

RESOLUTION NUMBER R- 313673

DATE OF FINAL PASSAGE AUG 03 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO UPDATING TEMPORARY RULES
SUPERSEDING RULES 1.3, 2.6, 2.10, AND 8.2, RELATING TO
TIME, PLACE AND PROCEDURES FOR COUNCIL
MEETINGS IN RESPONSE TO THE 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. R-312902, approving Temporary Rules relating to the time, place and procedures for Council meetings and amending the 2020 Legislative Calendar in response to the state of emergency declared by the Governor of California (Governor) as a result of the threat of the novel coronavirus, COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention and the County of San Diego Public Health Official have issued public health guidance to protect the public health and implement social distancing; 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, on June 9, 2020, the Council adopted Resolution No. R-313082 updating the Temporary Rules relating to the time, place and procedures for Council meetings during the state of emergency; and

WHEREAS, starting in September 2021, the Council desires to resume Council meetings on Mondays, as provided in the adopted 2021 Legislative Calendar; 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 1.3, 2.6, 2.10, 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 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 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 – 1.2 [No change.]

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.

1.4 – 1.6 [No change.]

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1 – 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 – 2.13 [No change.]

Rule 3 – Rule 7 [No change.]

Rule 8: CLOSED SESSION

8.1 [No change.]

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.

8.3 – 8.6 [No change.]

Rule 9 – Rule 11 [No change.]

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 pursuant to Rule 9, Temporary Rules 1.3, 2.6, 2.10, 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/ Heather Ferbert
Heather Ferbert
Chief Deputy City Attorney

HMF:sc
07/26/2021
Or.Dept: Council President
Doc. No.: 2719795

Passed by the Council of The City of San Diego on AUG 03 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 03 2021.

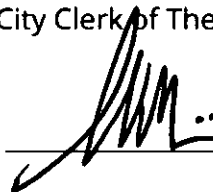
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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