 2.4.1 through 2.4.3 of section 22.0101 to read as follows:

**Rule 2: PROCEDURE FOR COUNCIL MEETINGS**

**2.1. Agenda**

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

**2.2. Order of Business**

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

**Monday at 2:00 p.m.**

1 through 2 [No change in text.]

3. Communications

Mayor, Council, Independent Budget

Analyst, City Clerk, City Attorney

Comment

4. [No change in text.]

5. Adoption Agenda

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

(d) Noticed Hearings -and Special  
Hearings

6 through 9 [No change in text.]

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

1 [No change in text.]

**Tuesday at 10:00 a.m.**

1 through 2 [No change in text.]

3. Proclamations/Ceremonial Items
4. Special Orders of Business
5. Consent Items
6. Non-agenda Public Comment (limited to three minutes)
7. Requests for Continuance
8. Adoption Agenda
  - (a) Noticed Hearings and Special Hearings
  - (b) Unfinished Business from Monday
9. Non-Agenda Items
10. Report Out from Closed Session
11. Adjournment

**Night Meetings**

[No change in text.]

**2.3. Special Orders of Business**

- 2.3.1. Requests to have an item placed on the agenda, under Special Orders of Business may be initiated by any Councilmember and must be submitted in

writing to the President. The President shall review such requests and may direct the City Clerk to list the item on the agenda under Special Orders of Business.

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

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

(a) [No change in text.]

- (b) The President must place on the agenda, under Special Orders of Business, the written request of a Councilmember to have the full Council vote on whether a matter, which has been “held in committee,” may be placed on the Adoption Agenda.
- (c) The Council may, by majority vote, cause a resolution or ordinance which has been “held in committee” to be placed on the Adoption Agenda. A Council majority vote to hear a matter “held in committee” shall void any prior committee decision. The matter shall be considered de novo by the Council.

2.3.4. [No change in text.]

## **2.4. Adoption Agenda**

- 2.4.1. The Adoption Agenda shall consist of noticed hearings and ordinances and resolutions placed on the agenda for action by the Council.
- 2.4.2. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda in a timely manner.

**2.4.3. Consent Agenda.**

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

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

(e) [No change in text.]

Section 6. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.4.4 of section 22.0101 to read as follows:

**2.4.4. Noticed Hearings.**

[No change in text.]

Section 7. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.5 of section 22.0101 to read as follows:

**2.5. Non-Agenda Items**

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions pursuant to California

Government Code section 54954.2 if:

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

The originating official shall follow the existing docketing process and indicate the reason for the request. The

Council shall be required to first vote upon the matter of determining the validity of the circumstances giving rise to the request prior to discussion and action upon the item of business.

Section 8. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.6 of section 22.0101 to read as follows:

**2.6. Non-Agenda Public Comment**

Section 9. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 2.6.1 and 2.6.4 of section 22.0101 to read as follows:

**2.6.1.** Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the President's discretion for a given agenda.

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

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

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

Section 10. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 2.7 of section 22.0101 to read as follows:

**2.7. Communications Requests to Council**

Section 11. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.8 of section 22.0101 to read as follows:

**2.8. Parliamentary Procedure**

In all cases not provided by these Rules, or other ordinance or resolution, Robert's Rules of Order Newly Revised will be used as a guide to the Council's conduct. Robert's Rules of Order notwithstanding, a "majority" of Councilmembers means five Councilmembers. A "majority vote" means the affirmative vote of five Councilmembers. A "two-thirds vote" means the affirmative vote of six Councilmembers. For committee meeting purposes, "majority" means 50 percent of the members appointed to a committee plus one and "majority vote" means the affirmative vote of 50 percent plus one of the members appointed to a committee.

Section 12. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.9.1 by amending subsections 2.9.1(a), (b), and (c), and by repealing subsection 2.9.1(d), and renumbering subsection 2.9.1(e) to 2.9.1(d) of section 22.0101 to read as follows:

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

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

- (a) The President or the Council by majority vote shall have the authority to refer a resolution or ordinance to a standing committee or to the Committee of the Whole for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption.
- (b) The President or the Council by majority vote shall have the authority to refer matters, other than resolutions or ordinances, to a standing committee for further study and consideration.
- (c) Matters assigned or referred to a standing committees shall be in keeping with the general areas of responsibility and the workload of the committee.
- (d) Matters shall not be referred to more than one committee. Should a committee find

that it does not have the jurisdiction to resolve the matter; it may be reassigned to another committee by the President or a majority of the Council.

Section 13. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending 2.9.2 of section 22.0101 to read as follows:

**2.9.2.** The President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by any Councilmember, subject to a vote of the Council majority or by unanimous consent. This matter shall be scheduled for hearing at a regular meeting of that committee within 120 days unless otherwise directed in the assignment process.

Section 14. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rule 2.10 by repealing subsection 2.10(c) and renumbering subsections 2.10(d) to 2.10(c), 2.10(e) to 2.10(d), and 2.10(f) to 2.10(e) of section 22.0101 to read as follows:

**2.10. Procedure for Debate**

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

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

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

(d) Questions and Discussion. The order of recognition of a Councilmember, the City Attorney, or the Independent Budget Analyst desiring to speak shall be determined by the President in accordance with the recognition light panel. Each Councilmember, the City Attorney, and the Independent Budget Analyst shall be allowed the opportunity to speak and shall be limited to five minutes per person. Each Councilmember has the right to obtain an additional three minutes upon request, with the further right of any other member to yield all or a

portion of such member's time to another member.

Motions by Councilmembers may be made at this time.

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

Section 15. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.1 and by adding new subsections 2.11.1(a) and (b), 2.11.1(b)(1), (b)(2), and (b)(3) of section 22.0101 to read as follows:

**2.11. Procedure for Reconsideration**

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

- (a) Where the matter has not been one on which a noticed public hearing has been held, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may re-vote on the matter that same day.
- (b) Where the matter is one on which a noticed public hearing has been held, such as those under Council Policy 000-06:
  - (1) the Council must first suspend these Permanent Rules of Council by a

two- thirds vote before it may vote  
on the request for reconsideration.

(2) A motion to reconsider shall be  
approved by a majority vote of the  
Council.

(3) If a motion to reconsider is  
approved, set a date to rehear the  
matter.

Section 16. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.2 and by adding new subsections 2.11.2 (a), (b), and (c) of section 22.0101 to read as follows:

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

(a) Where the matter is one on which a noticed public hearing has been held, the Council must first suspend these Permanent Rules of Council by a two- thirds vote of the Councilmembers before it may vote to direct the City Clerk to docket the request for reconsideration.

- (b) A motion to reconsider shall be approved by a majority vote of the Council.
- (c) If a motion to reconsider is approved, set a date to rehear the matter, subject to other applicable noticing requirements.

Section 17. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 2.11.3 of section 22.0101 to read as follows:

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

Section 18. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of Rules 2.12 and 2.13 of section 22.0101 to read as follows:

**2.12. Suspension of Permanent Rules**

[No change in text.]

**2.13. Public Conduct**

[No change in text.]

Section 19. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 3.1 through 3.4 and 4.3 of section 22.0101 to read as follows:

**Rule 3: DUTIES OF COUNCILMEMBERS**

**3.1. Collective Concurrence Prohibited**

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

**3.2. Requirement to Vote on Matters Not Involving Personal Interests**

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

**3.3. Voting After Absence from Council Meeting**

Council business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a Council meeting shall be required to study and

review applicable material and tapes before voting thereafter on any such matters.

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

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

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

**4.1. Title**

[No change in text.]

**4.2. Selection of the President**

[No change in text.]

**4.3. Selection of the President Pro Tem**

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

President. The President ProTem shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later.

The President Pro Tem may serve more than one term.

**4.4. Removal of President or President Pro Tem**

[No change in text.]

Section 20. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 5 of section 22.0101 to read as follows:

**Rule 5: DUTIES OF THE PRESIDENT AND PRESIDENT PRO TEM**

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

**5.1. City Charter Provisions**

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

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

**6.2. Committee Appointments and Membership**

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

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

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

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

**6.4. Committee Quorums and Attendance**

**6.4.1.** A majority of the membership of the committee shall constitute a quorum for the transaction of business. A committee may not conduct business absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The Chair may, under such conditions, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report a resolution or ordinance, or any matter properly before it, out of committee.

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

**6.4.3.** On those matters where a full committee vote is deemed necessary, all testimony shall be taken as

expeditiously as possible with a quorum present.

The actual vote will be taken by the full committee after absent members have had sufficient time for review of applicable material and tapes.

**6.4.4.** When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the President is authorized to act as a voting member of that standing committee.

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

**6.5. Conduct of Committee Business**

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

- 6.5.2. No action shall be taken on any measure outside of a duly constituted committee meeting.
- 6.5.3. Before acting on any matter referred to it, a standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee.
- 6.5.4. The Mayor, the City Attorney, and independent department heads, or their designees, may attend all committee meetings but shall have no vote therein. The Mayor, the City Attorney, and independent department heads, or their designees, shall have the right to take part in discussions on matters properly before a committee relating to their respective offices, and may participate in discussions in such committee meetings when requested to do so by a member of the committee.

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

**6.6. Committee Consultants and Legislative Staff**

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

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

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

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

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

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

**6.7. Duties of Committee Chairs**

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

**6.7.2.** The Chair shall direct the order of presentation of the arguments for and against matters for

consideration by the committee, and shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum.

**6.7.3.** The Chair may initiate matters within the subject matter of the committee. The Chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. An agenda for each committee meeting shall be delivered by the Chair or designee to the City Clerk or a Committee Consultant's Assistant at least seventy-two hours prior to the committee meeting.

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

**6.7.5.** Within one week following each meeting of a standing committee, the Chair of that committee

shall notify the Council of the roll call votes on all actions taken at the standing committee meeting.

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

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

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

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

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

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

**6.9. Committee Hearings on Resolutions and Ordinances**

Section 29. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 6.91, 6.9.3, 6.9.4, and 6.10 of section 22.0101.005, to read as follows:

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

- (a) Introduce the ordinance or introduce as amended; or
- (b) Adopt the resolution or adopt as amended;
- (c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members.

6.9.2. [No change in text.]

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

**6.9.4.** The City Clerk or the Committee Consultant's Assistant shall keep a complete record of the meetings and actions taken by the committee. When the committee takes action on a resolution or ordinance, the vote shall be by roll call vote only. All roll call votes shall be recorded by the City Clerk or the Committee Consultant's Assistant and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

**6.10. Special Rule with Respect to Appeals to Committees**

Where a committee has been designated in the San Diego Municipal Code as an appellate body and a decision by such committee has been rendered, the Chair of the committee shall advise all interested parties of the provisions regarding reconsideration in Rule 2.11.

Section 30. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of and by amending Rules 6.11.1 by repealing subsection 6.11.1(c) of section 22.0101 to read as follows:

**6.11. Standing Committee Composition and Responsibilities**

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

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

Section 31. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of and by amending Rules 6.11.2 through 6.11.4 of section 22.0101 to read as follows:

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

- (a) [No change in text.]
- (b) The committee shall have responsibilities that include Planning, Land Use, Affordable Housing, Development Services, General Plan Amendments, Subdivisions, Community Facility Finance, Engineering, Annexations, Transportation Planning, Transit Services, Parking, Building Code Inspection, Land Development Code, Utilities, Infrastructure Finance, sale and lease of property, and Housing Commission Quarterly Reports.
- (c) through (d) [No change in text.]
- (e) The committee shall have the responsibility to hold hearings on matters referred to it.

**6.11.3. Committee on Natural Resources and Culture**

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

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

**6.11.4. Committee on Public Safety and Neighborhood Services**

- (a) through (d) [No change in text.]
- (e) The committee shall also have the responsibility to hold hearings on matters referred to it.

Section 32. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 6.11.5 of section 22.0101 to read as follows:

**6.11.5. Committee on Budget and Finance**

- (a) through (b) [No change in text.]
- (c) The Committee shall also have the responsibility to hold hearings on matters referred to.

Section 33. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by the title of and by amending Rule 6.12.1 of section 22.0101 to read as follows

**6.12 Special Committee Composition and Responsibilities**

**6.12.1. Budget Review Committee**

- (a) through (c) [No change in text.]
- (d) The committee shall have the further responsibility to review and evaluate the

tentative Capital Improvements Program.  
Proposals regarding revenue and taxation  
shall be referred to the Budget Review  
Committee.

- (e) Annual budget review meetings shall be set  
in accordance with California Government  
Code section 54954, no later than the ten  
weeks immediately preceding the  
introduction of the Annual Appropriation  
Ordinance subject to the provisions of  
Council Policy No. 000-02.

Section 34. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is  
amended by the title of and by amending Rule 6.12.2 by adding new subsection 6.12.2(d) of  
section 22.0101 to read as follows:

**6.12.2 Committee of the Whole**

- (a) through (c) [No change in text.]
- (d) Proposals for City action in cooperation with  
other local government entities including  
any actions to be taken on a regional basis  
shall be referred to the Committee of the  
Whole.

Section 35. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 7.1 of section 22.0101 to read as follows

**Rule 7: PROCEDURES FOR RESOLUTIONS AND ORDINANCES**

**7.1. Initiation of Resolutions and Ordinances by Councilmembers and Committees**

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

Section 36. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of Rules 7.2 and 7.3 of section 22.0101 to read as follows

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

7.2.1. [No change in text.]

7.2.2. [No change in text.]

**7.3. Preparation of Resolution or Ordinance by City Attorney**

Section 37. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.3.1, through 7.3.3 of section 22.0101 to read as follows

7.3.1. Upon receiving a properly initiated Request for Council Action, the City Attorney shall prepare a resolution or ordinance as requested and shall affix

a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a digest showing any changes in the existing law which are proposed by the resolution or ordinance.

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

**7.3.3.** The City Attorney shall then cause the completed document, with digest attached, to be delivered to the official who originated the Request for Council Action. If more than one official signed the Request for Council Action, the City Attorney shall cause the completed document, with digest attached, to be delivered to the first signatory. It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance.

Section 38. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.4 of section 22.0101 to read as follows:

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

Section 39. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.4.1 and 7.4.2 of section 22.0101 to read as follows:

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

**7.4.2.** Ordinances or resolutions that are reported out of committee in accordance with Rule 6.9 shall be delivered to the President or his/her designee by the Committee Chair by 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meetings to be held, at the discretion of the President, the

second or third week after receipt of the Request for  
Council Action.

Section 40. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.5 of section 22.0101, to read as follows:

**7.5. Preparation of the Council Agenda (Docket  
Management)**

Section 41. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 7.5.1 of section 22.0101 to read as follows:

**7.5.1.** Only those resolutions or ordinances that have been prepared and delivered in accordance with these Rules shall be listed on the agenda. Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

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

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

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

Section 42. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.6 of section 22.010 to read as follows:

**7.6. Preparation and Delivery of Regular Agenda to Clerk**

Section 43. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rules 7.6.2 and 7.6.3 of section 22.0101 to read as follows:

7.6.1. [No change in text.]

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

7.6.3. The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 10:00 a.m. each Wednesday preceding the regular meetings of the Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Wednesday and shall be posted in accordance with California Government Code section 54954.3.

7.6.4. [No change in text.]

Section 44. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the title of Rule 7.7 of section 22.0101 to read as follows:

**7.7. Preparation and Delivery of Supplemental Agenda to Clerk**

Section 45. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles of and by amending Rules 7.8, and 8 of section 22.0101 to read as follows:

**7.8. Posting, Notice and Items for Consideration**

At least seventy-two hours before the regularly scheduled meetings of the Council the City Clerk shall post the agenda for same containing 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 regular meeting and shall be posted in a location freely accessible to the public. No discussion or action shall be taken on any item not appearing on the posted agenda, except as otherwise provided in Rule 2.5.

**Rule 8: Noticing and Conduct of Closed Sessions**

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

Section 46. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 8.1 by amending subsections 8.1(c) and 8.1(c)(1), by repealing subsections 8.1(c)(1)(A) through 8.1(c)(1)(D) and 8.1(c)(2), by renumbering Rule 8.1(c)(3) to 8.1(c)(2), and by adding new subsections 8.1(c)(3), 8.1(c)(4), and 8.1(c)(5) of section 22.0101 to read as follows:

**8.1. Form and Manner of Notice**

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

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

(1) Significant Exposure to Litigation;

California Government Code

section 54956(b)

(3) Conference with Legal Counsel – Initiation

of Litigation: California Government Code

section 54956.9(c).

(4) Conference with Real Property Negotiators:

California Government Code

section 54957.1(a)(1).

(5) Conference with Labor Negotiators:

California Government Code

section 54957.6.

(d) [No change in text.]

Section 47. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Rule 8.5 and by repealing subsections 8.5(a)(1)(A) and 8.5(a)(1)(B), 8.5(a)(3)(A), and 8.5(a)(3)(B), of section 22.0101 to read as follows:

**8.5. Reporting of Closed Session Results in Open Session**

- (a) After every closed session, a public report is required as set forth herein. The Council shall adjourn from closed session, reconvene in open session, and publicly report such final action and the vote or abstention of every member present:
- (1) Approval of an agreement concluding real estate negotiations: California Government Code section 54956.8:
  - (2) Approval given to the City's legal counsel to defend, or seek, or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation: California Government Code section 54956.9.
  - (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasijudicial proceeding (pending litigation): California Government Code section 54956.9.

(4) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.

(5) Approval of an agreement concluding labor negotiations with represented employees which is a final and has been accepted or ratified by the other party: California Government Code section 54957.6.

(b) [No change in text.]

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

(d) [No change in text.]

#### **8.6. Litigation Log**

[No change in text.]

Section 48. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is amended by amending the titles for Rules 9, 10, and 11 of section 22.0101 to read as follows:

#### **Rule 9: TEMPORARY RULES**

[No change in text.]

**Rule10: AMENDMENT OF PERMANENT RULES**

[No change in text.]

**Rule 11: EXISTING PROCEDURES PRESERVED**

[No change in text.]

Section 49. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 50. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

\_\_\_\_\_  
Mary Jo Lanzafame  
Assistant City Attorney

MJL:jab  
[Month]/[Day]/[Year]  
Or.Dept:Clerk  
Doc. No. 133756\_3



CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY STRIKEOUT**

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Underlined

SUBJECT: COORDINATION OF SPECIAL CITY COUNCIL MEETINGS  
 POLICY NO.: 000-05  
 EFFECTIVE DATE: ~~June 22, 1987~~

BACKGROUND:

Special Meetings of the City Council are those meetings not scheduled under Municipal Code Section 22.0101.0005, Permanent Rules of the Council. ~~They may be initiated from a variety of sources both within and outside City government.~~ They can occur on any given day and time and may involve other legislative bodies. ~~The most common involve only the City Council and are held on a day other than those established as regular meeting days. They may be held during day or evening hours. Less common are those involving other legislative body(s), which are termed Special Joint Meetings. While Municipal Code Section 22.0101.0005 and the Brown Act establish the procedures for calling a Special Meeting, a policy is needed to establish specific responsibility for ensuring these meetings are noticed and conducted in a proper and consistent manner.~~

PURPOSE:

To establish a policy that (1) assigns specific responsibility for coordination of Special Meetings of the City Council and (2) identifies the process by which other legislative bodies shall adhere when requesting a Special Joint Meeting with the City Council.

POLICY:

Regular meetings of the City Council shall continue to be coordinated as outlined in Municipal Code Section 22.0101.0005, Permanent Rules of the Council. All Special Meetings of the City



## COUNCIL POLICY STRIKEOUT

Council shall be coordinated with the ~~Mayor's Office of the Council President~~ and Office of the City Clerk, as outlined below.

### Special Meetings of the City Council Not Involving Other Legislative Bodies:

Designee:	Responsibility:
Mayor - Councilmember - Other Initiator	Contacts <del>the Mayor's and/or Councilmember's</del> Offices <u>of the Council President</u> to propose meeting date, time, location, and subject matter <u>for approval</u> .
<del>Rules Committee</del> Consultant	Advises the City Clerk of the proposed meeting date, time, locations, and subject matter; and whether the meeting will impact upon regularly scheduled City Council meetings.
<u>Director of</u> <u>Legislative</u> <u>Affairs</u>	
City Clerk	Advises the <del>Rules Committee Consultant</del> <u>Director of Legislative Affairs</u> of any conflicts with other scheduled meetings or noticed hearings. Confirms meeting location availability.
<del>Rules Committee</del> Consultant	Notifies City Clerk in writing of agreed upon date, time, location, and subject matter.
<u>Director of</u> <u>Legislative</u> <u>Affairs</u>	

## COUNCIL POLICY STRIKEOUT

City Clerk In cooperation with and review by the Director of Legislative Affairs and the City Attorney's Office, prepares Special Meeting notice for Mayor's the Council President's signature and agenda. In coordination with initiator, makes final arrangements for use of meeting facility, special equipment and support staff as needed, physical layout of meeting, and related issues.

~~Rules Committee~~ Forwards to the City Clerk the signed meeting notice, approval of draft agenda, and exhibit material, no later than three (3) working days prior to the meeting or as allowed by the Brown Act (California Government Code section 54950-54963).

~~Consultant~~

Director of Legislative Affairs.

City Clerk Posts and distributes notice, agenda, and exhibit material no later than 24 hours prior to the meeting. On meeting day, coordinates meeting arrangements.

### Joint Meetings With Other Legislative Body(s) when initiated by the City:

Representative of ~~Contacts Mayor's or Councilmember's Office~~ of the  
Legislative Body(s) Council President to propose meeting date, time, location, and subject matter for approval.

## COUNCIL POLICY STRIKEOUT

~~Rules Committee~~      Contacts City Clerk with above information.

~~Consultant~~

~~Director of~~

~~Legislative~~

~~Affairs~~

City Clerk

Advises the ~~Rules Committee Consultant~~ Director of Legislative Affairs of any conflicts with other scheduled meetings or noticed hearings.  
Confirms meeting location availability.

~~Rules Committee~~

~~Consultant~~

~~Director of~~

~~Legislative~~

~~Affairs~~

City Clerk

In cooperation with and review by the Director of Legislative Affairs and the City Attorney's Office, prepares Special Meeting notice for ~~Mayor's~~ the Council President's signature and agenda. In coordination with other legislative body, makes final arrangements for use of meeting facility, special equipment and support staff as needed, physical layout of meeting, and related issues.

## COUNCIL POLICY STRIKEOUT

~~Rules Committee~~ Forwards to the City Clerk the signed

Consultant meeting notice, approval of draft agenda, and exhibit material, no later

Director of than three (3) working days prior to the meeting or as allowed by the

Legislative Brown Act (California Government Code section 54950-54963).

Affairs

Representative of Forwards their meeting notice, agenda, and exhibit material to the

Legislative Body(s) City Clerk no later than three (3) working days

City Clerk Consults with ~~Rules Committee Consultant~~ the Director of Legislative  
Affairs on content of participating legislative body's notice and agenda.  
Posts and distributes City Council notice, agenda, and exhibit material no  
later than 24 hours prior to the meeting. If available, distributes  
participating legislative body's agenda and exhibit material no later than  
24 hours prior to the meeting. On meeting day, coordinates meeting  
arrangements.

RESOLUTION NUMBER R-\_\_\_\_\_

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING COUNCIL POLICY 000-05 BY  
AMENDNG THE TITLE TO READ "COORDINATION OF  
SPECIAL CITY COUNCIL MEETINGS" AND AMENDING  
THE POLICY.

WHEREAS, Council Policy 000-05 sets forth the policy for coordination of Special  
Council Meetings; and

WHEREAS, in February 2011, the Council President Young created a Working Group  
composed of representatives from the Offices of the Council President, the City Clerk, and the  
City Attorney; and

WHEREAS, this Working Group was created to comprehensively review the Permanent  
Rules of Council as well as other Council Policies that affect the business of the Council; and

WHEREAS, the Working Group suggested clarification language to Council  
Policy 000-06; and

WHEREAS, under Charter section 280(a)(1), this resolution 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 RESOLVED, by the Council of the City of San Diego, that Council Policy 000-05,  
as set forth in Document No. RR-\_\_\_\_\_ filed in the Office of the City Clerk, is hereby  
revised.

BE IT FURTHER RESOLVED, that the City Clerk is instructed to update the Council Policy Manual to include the revised Council Policy 000-05.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Mary Jo Lanzafame  
Assistant City Attorney

MJL:jab  
05/11/2011  
Or.Dept:City Atty.  
Doc. No. 180414

DRAFT

## COUNCIL POLICY STRIKEOUT

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

**NEW LANGUAGE:** Underlined

SUBJECT: RECONSIDERATION OF ~~CLOSED HEARINGS~~ NOTICED PUBLIC HEARINGS

POLICY NO.: 000-06

EFFECTIVE DATE: ~~December 30, 1969~~

### BACKGROUND:

On occasion an unsuccessful party in a matter on which a noticed public hearing is required to be held, urges one or more ~~Councilmen~~ Councilmembers to move for reconsideration of the matter after the hearing has been closed. This results in reviving the matter at a time when other interested parties who may have attended the noticed hearing are not present at the Council meeting when the reconsideration is permitted, and are therefore not able to state their respective positions. In addition, the unsuccessful party has available to him the alternative of commencing the matter from the beginning which provides protection to all interested parties. Noticed public hearings include land use decisions subject to Planning and Zoning Law. Cal. Gov't Code § 65000 et seq.

### PURPOSE:

To provide a guide to unsuccessful parties in those cases where noticed hearings have been closed.

### POLICY:

Robert's Rules of Order or other rules of parliamentary procedure notwithstanding, the Council shall not entertain any motion for reconsideration of a matter on which a noticed public hearing has been held at any time after such hearing has been closed. Unsuccessful parties should commence the matter again with the appropriate department.

HISTORY:

Adopted by Resolution R-198776 12/30/1969

RESOLUTION NUMBER R-\_\_\_\_\_

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING COUNCIL POLICY 000-06 BY  
AMENDING THE TITLE TO READ "RECONSIDERATION OF  
NOTICED PUBLIC HEARINGS" AND AMENDING THE  
POLICY.

WHEREAS, Council Policy 000-06 sets forth the policy for reconsideration of Noticed  
Public Hearings; and

WHEREAS, in February 2011, the Council President Young created a Working Group  
composed of representatives from the Offices of the Council President, the City Clerk, and the  
City Attorney; and

WHEREAS, this Working Group was created to comprehensively review the Permanent  
Rules of Council as well as other Council Policies that affect the business of the Council; and

WHEREAS, the Working Group suggested clarification language to Council  
Policy 000-06; and

WHEREAS, under Charter section 280(a)(1), this resolution 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 RESOLVED, by the Council of the City of San Diego, that Council Policy 000-06,  
be retitled to "Reconsideration of Noticed Public Hearings" and amended as set forth in  
Document No. RR-\_\_\_\_\_ filed in the Office of the City Clerk is hereby revised.

BE IT FURTHER RESOLVED, that the City Clerk is instructed to update the Council Policy Manual to include the revised Council Policy 000-06.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Mary Jo Lanzafame  
Assistant City Attorney

MJL:jab  
05/11/2011  
Or.Dept:City Atty.

DRAFT

OFFICE OF

MARY JO LANZAFAME  
ASSISTANT CITY ATTORNEY

CATHERINE M. BRADLEY  
CHIEF DEPUTY CITY ATTORNEY

THE CITY ATTORNEY  
CITY OF SAN DIEGO

1200 THIRD AVENUE, SUITE 1620  
SAN DIEGO, CALIFORNIA 92101-4178  
TELEPHONE (619) 236-6220  
FAX (619) 236-7215

Jan I. Goldsmith  
CITY ATTORNEY

March 3, 2011

REPORT TO THE COMMITTEE ON RULES, OPEN GOVERNMENT AND  
INTERGOVERNMENTAL RELATIONS

REVISIONS TO THE COUNCIL ADMINISTRATION DIVISION TO UPDATE  
REFERENCES FROM "DEPUTY MAYOR" TO "COUNCIL PRESIDENT"

**INTRODUCTION**

At the Council President's request, our Office has prepared an amendment to the San Diego Municipal Code to update provisions regarding the Council Administration Division. The revisions are necessary to conform to recent City Charter changes and reflect current practices. The amendment places the Council Administration Division under the direction of the Council President instead of the Deputy Mayor, an office that no longer exists.

**DISCUSSION**

Until January 1, 2006, the City of San Diego operated under a Manager-Council form of government. Under that structure, the nine-member Council consisted of the Mayor and eight Councilmembers. The Mayor presided over the Council meetings and performed other duties prescribed by the Charter or imposed by the Council, consistent with the office of the Mayor. (*See*, former Charter § 24).

Each year, the Council selected one of its members to be the Deputy Mayor, who would perform the duties of the Mayor when the Mayor was absent or unable to perform his or her duties. (*See*, former Charter § 25). The Deputy Mayor also was responsible for the administrative and policy direction of the Council Administration Division. SDMC § 22.2101. This Division is responsible for coordinating the administrative functions of the City Council and the Council offices. The Division also provides committee consultants to the standing committees of the Council.

On January 1, 2006, the City began a five-year trial "Strong Mayor" form of government, also known as a Mayor-Council form of government. Under this structure, the Mayor no longer is a member of the Council. Instead, the Mayor is the chief executive officer and oversees the City's administrative affairs. The Mayor also has the authority to approve or veto most of the resolutions and ordinances passed by the Council. Charter section 25, providing for a Deputy Mayor, was deemed inoperative during the trial period of this form of government. (*See*, former Charter § 260.)

Under the Mayor-Council government, the Council is separate from the Mayor. It consists of the eight Councilmembers, one of whom serves as Council President. The Council President presides over Council meetings, manages the docket process, and has other duties prescribed by the Charter and the Council. Charter § 270. After the Charter provision authorizing a Deputy Mayor was deemed inoperative, the Council President assumed responsibility for the Council Administration Division.

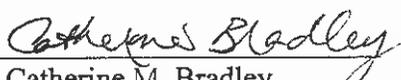
At the June 8, 2010 election, City voters approved the continuation of the Mayor-Council form of government past the five-year trial period. As part of the approval, the voters repealed Charter section 25 related to the Deputy Mayor. Accordingly, the references to the Deputy Mayor in the Council Administration Division of the Municipal Code must be removed to conform to the Charter.

#### CONCLUSION

The Municipal Code provisions related to the Council Administration Division require amendment to conform to changes in the Charter and current practice. Our Office has attached a draft strike-out version of the revisions. An ordinance will be prepared for the Council's consideration when the matter is referred by this Committee.

Respectfully submitted,

JAN I. GOLDSMITH, City Attorney

By   
Catherine M. Bradley  
Chief Deputy City Attorney

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

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,  
DIVISION 21 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.2101 RELATING TO THE  
COUNCIL ADMINISTRATION DIVISION.

WHEREAS, San Diego Municipal Code section 22.2101 establishes the Division of Council Administration under the administrative and policy direction of the Deputy Mayor; and

WHEREAS, on January 1, 2006, San Diego Charter section 25, pertaining to the Deputy Mayor, was suspended and deemed inoperative by former Charter section 260 during the five-year trial period of the Mayor-Council form of government; and

WHEREAS, since January 1, 2006, the Council President has assumed responsibility for directing the Council Administration Division; and

WHEREAS, on June 8, 2010, the voters approved continuing the Mayor-Council form of government past the five-year trial period, and repealed Charter section 25 eliminating the office of Deputy Mayor; and

WHEREAS, it is now necessary to amend the San Diego Municipal Code provisions related to the Council Administration Division to conform to changes in the Charter and current practice; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 21 of the San Diego Municipal Code is amended by amending section 22.2101 to read as follows:

**§22.2101 Council Administration Division**

- (a) There is hereby established a Division of Council Administration as a support element to the Council President. The division shall be under the administrative and policy direction of the Council President and shall be responsible for coordinating all the intragovernmental and intergovernmental administrative functions of the City Council and the several departments thereof. The personnel of such division shall be reflected in the budget of the City Council and as may be authorized by the annual appropriation ordinance.
- (b) The division shall provide committee consultants to the standing committees of the Council and the Audit Committee.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:sc  
04/29/11  
Or.Dept: Council President

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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 21 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.2101 RELATING TO THE  
COUNCIL ADMINISTRATION DIVISION.

**§22.2101 Council Administration Division**

- (a) There is hereby established a Division of Council Administration as a support element to the ~~Deputy Mayor~~ Council President. The division shall be under the administrative and policy direction of the ~~Deputy Mayor~~ Council President and shall be responsible for coordinating all the intragovernmental and intergovernmental administrative functions of the City Council and the several departments thereof. ~~The division shall provide coordination and liaison as directed by the Deputy Mayor and the~~ The personnel of such division as may be authorized by virtue of the annual appropriation ordinance shall be reflected in the budget of the ~~Deputy Mayor~~ City Council and as may be authorized by the annual appropriation ordinance.

- (b) The division shall provide committee consultants ~~from the committee consultant program~~ to the standing committees of the Council and the Audit Committee ~~other than the Committee on Rules, Finance and Intergovernmental Relations.~~

CMB:sc  
04/29/11  
Or.Dept: Council President

