

Item # 5501
02/01/2022

(R-2022-263)

RESOLUTION NUMBER R- 313878

DATE OF FINAL PASSAGE FEB 01 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO UPDATING TEMPORARY RULES OF COUNCIL, SUPERSEDING RULES 1.3, 2.2, 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, since April 7, 2020, the San Diego City Council (Council) has operated under Temporary Rules relating to the time, place, and procedures for Council meetings in response to the state of emergency declared by the Governor of California as a result of the threat of the novel coronavirus, COVID-19; and

WHEREAS, the Council recently started hybrid Council meetings with some Councilmembers attending in person and others teleconferencing as authorized by California Government Code section 54953(e); and

WHEREAS, the Council desires to update the Temporary Rules to address changes related to hybrid meetings and technological improvements that facilitate public participation; 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, 2.2, 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 hybrid Council meetings with some teleconferenced participation during the time that teleconferencing is authorized by California Government Code section 54953(e), 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 [No change.]

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:

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 by a Councilmember
5. Adoption Agenda
6. Non-Agenda Public Comment
7. Non-Agenda Items
8. Adjournment

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Adoption Agenda Consent Items
4. Proclamations/Ceremonial Items
5. Special Orders of Business
6. Items pulled from Consent
7. Public Comment on Closed Session (must be heard prior to Closed Session)
8. Non-Agenda Public Comment (up to 30 minutes)

9. Communications:
Mayor, Council, Independent Budget Analyst, City Clerk,
City Attorney Comment
10. Requests for Continuance by a Councilmember
11. Adoption Agenda

Tuesday at 11:00 a.m.

Closed Session

Tuesday at 2:00 p.m.

1. Adoption Agenda (trailed from morning session or as scheduled)
2. Non-Agenda Public Comment (trailed from morning session)
3. Communications (trailed from morning session)
4. Non-Agenda Items
5. Report Out from Closed Session
6. 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 either Monday or Tuesday, as applicable.

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 Council President'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.

- (d) Organized group presentations for items on the Discussion portion of the Adoption Agenda will be permitted if requested in accordance with the public comment instructions approved by the Council President and posted with the meeting agenda. Any updates to this procedure will be located on the meeting agenda. Organized presentations will be allowed up to 10 minutes per group to speak in favor or opposition, for a total of 40 minutes for organized presentations per item. If more than one group on the same side requests an organized presentation, the 20 minutes will be divided evenly between each group for that side. Presentation requests and all required documents and information must be submitted, in advance, to the Office of the City Clerk as indicated on the meeting agenda. All members of the group must be present at the meeting, demonstrated by the name or number listed in the group presentation request.

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. When the Chair calls for a vote, each Councilmember in Council chambers shall use the voting system and each Councilmember participating remotely shall state their vote for the record.

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, 2.2, 2.6, 2.10, and 8.2 shall be in full force and effect until terminated by the Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather Ferbert
Heather Ferbert
Chief Deputy City Attorney

HMF:sc
1/27/2022
Or.Dept: Council President
Doc. No.: 2869948

Passed by the Council of The City of San Diego on FEB 01 2022, 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 FEB 01 2022.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313878