

RESOLUTION NUMBER R- 313082

DATE OF FINAL PASSAGE JUN 09 2020

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO UPDATING 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 April 7, 2020, the San Diego City Council (Council) adopted Resolution No. 312902, approving Temporary Rules relating to the time, place and procedures for Council meetings and amending the 2020 Legislative Calendar in response to the Governor of California (Governor) declared a state of emergency as a result of the threat of the novel coronavirus, COVID-19; 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, Resolution No. 312902 provides 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 to comply with safe-distancing measures for the protection of City staff and the public; 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 desires to resume Council Standing Committee meetings, as provided in the adopted 2020 Legislative Calendar, beginning in July 2020; 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. Public Comment on Closed Session (must be heard prior to Closed Session)
3. Closed Session

Tuesday at 11:00 a.m.

1. Invocation and Pledge of Allegiance
2. Non-Agenda Public Comment
3. Approval of Council Minutes
4. Requests for Continuance by a Council member
5. Adoption Agenda Consent Items
6. Proclamations/Ceremonial Items
7. Special Orders of Business
8. Items pulled from Consent
9. Adoption Agenda Discussion Items
10. Communications:

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

11. Non-Agenda Items
12. Report Out from Closed Session
13. Adjournment

2.3 – 2.5 [No change.]

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 as provided in Rule 2.6.1 and in procedures for public comment for the meeting posted with the meeting agenda. 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.

2.6.1 Agenda Comment. Public comment shall be subject to the exercise of the Chair's discretion for a given agenda.

(a) Written comments on items on the agenda received before the deadlines posted for distribution with the meeting agenda will be included in the meeting 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.

(b) Oral comments shall be permitted in accordance with the public comment instructions approved by the Council President and posted with the meeting agenda.

(c) For quasi-judicial items, organized group presentations will be permitted, if requested in accordance with the public comment instructions approved by the Council President and posted with the meeting agenda. Organized presentations will be allowed up to 15 minutes per side to speak either for or against an item, for a total of 30 minutes for organized presentations per item. If more than one group on the same side requests an organized presentation, the 15 minutes will be divided between each group for that side.

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) Written comments submitted to the City Clerk by the deadlines posted for distribution with the meeting agenda 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.

(ii) Oral comment may be made in accordance with the public comment instructions posted with the meeting agenda. Non-agenda public comment at the beginning of the meeting may be limited to 30 minutes, with any remaining speakers given an opportunity to speak after Council concludes the other agenda items for the day.

2.7 – 2.9 [No Change.]

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. 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.

2.11 – 7.5 [No change.]

7.6. Preparation and Delivery of the Regular Agenda to the City Clerk

7.6.1-7.6.2 [No change.]

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. Written comments submitted through the City Clerk as provided in Rule 2.6 will be distributed in accordance with Rule 2.6.1.

BE IT FURTHER RESOLVED, that the Council President may prescribe changes to these Temporary Rules, 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 as soon as practical thereafter, and included with procedures for the affected meeting agenda.

BE IT FURTHER RESOLVED, that the City Clerk is directed to work with the Director of Legislative Affairs to revise the 2020 Legislative Calendar to be consistent with these

Temporary Rules for regular meetings of the City Council, to allow the resumption of Standing Committee meetings as provided in the adopted 2020 Legislative Calendar, 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 W. ELLIOTT, City Attorney

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

PD:sc
06/03/2020
Or.Dept: CD-9
Doc. No.: 2395883

Passed by the Council of The City of San Diego on JUN 09 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUN 09 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 *Hy (Rosa)*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313082