



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 12, 2014 REPORT NO: 14-067
ATTENTION: Economic Development and Intergovernmental Relations Committee
SUBJECT: Amendments to the Permanent Rules of Council
REFERENCE: Municipal Code Section 22.0101: Permanent Rules of Council

REQUESTED ACTION:

- 1) Approve amendments to Municipal Code Section 22.0101: Permanent Rules of Council; Rule 1.3, Rule 2.2, and Rule 2.6.2

STAFF RECOMMENDATION:

Approve recommended revisions to the requested Municipal Code Sections clarifying the Non-Agenda Public Comment process to be used during regularly scheduled City Council Meetings

SUMMARY:

Brown Act Section 54954.3(a) states, "every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public...that is within the subject matter jurisdiction of the legislative body." Furthermore, Section 54954.3 (b) clarifies, "the legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker."

Charter Section 14 states, "The Council shall determine its own rules and order of business." To that end, San Diego Municipal Code Section 22.0101: Permanent Rules of Council outlines the Rules of the Council and the proper legal procedure and protocol to conduct the business of the City Council. Recognizing the current practices of the Council with an eye toward efficiency and transparency, the following revisions and clarifications to the Permanent Rules of Council regarding Non-Agenda Public Comment are proposed:

PERMANENT RULES OF COUNCIL

1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of San Diego, California. In addition thereto, the Council shall may also hold regularly scheduled night Council meetings starting no earlier than 6:00 p.m. in the Council Chambers of the City Administration

Building or in various community facilities throughout the City of San Diego. Such night Council meetings will be at the discretion of the Council President ~~scheduled at least six times during each legislative calendar year,~~ with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.

Rule 2.2 :Order of Business

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

Monday at 2:00 p.m.

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

Tuesday at 9:00 a.m.

1. Closed Session

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Non-Agenda Public Comment (30 minutes)
- 3.4. Proclamations/Ceremonial Items
- 4.5. Special Orders of Business
5. 6. Consent Items
6. ~~Non-agenda Public Comment~~
7. Requests for Continuance
8. Adoption Agenda
 - (a) Noticed Hearings and Special Hearings
 - (b) Unfinished Business from Monday
9. Non-Agenda Items
10. Non-Agenda Public Comment (trailed from the morning session)
10. 11. Report Out from Closed Session

11.12. Adjournment

2.6. Non-Agenda Public Comment

~~2.6.2. Speakers shall be limited to three minutes each and comments shall be limited to three minutes per subject regardless of the number of people in attendance. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the Clerk. Speakers will be called in the order reserved within the available time. In order to ensure that the Council has time to consider all agenda items, Non-Agenda public testimony on particular issues and for each individual speaker will be as follows:~~

- (a) Each speaker must file a written request (speaker slip) with the Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of Non-Agenda Public Comment.
- (b) Each speaker will be limited to two minutes. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting.
- (c) Non-Agenda Public Comment is limited to 30 minutes during the morning session of the Tuesday Council meeting per Rule 2.2. Any remaining speakers will be given an opportunity to speak after Council concludes the other agenda items for that day.

Currently, any public member that attends a City Council meeting to speak on Non-Agenda Public Comment may wait an hour or more to address the Council, depending on the number of proclamations and consent items being discussed. The public would now be able to address the Council on either Monday or Tuesday during times that may be more predictable and convenient for them. On Mondays the public would have an opportunity toward the end of the agenda, and on Tuesdays Non-Agenda Public Comment would be taken almost time certain at 10 a.m. prior to any other business scheduled. The proposed changes as outlined above would create more opportunities, as well as a time efficient process for the public to address the Council on items not listed on the agenda.

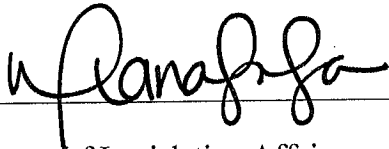
In addition, from a review of the last six months there has been no substantial increase of Non-Agenda Public Comment speakers in attendance to address the Council during the scheduled 6p.m. night meetings. In an effort to be more efficient with city resources and with the substantial increase of opportunities to the public to address the Council through the means proposed here, staff suggests that night meetings be held at the discretion of the Council President. These proposed amendments would allow the legislative body, per the Brown Act, to adopt regulations to assist in processing comments from the public in a fair and equitable way with the interest of the public in mind.

FISCAL CONSIDERATIONS:

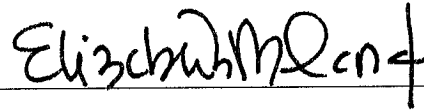
It is currently estimated to cost at least \$4,000 -\$18,000 a year to hold night meetings. This estimate varies depending on several factors including what item is being docketed and whether the item is controversial and if the meeting is being held on site in Council Chambers or off-site in the community.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Certain issues regarding Non-Agenda Public Comment were previously heard in Closed Session on October 21, 2014.



Director of Legislative Affairs



City Clerk

Attachments(s):

1. Strike-Out Ordinance

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 22.0101 RELATING TO THE
PERMANENT RULES OF THE COUNCIL.

§ 22.0101 Permanent Rules of the Council

Rule 1: TIME AND PLACE OF MEETINGS

1.1. through 1.2. [No change in text.]

1.3. Place

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1.4. through 1.6. [No change in text.]

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. [No change in text.]

2.2. Order of Business

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- ~~6.7.~~ Public Comment on Closed Session Items
- ~~7.8.~~ Public Notices
- ~~8.9.~~ Non-Agenda Items
- ~~9.10.~~ Adjournment

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- ~~11-12.~~ Adjournment

Night Meetings

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

2.3. through 2.5. [No change in text.]

2.6. Non-Agenda Public Comment

2.6.1. [No change in text.]

2.6.2. ~~Speakers shall be limited to three minutes each and comments shall be limited to three minutes per subject regardless of the number of people in attendance. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the Clerk. Speakers will be called in the order reserved within the available time. In order to ensure that the Council has time to consider all agenda items, non-agenda public testimony on particular issues and for each individual speaker will be as follows:~~

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remaining speakers will be given an opportunity to speak after

Council concludes the other agenda items for that day.

2.6.3. through 2.6.4. [No change in text.]

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

RULE 3 through RULE 11 [No change in text.]

CMB:sc
11/12/14
Or.Dept: Council
Doc. No.:898919

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