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4/7/2020

(R-2020-446)
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RESOLUTION NUMBER R- 312902

DATE OF FINAL PASSAGE APR 07 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING TEMPORARY RULES SUPERSEDING RULES 1.1, 1.3, 2.1, 2.2, 2.6, 2.10, 7.6.3, AND 8.2, RELATING TO TIME, PLACE AND PROCEDURES FOR COUNCIL MEETINGS AND AMENDING THE LEGISLATIVE CALENDAR IN RESPONSE TO THE CORONAVIRUS COVID-19 EMERGENCY.

WHEREAS, Rule 9 of the Rules of the Council (Rules of Council), codified in the San Diego Municipal Code (Municipal Code) provides that the Council President may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule that, for the time being, has the effect of a standing rule; and

WHEREAS, Rule 9 further provides that if the temporary rule conflicts with an existing rule, it shall supersede the permanent rule for such time as may be specified in the temporary rule; and

WHEREAS, on March 4, 2020, the Governor of California (Governor) declared a state of emergency as a result of the threat of the novel coronavirus, COVID-19; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego (Mayor) proclaimed the existence of a local emergency related to the COVID-19 threat, which was ratified by the San Diego City Council (Council) on March 17, 2020; and

WHEREAS, since that time, the Governor, the San Diego County Public Health Official (Public Health Official), and the Mayor have all issued directives and guidance to state and local residents to stay home or at their place of residence, except as needed to maintain continuity of operations of federal critical infrastructure sectors; and

WHEREAS, the Centers for Disease Control and Prevention and the Public Health Official have issued public health guidance related to the operation of shelters and addressing unsheltered homeless populations in light of the COVID-19 threat, including guidance to implement social distancing and housing the unsheltered population; and

WHEREAS, the Governor's Executive Orders N-25-20 and N-29-20, issued on March 12, 2020 and March 17, 2020, respectively, suspended provisions of the Ralph M. Brown Act related to teleconferencing of meetings, permitting local jurisdictions to hold public meetings via teleconferencing and allowing members of the public to observe and address the meeting telephonically or otherwise electronically; and

WHEREAS, the Council now desires to provide a schedule and process for Council meetings to be held via teleconference for the duration of the declared State of Emergency to limit City staff time needed for managing meetings, thereby limiting requirements for staff to report to City buildings for work; and

WHEREAS, each year, the Council adopts a schedule of meetings for the calendar year for the Council and its Standing Committees, commonly referred to as the legislative calendar; and

WHEREAS, on December 10, 2019, the Council adopted the 2020 Legislative Calendar, with the current calendar on file in the Office of the City Clerk as document No. RR-312750 and available on the City of San Diego website; and

WHEREAS, the Municipal Code allows the Council to adopt a resolution that changes, when necessary, the time and place of a regular meeting, setting forth the circumstances necessitating the change; and

WHEREAS, the Council President now proposes to amend the 2020 Legislative Calendar, in response to the COVID-19 emergency, which has required the time and place of meetings to change; and

WHEREAS, the amendments proposed to the 2020 Legislative Calendar will reflect the change in regular meetings provided in this Temporary Rule of Council and the suspension of Council Standing Committees as ordered by the Council President; 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 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 the Council approves the establishment of Temporary Rules 1.1, 1.3, 2.1, 2.2, 2.6, 2.10, 7.6.3, and 8.2, in place as part of the Rules of Council in the San Diego Municipal Code as provided in Rule 9, "Temporary Rules," of the Rules of Council. The Temporary Rules that are part of this resolution will provide for City Council meetings to be held via teleconference during the time that the State of Emergency and the Governor's Orders permitting such meetings remain in effect, and address time, place and procedures for City Council meetings, pursuant to San Diego Municipal Code section 22.0101, Rule 9, titled "Temporary Rules," which will read as follows:

Rule 1: TIME AND PLACE OF MEETINGS

1.1. Time

The City Council shall hold a regular weekly meeting on Tuesdays as follows:

9:00 a.m. – 5:00 p.m.

1.3. Place

Regular meetings shall be held via teleconference and broadcast from Council Chambers in the City Administration Building. Only limited attendance of necessary City personnel and media, consistent with social distancing directives in effect, will be permitted in Chambers. The City will provide duly-noticed alternatives to in-person attendance and participation for members of the public.

Rule 2: FOR COUNCIL MEETINGS

2.1 Agenda

Agendas for the Tuesday regular Council meeting shall be posted and made available on the City's website.

2.2 Order of Business

The Order of Business for Council meetings will generally be as follows, subject to the discretion of the presiding chair to take items out of order:

Tuesday at 9:00 a.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Public Comment on Closed Session (must be heard prior to Closed Session)
4. Closed Session

Tuesday at 11:00 a.m.

1. Non-Agenda Public Comment
2. Requests for Continuance by a Council member
3. Adoption Agenda Consent Items

4. Proclamations/Ceremonial Items
5. Special Orders of Business
6. Items pulled from Consent
7. Adoption Agenda Discussion Items
8. Communications:
Mayor, Council, Independent Budget Analyst, City Clerk, City
Attorney Comment
9. Non-Agenda Items
10. Report Out from Closed Session
11. Adjournment

Rule 2.6 Public Observation and Comment

The public may observe Council meetings on public television or internet streaming as indicated in the meeting agenda. Public comment on agenda items and non-agenda public comment will be accepted by the City Clerk via webform, provided on the City Clerk website at <https://www.sandiego.gov/form/agenda-comment-form>. The webform has a 200-word limit (approximately one minute). Only one comment is permitted per person per agenda item. If a member of the public with a disability requires an accommodation to participate in a Council meeting, requests for accommodations may be submitted to cityclerk@sandiego.gov. The Council President may prescribe changes to this Rule 2.6, in accordance with state laws or regulations pertaining to the Brown Act or public hearings or in response to technological developments. Such changes shall be published and posted on the City's website with the meeting agenda, or as soon as practical thereafter.

2.6.1 Agenda Comment. Comments on items on the agenda received by 4:00 p.m. the day before the posted meeting will be included in the meeting materials posted online and distributed to the Council and will be read into the record by the City Clerk. Comments received after 4:00 p.m. the day prior to the meeting and before 10:45 a.m. on the day of the meeting for open session items and before 8:45 a.m. the day of the meeting for closed session items will be included in the materials posted online and distributed to the City Council. Comments received after the final deadlines for distribution, but prior to when the relevant matter is heard, will be entered into the record for the meeting.

2.6.2 Non-Agenda Comment.

(a) 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 Chair's discretion for a given agenda.

(b) In order to ensure that the Council has time to consider all agenda items, non-agenda public comment on particular issues will be as follows:

(i) Comments must be submitted using the City Clerk webform no later than 4:00 p.m. the day prior to the posted meeting in order to be eligible to be read into the record. Each comment will be limited to 200 words.

(ii) The City Clerk will read into the record a maximum of 30 comments of those received by 4:00 p.m. the day prior to the

meeting; with no more than 16 comments read on any single issue. Additional comments submitted, and those received after 4:00 p.m. the day prior and before 10:45 a.m. the day of the meeting, will be included in the materials posted online and distributed to the City Council. Comments received after the final deadline for distribution, but prior to when non-agenda public comment is heard, will be entered into the record for the meeting.

(iii) If more than 30 comments are received by 4:00 p.m. on the day prior to the meeting, priority will be given to individuals whose comments were not read into the record at the most recent regular meeting.

2.10 Procedure for Debate

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

(a) Brief opening statement by the item originator explaining the item (maximum of five minutes).

(b) Statements may be made by the Independent Budget Analyst, City Attorney, and City Auditor concerning the item (maximum of five minutes each)

(c) Comments by members of the public regarding the item. Comments must be submitted in accordance with Rule 2.6.

(d) Questions and Discussion. The order of recognition of Councilmembers shall be in order of Council District. Each Councilmember, the City Attorney and the

Independent Budget Analyst shall be allowed 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. Once there is a motion and a second, Councilmember's shall register their yes or no vote on the motion as called upon. The Chair shall ensure that a full roll call vote occurs on each item.

Rule 7.6. Preparation and Deliver of the Regular Agenda to the City Clerk

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 5:00 p.m. on the Thursday preceding a regular Tuesday meeting of the City Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 11:00 a.m. on the Friday preceding a regular Tuesday meeting and shall be posted in accordance with California Government Code section 54954.3.

Rule 8: CLOSED SESSION

Rule 8.2 Public Participation

The public shall have the opportunity to comment on any closed session item on the agenda, prior to Council convening in closed session. Comments must be submitted through the City Clerk as provided in Rule 2.6 and will be read into the record or otherwise distributed in accordance with Rule 2.6.1.

BE IT FURTHER RESOLVED, that the City Clerk is directed to work with the Director of Legislative Affairs to revise the Council-approved legislative calendar to be consistent with this Temporary Rule for regular meetings of the City Council and to reflect the suspension of

Council Standing Committee meetings while these Temporary Rules remain in effect, with the exception of the Rules Committee, which is suspended until April 30, and the Budget Review Committee, and to post the amended legislative calendar on the City website.

BE IT FURTHER RESOLVED, that pursuant to Rule 9, Temporary Rules 1.1, 1.3, 2.1, 2.2, 2.6, 2.10, 7.6.3 and 8.2 shall be in full force and effect for the duration of the Governor's Orders pursuant to the State of Emergency suspending Brown Act rules applicable to teleconference meetings, unless earlier terminated by the City Council.

APPROVED: MARA E. ELLIOTT, City Attorney

By /s/ Prescilla Dugard
Prescilla Dugard
Senior Chief Deputy City Attorney

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Passed by the Council of The City of San Diego on APR 07 2020, by the following vote:

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

Date of final passage APR 07 2020

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By Connie Patterson, Deputy
for Stacy Ready

Office of the City Clerk, San Diego, California

Resolution Number R- 312902