

Article 2: Administrative Code

Division 1: The Council

§22.0101 Rules of the Council (Rules of Council)

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Rule 1: TIME AND PLACE OF MEETINGS

1.1. Time

The regular weekly meetings of the City Council (Council) shall be scheduled as follows,

Monday 10:00 a.m. — 6:00 p.m.

Tuesday 10:00 a.m. — 6:00 p.m.,

in accordance with the Council-approved legislative calendar, as amended from time to time in accordance with Rule 1.4.

The official legislative calendar shall be available on the City’s website.

1.2. Adjournment of Meetings

The Council meeting shall adjourn at the conclusion of the Council agenda. The Council may hold a duly called special meeting after the adjournment of a regular meeting.

1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, San Diego Community Concourse, in the City of San Diego, California, unless otherwise provided in the legislative calendar. The Council 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. Night Council meetings will be scheduled as determined by the Council President, with the specific date, time, and location of each meeting to be established by resolution of the Council.

1.4. Change of Time and Place

The Council may, by resolution, when necessary, change the time and place of a regular meeting or designate recess periods when regular meetings of the Council will not be held by amending the legislative calendar. The resolution shall set forth the circumstances necessitating the change.

1.5. Notice

- (a) When these Rules require written notice to each Councilmember or to the Mayor, the notice may be delivered personally, by mail, or by electronic mail.
- (b) The City Clerk may provide a copy of the agenda packet to any member of the public requesting notice under California Government Code section 54954.1 using the City Clerk’s electronic mailing list unless the requestor specifically requests the agenda packet be mailed. The City Clerk may charge a fee for mailed agenda packets in accordance with California Government Code section 54954.1.

1.6. Special Meetings

- (a) A special meeting may be called at any time by the Council President or by a majority of the members of the Council in accordance with Government Code section 54956. The party calling the special meeting shall deliver written notice as set forth in Rule 1.5, to each member of the Council and the Mayor, and to each local newspaper of general circulation, radio, or television station requesting notice in writing.

- (b) The written notice must be received at least 24 hours before the time of the meeting specified in the notice.
- (c) The call and notice shall specify the time and place of the special meeting and the business to be transacted. The Council shall consider no other business at the meeting. Special meetings shall be chaired by the Council President.
- (d) Written notice may be dispensed with as to any Councilmember who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by electronic mail. Written notice may also be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes.

1.7. Emergency Meetings

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Council President or a majority of the Council may call an emergency meeting at the request of the Mayor or, in the Mayor’s absence, the Director or Assistant Director of Emergency Services or as further prescribed in Municipal Code Chapter 5, Article 1, Division 1, without complying with the 24-hour notice requirement of Rule 1.6. For purposes of this paragraph, “emergency situation” means any of the following:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council; or
- (b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

The determination of an emergency situation shall be made prior to Council consideration of the emergency item(s).

- (c) The Council President or designee shall notify each local newspaper of general circulation and radio or television station which has requested written notice of special meetings by telephone one hour prior to the emergency meeting. The Council President or designee shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. The City Clerk shall maintain this list of telephone numbers. If telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the Council, or designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
- (d) The Council may meet in closed session during an emergency meeting pursuant to California Government Code section 54957. All special meeting requirements as prescribed in Rule 1.6 shall be applicable to a meeting called pursuant to Rule 1.7, with the exception of the 24-hour notice requirement.
- (e) The minutes of a meeting called pursuant to Rule 1.7, a list of persons the Council President or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.
- (f) This section is intended to be interpreted consistent with the authority and limitations of California Government Code sections 54956 and 54957 authorizing emergency meetings.

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. Agenda

Agendas for the Monday and Tuesday regular Council meetings, as provided in the adopted legislative calendar, shall be published in a location accessible to the public 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 Council President to take items out of order:

Monday at 10:00 a.m.

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

Monday at 10:00 a.m.

Closed Session

Monday at 2:00 p.m.

1. Roll Call
2. Non-Agenda Communications from Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney
3. Ceremonial Items
4. Requests for Continuances by a Councilmember
5. Information and Adoption Agenda
6. Non-Agenda Public Comment
7. Non-Agenda Items
8. Report Out from Closed Session
9. Adjournment

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Requests for Continuance by a Councilmember for Items Scheduled During the Morning Session
4. Consent Agenda Items
5. Non-Agenda Communications from Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney
6. Ceremonial Items
7. Special Orders of Business
8. Items pulled from Consent by Councilmembers
9. Information and Adoption Agenda Items
10. Non-Agenda Public Comment

Tuesday at 2:00 p.m.

1. Roll Call
2. Request for Continuance by a Councilmember for Items Trailed from Morning Session or Items Scheduled for Afternoon Session
3. Information and Adoption Agenda Items (trailed from morning session or as scheduled)
4. Non-Agenda Communications from Mayor, Council, Independent Budget Analyst, City Clerk, City Attorney and Ceremonial Items (if trailed from morning session)
5. Non-Agenda Public Comment (trailed from morning session)

6. Non-Agenda Items
7. 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.

2.3. Special Orders of Business

2.3.1. Special orders of business may include requests for reconsideration under Rule 2.12.2 and requests to consider items “held in committee” under Rule 6.9.2. Discussion during meetings of the Council of items listed as Special Orders of Business shall be limited to whether to place the item on the Council agenda.

2.3.2. When a matter has been “held in committee” pursuant to Rule 6.9.2, the following rules shall apply:

- (a) The Council President may place on the agenda, under Special Orders of Business, an item which has been “held in committee” in order to have the full Council vote on whether this matter shall be placed on the Adoption Agenda.
- (b) The Council President must place on the agenda, under Special Orders of Business, the written request of a Councilmember to have the full Council vote on whether a matter, which has been “held in committee,” shall be placed on the Adoption Agenda.
- (c) The Council may, by majority vote, cause a matter which has been “held in committee” to be placed on the Adoption Agenda. A Council majority vote to hear a matter “held in committee” shall void any prior committee decision. The matter shall be considered de novo by the Council.

2.4. Adoption Agenda

2.4.1. The Adoption Agenda shall include noticed hearings as described in Rule 2.4.4 and ordinances and resolutions placed on the agenda for action by the Council.

2.4.2. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda in a timely manner, not to exceed 120 days.

2.4.3. Consent Items on the Adoption Agenda

- (a) The Council President shall identify items that are to be placed on the Consent portion of the Adoption Agenda.
- (b) Any Councilmember may remove any item from the Consent portion of the Agenda to the Discussion portion of the Agenda by notifying the Council President during the meeting.
- (c) The Consent portion of the Adoption Agenda may include those ordinances and resolutions, reported out of a standing committee, for which the law does not require a noticed hearing as described in Rule 2.4.4. Items may be referred to the Consent portion of the Agenda by the Council President for meeting management purposes, where they can be disposed of by a single motion.
- (d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the Council President, be placed on the Consent portion of the Agenda.
- (e) An item bypassing Council committee review and direct docketed shall not be placed on the Consent portion of the Agenda.

- (f) Notwithstanding any other provision of these Rules of Council or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to annual financial reports, Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City-related entity, shall be placed on the Adoption Agenda as a consent item.

2.4.4. Noticed Hearings

The Noticed Hearings portion of the Adoption Agenda shall consist of hearings upon matters that concern specific land uses, individual property rights, or legislative action which, by law, require noticed hearings.

2.5. Non-Agenda Items

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions pursuant to California Government Code section 54954.2:

- (a) An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item, or
- (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those present, that the need to take action arose after the agenda was posted, or
- (c) Upon a determination by a majority of the Council that an emergency exists as defined in Rule 1.7.

The originating official shall follow the existing docketing process and indicate the reason for the request. The Council shall be required to first vote upon the matter of determining the validity of the circumstances giving rise to the request prior to discussion and action upon the item of business. A vote to take up these matters is only required for items under sections (b) and (c) of this section.

2.6. Public Comment on Information and Adoption Agenda Items

Members of the public shall be given the opportunity to address the Council on agenda items. The Council President may determine the number of speakers on an agenda item or reduce the amount of time available to each speaker to appropriately manage the meeting and ensure the Council has time to consider all the agenda items. A member of the public may only provide one comment per agenda item.

2.6.1 In-Person Comment on Agenda Items

- (a) Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In person testimony will conclude before virtual testimony begins.
- (b) Each person who wishes to address the Council shall approach the podium and state who they are representing if they represent an organization or another person.
- (c) Each speaker may speak up to three minutes in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip. The Council President may also limit organized group presentations of five or more persons to 15 minutes or less.

2.6.2 Virtual Public Comment on Agenda Items

In addition to observing and participating in Council meetings at Council Chambers in accordance with Rule 2.6.1, members of the public may participate virtually (by telephone or internet streaming) as indicated on the meeting agenda. Virtual public comment will be accepted by the City Clerk as provided in the procedures for public comment for the meeting posted with the meeting agenda.

- (a) Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.
- (b) Each speaker may speak up to three minutes. Speakers participating virtually may not allocate their time to other speakers.

2.6.3. Written Comment on Agenda Items

Written public comment will be accepted by the City Clerk using the City Clerk webform or by U.S. mail or as provided in the procedures for public comment posted on the meeting agenda.

2.7. Non-Agenda Public Comment

2.7.1. 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 Council President’s discretion for a given agenda.

2.7.2. In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

- (a) Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. 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. A member of the public may only provide one non-agenda comment per agenda.

- (b) The Council President shall not permit any communication, oral or written, to be made or read which is not within the subject matter jurisdiction of the Council.
- (c) No discussion or action on any matter of Non-Agenda Public Comment shall be permitted. The Council or the Council President may refer an issue raised by a speaker to the Mayor or to the appropriate committee for further information or action.

2.7.3. In-Person Non-Agenda Public Comment

- (a) Each speaker who wishes to address the Council must file a written request (speaker slip) with the City 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 in-person testimony. In-person testimony shall conclude before virtual testimony begins.
- (b) Each person who wishes to address the Council shall approach the podium and state who they are representing if representing an organization or another person.

2.7.4. Virtual Non-Agenda Public Comment

In addition to observing and participating in Council meetings at Council Chambers in accordance with Rule 2.7.3, members of the public may participate virtually (by telephone or internet streaming) as indicated on the meeting agenda. Virtual public comment will be accepted by the City Clerk as provided in the procedures for public comment for the meeting, posted with the meeting agenda. Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.

2.8. Interpretation of Public Comment

The Council shall provide twice the allotted time to a member of the public who uses an interpreter to provide public testimony under Rules 2.6 or 2.7.

2.9. Parliamentary Procedure

- (a) In all cases not provided by these Rules of Council, or other ordinance or resolution, Robert’s Rules of Order Newly Revised will be used as a guide to the Council’s conduct.
- (b) Robert’s Rules of Order notwithstanding, a “majority” of Councilmembers means five Councilmembers. A “majority vote” means the affirmative vote of five Councilmembers. A “two-thirds vote” or “supermajority vote” means the affirmative vote of six Councilmembers.
- (c) For committee meeting purposes, “majority” means two members when referring to committees of three total members and three members when referring to committees of four or five total members and “majority vote” means a majority of the members appointed to a committee.
- (d) Failure of an Item to Receive Sufficient Votes. The failure of a motion to obtain a majority or supermajority vote, as required, means no action has been taken; therefore, the agenda item or staff recommendation is not yet approved or denied. The Chair shall permit alternative motions. Alternative motions may include a motion to continue. If no further motions are passed, the Chair will close with the following results, except where otherwise provided by law:
 - (1) If the matter is an appeal from a decision of a lower decision-making body, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed sustained.
 - (2) If the matter is a quasi-judicial matter, which by statute or ordinance is under the original jurisdiction of the City Council, so that no lower decision has been made, then the matter is deemed denied.

- (3) For all other legislative or administrative matters, the matter is not approved.

2.10. Procedure for Referral to Committee or Assignment to Council Docket

2.10.1. The procedures for referral to Committee are as follows:

- (a) The Council President, or the Council by majority vote, shall have the authority to refer a resolution or ordinance to a standing or special issues committee for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption.
- (b) The Council President, or the Council by majority vote, shall have the authority to refer matters, other than resolutions or ordinances, to a standing or special issues committee for further study and consideration.
- (c) Matters assigned or referred to a standing or special issues committee shall be in keeping with the areas of responsibility and the workload of the committee.
- (d) Matters shall not be referred to more than one committee. Should a committee not have the jurisdiction to resolve the matter or if it is unclear under which committee's area of responsibility the matter falls, it may be assigned to the appropriate committee by the Council President or a majority of the Council.

2.10.2. The Council President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within 30 days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the Council must be referred to the appropriate committee for a hearing when so requested by any Councilmember, subject to a vote of the Council majority or by unanimous consent. This matter shall be scheduled for hearing at a regular meeting of that committee within 120 days unless otherwise directed in the assignment process.

2.11. 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) Comment by members of the public regarding the item according to 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 Councilmember to yield all or a portion of such Councilmember's time to another Councilmember. Motions by Councilmembers may be made at this time.
- (e) Call for a vote on the motion or where no motion has been made, a request for a motion.

2.12. Procedure for Reconsideration

2.12.1. A Councilmember may move to reconsider any vote on any matter on the agenda, except a motion to adjourn and a motion to suspend the Rules of Council. The motion to reconsider must be made by a Councilmember who voted on the prevailing side on the prior vote on the matter.

- (a) Except as provided in Rule 2.12.2, a motion to reconsider any matter may be entertained only at the same meeting that the matter was voted upon by the Council.

- (b) If the matter was not a noticed hearing as described in Rule 2.4.4, the Council may approve a motion to reconsider by majority vote. If the motion to reconsider passes, the Council may re-vote on the matter at the same meeting.
- (c) In order to reconsider a matter that included a noticed hearing as described in Rule 2.4.4:
 - (1) The Council must first suspend these Rules of Council by a two-thirds vote before it may vote on the motion to reconsider.
 - (2) A majority of the Council must approve the motion to reconsider.
 - (3) If the motion to reconsider is approved, the Council shall set a date to rehear the matter, subject to applicable noticing requirements, but within a timely manner not to exceed 120 days.

2.12.2. A request to reconsider a matter at any time after the meeting at which the matter was voted upon must be re-docketed as a Special Order of Business. Once the request to reconsider is docketed:

- (a) In order to reconsider a matter that included a noticed hearing as described in Rule 2.4.4, the Council must first suspend these Rules of Council by a two-thirds vote of the Councilmembers before it may vote on the motion to reconsider.
- (b) The motion for reconsideration may be approved by a majority vote of the Council.
- (c) If the motion to reconsider is approved, the matter shall be placed on a future Council agenda in a timely manner, not to exceed 120 days and consistent with all applicable noticing requirements. The matter to be reconsidered may be placed on the same agenda as the motion to reconsider, provided that all applicable noticing requirements are met and that the agenda and any notice clearly state that the matter will only be heard if the motion to reconsider is approved.

2.12.3. A vote by the Council to docket a matter “held in committee” or one relating to a decision of a committee is not subject to a motion to reconsider, and the decision of the Council is final.

2.13. Suspension of Rules of Council

Any Rule of Council may be suspended temporarily by a vote of two-thirds of the Councilmembers, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

2.14. Public Conduct

No person shall engage in any conduct that disrupts, disturbs, or impedes the conduct of a Council meeting, whether by loud, threatening, or obscene conduct, or otherwise. Any person who engages in such conduct that impedes the orderly conduct of any Council meeting, at the discretion of the Council President, shall be given a warning that their conduct is out of order, is disrupting the meeting, and failure to stop may result in their removal from the meeting. Any person having been ruled out of order by the Council President shall immediately conform to the orders of the Council President. Any person who refuses when ordered to conform to the rules of conduct may be removed from the place of the Council meeting by order of the Council President.

Rule 3: DUTIES OF COUNCILMEMBERS

3.1. Non-Public Meetings Prohibited

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices by a majority of the members of the legislative body to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the legislative body is prohibited.

3.2. Requirement to Vote on Matters Not Involving Personal Interests

No Councilmember shall be excused from voting at a Council meeting except on matters involving the consideration of the Councilmember's own official conduct, when the Councilmember's own personal financial interests are involved, and as otherwise required by law. Councilmembers should identify their own conflicts and seek advice before the meeting at which the potential conflict will be addressed. *(See California Political Reform Act, Government Code section 81000 et seq. and Government Code sections 1126 and 1090.)*

3.3. Voting After Absence from Council Meeting

Council business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a Council meeting should study and review applicable materials before voting on any such matters. In the case of quasi-judicial matters, a Councilmember must review applicable materials before voting.

3.4. Voting on Matters Where a Full Council Vote is Necessary

On those matters where a full Council vote is deemed necessary by the Council or legally required, all reports and comments shall be heard as expeditiously as possible with a quorum present. The actual vote will be taken by the full Council after absent members have had sufficient time for review of applicable material and recordings.

Rule 4: SELECTION AND REMOVAL OF THE COUNCIL PRESIDENT AND COUNCIL PRESIDENT PRO TEM

4.1. Title

The official title of the Council's presiding officer shall be Council President. The acting presiding officer's title shall be Council President Pro Tem.

4.2. Selection of the Council President

In odd-numbered years, at the first Monday Council meeting in December and in even-numbered years, at the first Council meeting held on or after the tenth day of December, the Council shall select a Council President from one of its members by majority vote of the Council. The Council President shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The Council President may serve more than one term.

4.3. Selection of the Council President Pro Tem

No later than the second meeting of the Council in January of each year, the Council President shall select a Council President Pro Tem, subject to confirmation by a majority of the Council. The Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to perform those duties. The Council President Pro Tem shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The Council President Pro Tem may serve more than one term.

4.4. Removal of the Council President or Council President Pro Tem

At any time, the Council President or Council President Pro Tem may be removed by a majority vote of the Council. In the event of a vacancy in either the position of Council President or Council President Pro Tem, the Council shall fill that vacancy at the next regularly scheduled Council meeting and the successor shall serve for the remaining term of the position being filled.

4.5. Procedure When Both the Council President and Council President Pro Tem are Absent or Unable to Perform Their Duties

In the absence of both the Council President and Council President Pro Tem, the City Clerk shall call the Council meeting to order, and the Council shall immediately elect a Chair Pro Tem to preside during that meeting. Such office is terminated by the entrance of the Council President or Council President Pro Tem, or by the election of another Chair Pro Tem. If the Council must elect a Chair Pro Tem to hold office beyond the current meeting, the City Clerk shall provide written notice, as set forth in Rule 1.5, prior to the meeting at which such election is held. The Chair Pro Tem shall have the authority of the Council President in the absence of the Council President and the Council President Pro Tem. The procedures for electing the Chair Pro Tem are as follows:

- (a) The City Clerk calls the meeting to order, takes roll call, and takes up consideration of electing a Chair Pro Tem.
- (b) The City Clerk opens the floor to nominations, calling on Councilmembers in accordance with the order captured by the voting system, followed by any virtually attending Councilmembers in the order in which they raised their virtual hand.
- (c) When all nominations have been placed on the floor, the City Clerk calls on each nominee to make a statement (maximum of three minutes).
- (d) Councilmembers will have five minutes per person for questioning nominees.
- (e) Members of the public may comment regarding the item (maximum of three minutes per speaker).
- (f) When there is only one nomination, the nominee may be elected by majority vote. The City Clerk will call for a vote on the main motion or, where no motion has been made, request a motion.
- (g) If there are multiple nominations, the City Clerk shall follow Council Policy 000-13 regarding how to fill a vacancy if the number of nominees is greater than the number of vacancies.

Rule 5: DUTIES OF THE COUNCIL PRESIDENT AND COUNCIL PRESIDENT PRO TEM

5.1. City Charter Provisions

The Council President shall have such duties as prescribed for the presiding officer in Article XV of the City Charter and such other responsibilities, rights, and duties prescribed by the Council and authorized by law. The Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to perform those duties. When the Council President and Council President Pro Tem are absent or unable to vote, the City Clerk will call for a vote, per Rule 4.5.

5.2. Duties of the Council President

The duties of the Council President shall include:

- (a) Chair meetings of the Council and enforce the Rules of Council.
- (b) Call special meetings of the Council under Rule 1.
- (c) Manage the docketing process and identify which items should be docketed, placed on the consent agenda, or referred to committee.
- (d) Coordinate closed session dockets with the Mayor and City Attorney.
- (e) Select the committee chairs and committee vice chairs with approval by a Council majority.
- (f) Request information regarding matters before the Council.
- (g) Represent the Council at government and public functions.
- (h) Make appointments, required by law or other governing authority to be made by the Council President, in a timely manner.

In the event of a vacancy in the office of the Mayor, the Council President shall assume those duties of the Mayor prescribed in City Charter section 265(i).

Rule 6: STANDING AND SPECIAL COMMITTEES

6.1. Creation of Standing Committees

6.1.1. The Council hereby creates eight standing committees as follows:

- (a) Committee on Economic Development and Intergovernmental Relations
- (b) Committee on Land Use and Housing
- (c) Committee on the Environment
- (d) Committee on Public Safety
- (e) Committee on Budget and Government Efficiency
- (f) Committee on Active Transportation and Infrastructure
- (g) Committee on Rules
- (h) Committee on Community and Neighborhood Services

6.1.2. Each standing committee shall have the responsibility for certain subject matters as set forth in these Rules of Council. In addition, each committee shall have the following responsibility:

- (a) If requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to matters within the committee's responsibilities.
- (b) To ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to matters within the committee's responsibilities.
- (c) To hold hearings on matters referred to it.

6.1.3. Each standing committee shall develop an annual work plan and compile a year-end report to be presented to the Council at the end of each year. It is recommended that a committee’s work plan be posted online, after committee’s consideration of the work plan as an information or discussion item, by February 1 of each year and updated at the mid-year. A mission statement may be included in the work plan. The Council President shall use the posted work plans to develop the annual Council work plan to be presented at a Council meeting in March of each year.

6.2. Committee Appointments and Membership

6.2.1. For each committee, the Council President shall nominate the committee chair, vice chair, and committee members, subject to confirmation by a majority vote of the Council. The number of committee members assigned to each standing committee, except the Committee on Rules, shall be indicated in the Council President’s nomination and Council’s resolution confirming the appointments. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The Council President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.

6.2.2. The term for each committee member shall be for one year and until a successor is duly appointed and confirmed. The one-year term is renewable each year.

6.2.3. The Council President, with Council approval, shall fill, within a reasonable time, any vacancies that may occur from time to time on any of the standing committees. A committee member appointed to fill a vacancy shall serve for the remainder of the term being filled.

6.3. Committee Meetings

6.3.1. The Council shall establish such schedules for regular meetings of the committees as will permit a full attendance of their members without conflict of committee engagements. Such schedules shall be adopted by Council resolution no later than the second regular Council meeting in January.

- 6.3.2. The chair, or a majority of the committee, may call a special meeting of the committee by giving appropriate written notice, with assistance from the legislative assistant as set forth in Rule 1.5, to each member of the committee at least 24 hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the special meeting. No matter shall be considered at the special meeting other than that specified in the notice.
- 6.3.3. Every meeting of each standing committee and special issues committee shall be open to the public except as otherwise provided for by state law and shall conform to the notice, posting, public comment, public conduct, and other provisions as provided by these Rules of Council.
- 6.3.4. A Councilmember who is not a member of a committee made up of less than a quorum of the Council shall not participate directly or indirectly in any meeting of that committee when participation would violate the Brown Act. If a Councilmember's presence would be consistent with the Brown Act, that Councilmember may present to the committee on items within the committee's jurisdiction or participate as a member of the public, but shall not vote on any matter or otherwise participate in the committee meeting.

6.4. Committee Quorums and Attendance

- 6.4.1. A majority of the members of a committee shall constitute a quorum for the transaction of business. A committee may not conduct business absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The chair may, upon the loss of a quorum, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report a resolution or ordinance, or any matter properly before it, out of committee.
- 6.4.2. Committee business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a committee meeting shall be required to study and review applicable material and recordings before voting thereafter on any such matters.

- 6.4.3. On those matters where a full committee vote is deemed necessary by the committee or Council, or legally required, all reports and comments shall be heard as expeditiously as possible with a quorum present. The actual vote will be taken by the full committee after absent members have had sufficient time for review of applicable material and recordings.
- 6.4.4. When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the Council President is authorized to act as a voting member of that standing committee.
- 6.4.5. The Council shall vacate the committee seat of any appointed committee member who is absent from four consecutive scheduled committee meetings of that committee unless the absence thereof is excused by resolution of the Council.

6.5. Conduct of Committee Business

- 6.5.1. Except as provided in the Rules of Council, Robert’s Rules of Order shall guide the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules, not in conflict with the Rules of Council, as it may deem necessary for the conduct of committee business.
- 6.5.2. No action shall be taken on any matter outside of a duly constituted committee meeting.
- 6.5.3. Before acting on any matter either originated by the standing committee or referred to it, the standing committee shall, through its chair, make inquiry of the Mayor or appropriate department to determine the fiscal and operational impact of the proposal, and those contacted by the chair shall cooperate fully in providing the information required by the committee in a timely manner, per City Charter section 32.1.

6.5.4. The Mayor, City Attorney, and Independent Budget Analyst, or their designees, shall attend all committee meetings but shall have no vote therein. The Mayor, City Attorney, Independent Budget Analyst, and the independent department heads, or their designees, shall have the right to take part in discussions on matters properly before a committee relating to their respective offices, and may participate in discussions in such committee meetings when requested to do so by a member of the committee.

6.6. Legislative Staff

6.6.1. The Council President shall assign a Director of Legislative Affairs and one legislative assistant to assist exclusively with managing the Council docket process as provided in City Charter section 270(d).

6.6.2. [Reserved.]

6.6.3. Legislative analysts within the Office of the Independent Budget Analyst may be assigned to provide policy analysis and reports on legislation initiated by the Council, provide policy-related research and analysis on legislation initiated by the Mayor and independent departments, and conduct any special studies as requested by a majority of the Council.

6.6.4. Matters assigned to legislative analysts will be prioritized as follows: (1) the Council, (2) the Council President, (3) committee chairs, and (4) individual Councilmembers.

6.6.5. Matters for which the Council or Councilmembers request legal analysis from the City Attorney will be prioritized by the City Attorney as follows: (1) the Council, (2) committees; (3) the Council President, (4) committee chairs, and (5) individual Councilmembers. Prioritization will be subject to the City Attorney's duty under City Charter section 40 to provide legal services to all City departments and offices and California State Bar ethical duties. Requests for legal analysis from a committee or committee chair must pertain to a matter within the area of responsibility of the committee.

6.7. Duties of Committee Chairs

- 6.7.1.** The chair shall preside at all meetings of the committee. Whenever the chair is absent, the vice chair shall preside.
- 6.7.2.** The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum.
- 6.7.3.** The chair may initiate matters within the area of responsibilities of the committee. The chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. The chair or designee shall work with the legislative assistant assigned to the committee to prepare and post an agenda for each committee meeting at least 72 hours prior to the committee meeting.
- 6.7.4.** The chair has discretion as to whether and when to schedule an item referred to the committee, except that the chair shall schedule the first standing committee hearing on an item within 120 days of referral, or as otherwise specified, when: (1) the matter has been referred to the committee by a majority vote of the Council; or (2) the issue referred is an ordinance or resolution submitted for approval by the Council.
- 6.7.5.** Within one week following each meeting of a standing committee, the chair of that committee shall notify the Council of the roll call votes on all actions taken at the standing committee meeting. If posted on the City’s website, the record of committee actions shall clearly indicate it is a draft pending approval by the committee.

6.8. Rights and Duties of Committee Members

- 6.8.1.** It shall be the duty of all Councilmembers to attend every meeting of every committee of which they are a member, and they are charged with fulfilling the responsibilities of such committees.

6.8.2. No member shall be excused from voting at a committee meeting except on matters involving the consideration of the member's own official conduct, when the member's personal financial interests are involved, and as otherwise required by law. Committee members should identify their own conflicts and seek advice before the meeting at which the potential conflict will be addressed.

6.8.3. A chair or a committee member shall have the right to present ideas to a committee for discussion and further development of the concept. Such ideas shall be within the committee's area of responsibility and shall be scheduled pursuant to Rule 6.7.4.

6.9. Committee Hearings

6.9.1. A matter shall be reported to the Council only if the committee makes one of the following recommendations:

- (a) Approve staff's proposed action; or
- (b) Approve staff's proposed action, as amended; or
- (c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members; provided, however that if the committee is made up of five members, present and voting, a majority vote is required.

6.9.2. A matter shall be deemed "held in committee" if: (1) the committee has not scheduled the item for hearing within 120 days of referral, or as otherwise specified; or (2) if the committee has not reported the matter back to the Council within 30 days of the first scheduled committee hearing on the item. The Council President or the Council by majority vote can cause a matter which has been "held in committee" to be placed on the Adoption Agenda of the Council docket as provided in Rule 2.3.2.

- 6.9.3. If the committee recommends that an ordinance be introduced at or that a resolution be adopted by the Council, the originating official shall complete the necessary Request for Council Action. The City Attorney shall prepare and attach to the approved Request for Council Action any necessary ordinances, resolutions, and digests. The originating official shall cause the resolution or ordinance, with the digest, to be delivered to the Council President or designee for listing on the agenda of a regular Council meeting.
- 6.9.4. The committee’s assigned legislative assistant shall keep a complete record of the meetings and actions taken by the committee. When the committee takes action on a matter, the vote shall be by roll call vote only. All roll call votes shall be recorded by the committee’s assigned legislative assistant and the vote shall be included in the Request for Council Action so that it shall appear on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

6.10. Standing Committee Composition and Responsibilities

6.10.1. Committee on Economic Development and Intergovernmental Relations

- (a) The Committee on Economic Development and Intergovernmental Relations shall be composed of three or four voting Councilmembers.
- (b) The Committee on Economic Development and Intergovernmental Relations shall have the following areas of responsibility: Intergovernmental Relations, Interagency and Bi-National Agreements, International Trade, Foreign Trade Zones, San Diego Regional Airport Authority, Civic San Diego or Successor Agency, Port District, Educational Partnerships, City-wide Economic Development Programs and Strategy, Workforce Development, Commercial Marketing Districts, Business Improvement Districts, Tourism Marketing District, San Diego Convention Center Corporation, Incentive Programs, Regulatory Relief, Community Development Block Grants, Small Business Support, Worker Rights and Protections, Labor Standards, Job Quality Standards, Arts and Culture, and Open Data.

6.10.2. Committee on Land Use and Housing

- (a) The Committee on Land Use and Housing shall be composed of three or four voting Councilmembers.
- (b) The Committee shall have the following areas of responsibility: Permanent Supportive Housing, Homeless Services, Affordable Housing, Real Estate Assets, Planning, Land Use, Land Development Code, General Plan, Community Plans, Coastal Overlay Zone, and Historical Issues/Mills Act.

6.10.3. Committee on the Environment

- (a) The Committee on the Environment shall be composed of three or four voting Councilmembers.
- (b) The committee shall have the following areas of responsibility: the Clean Water Program, Water Management and Policy, Energy (Solar, Property Assessed Clean Energy Programs, Green), Multiple Species Conservation Program, Solid Waste Disposal, Recycling, Air Quality Standards, Hazardous Waste, Regional Parks, Open Space, Public Utilities, Golf, Utility Undergrounding, Franchise Agreements, Stormwater Management and Policy, Climate Action Plan, Climate Resiliency Plan, Sustainability, Wastewater Management and Policy, Independent Rates Oversight Committee, Pure Water (including Indirect Potable Reuse/Direct Potable Reuse, Recycled Water, Graywater), San Diego County Water Authority, Shoreline Preservation, Wildlife Management, Environmental Services, and Environmental Policy.

6.10.4. Committee on Public Safety

- (a) The Committee on Public Safety shall be composed of three or four voting Councilmembers.
- (b) The committee shall have the following areas of responsibility: Police, Fire, Lifeguards, Homeland Security, Emergency Medical Services, Gang Prevention and Intervention, Graffiti Abatement, and Commission on Police Practices.

6.10.5. Committee on Budget and Government Efficiency

- (a) The Committee on Budget and Government Efficiency shall be composed of three or four voting Councilmembers.
- (b) The Committee shall have the following areas of responsibility: the Annual Budget, Financial Reports, Fees, Performance Measures and Analytics, Corporate Partnerships and Development, Fleet Services, Risk Management, Information Technology, Enterprise Resource Management, Purchasing and Contracting, Equal Opportunity Contracting, Living Wage, Prevailing Wage, Managed Competition, Revenue, San Diego City Employees' Retirement System, Personnel, Consumer Protection, Civil Service, and Human Resources.

6.10.6. Committee on Active Transportation and Infrastructure

- (a) The Committee on Active Transportation and Infrastructure shall be composed of three or four voting Councilmembers.
- (b) The Committee shall have the following areas of responsibility: Capital Improvement Program (CIP), Oversight of CIP Streamlining, ADA CIP Projects, Infrastructure Finance, Regional Transportation Improvement Program, Asset Management, Infrastructure Condition Assessment Monitoring and Implementation, Neighborhood Input on Infrastructure Needs and Priorities, Stormwater Infrastructure, Public Facilities Financing Plans, Development Impact Fees, Facilities Benefit Assessments, Wastewater Infrastructure, Water Infrastructure, City Facilities, Park Infrastructure, Multi-Year Capital Improvement Program Plan, Transportation Infrastructure, Public Works, Transportation Planning, Transit Services, Parking, Community Parking Districts, Municipal Airports, Walkability, Bicycle Programs, and ADA Compliance and Accessibility. The Committee's responsibility includes individual infrastructure projects related to water, wastewater, storm water, and parks, except for projects related to Pure Water, which shall be the responsibility of the Committee on the Environment.

6.10.7. Committee on Rules

- (a) The Committee on Rules shall be composed of five voting Councilmembers. The Council President shall serve as chair.
- (b) The Committee shall have the following areas of responsibility: Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Communications, Customer Service, Public Outreach, matters initiated by individual Councilmembers as provided in Rule 7.1, and Committee Composition and Responsibilities.
- (c) The Committee on Rules shall review the standing committee structure and assigned areas of responsibility every three years.

6.10.8 Committee on Community and Neighborhood Services

- (a) The Committee on Community and Neighborhood Services shall be composed of three or four voting Councilmembers.
- (b) The committee shall have the following areas of responsibility: Neighborhood Parks, Recreation Programs, Veterans Services, Special Event Permits, Senior Services, Volunteerism, Libraries, Maintenance Assessment Districts, Code Enforcement, and Child, Youth, and Family Services.

6.11. Special Issues Committees: Composition and Responsibilities

6.11.1. Budget Review Committee

- (a) The Budget Review Committee shall be composed of all members of the Council. The chair of the Committee on Budget and Government Efficiency shall serve as chair of this special committee and the Council President shall serve as vice chair. In the absence of the chair of the Committee on Budget and Government Efficiency, the Council President shall serve as chair and the Council President Pro Tem shall serve as vice chair.
- (b) The chair or, in the chair's absence, the Council President or, in the absence of both, the Council President Pro Tem, may call a meeting of the Budget Review Committee in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Budget Review Committee by a motion adopted by the Council at a regular meeting.
- (c) The Budget Review Committee shall have the responsibility to analyze, study, and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance, and the annual budgets of the San Diego Housing Commission, San Diego Convention Center Corporation, San Diego City Employees' Retirement System, and the City of San Diego, solely in its capacity as Successor Agency to the former Redevelopment Agency of the City of San Diego.
- (d) The committee shall have the further responsibility to review and evaluate the proposed Capital Improvements Program. Proposals regarding revenue and taxation shall be referred to the Budget Review Committee.

- (e) Annual budget review meetings shall be set in accordance with California Government Code section 54954, no later than the ten weeks immediately preceding the introduction of the Annual Appropriation Ordinance subject to the provisions of Council Policy No. 000–02.

6.11.2. Committee of the Whole

- (a) The Committee of the Whole shall be composed of all members of the Council. The Council President shall serve as Chair and the Council President Pro Tem shall serve as vice chair.
- (b) The Council President or, in the Council President’s absence, the Council President Pro Tem or, in the absence of both, the Chair Pro Tem selected following the procedure in Rule 4.5, may call a meeting of the Committee of the Whole in accordance with the provisions of California Government Code section 54954 or 54956. Matters may be set for a hearing of the Committee of the Whole by a motion adopted by the Council at a regular meeting.
- (c) This special issues committee shall have the responsibility to analyze, study, and evaluate a proposed resolution or ordinance, or to hold fact finding hearings, on any subject concerning City government that is beyond the scope of responsibility of any one standing committee or is adjudged by the Council President or Council to be more properly a concern of the entire Council.
- (d) Proposals for City action in cooperation with other local government entities, including any actions to be taken on a regional basis, may be referred to the Committee of the Whole.

Rule 7: PROCEDURES FOR REQUESTS FOR COUNCIL ACTION

7.1. Initiation of Requests for Council Action by Councilmembers and Committees

Any member of the Council or a Council committee may initiate a Request for Council Action for matters within the jurisdiction of the Council. Committee requests for Council action must be within the areas of responsibility assigned to that committee. Requests for Council Action shall be placed on the Adoption Agenda unless referred to committee by the Council President. If the Council President determines that a Request for Council Action initiated by a Councilmember who is not a member of the committee with assigned responsibility for the subject matter should be referred to committee, it shall be referred to the Committee on Rules or the Committee of the Whole unless the Councilmember’s participation at the committee with assigned responsibility for the subject matter complies with the Brown Act and Rule 6.3.4.

7.2. Initiation of Requests for Council Action by the City Attorney or the Mayor

7.2.1. Requests for Council Action may be initiated by the City Attorney or Mayor, or any other independent department head for any matter within that person’s official duties as prescribed by law. Requests for Council Action shall be placed on the Adoption Agenda, unless first referred to committee by the Council President.

7.2.2. Any Request for Council Action that includes a resolution or ordinance on which action of the Council is mandatory under any federal, state, or local law shall be placed on the Adoption Agenda by the City Clerk without further action of the Council President. Such matters include, but are not limited to, the following:

- (a) Request for a change in zoning;
- (b) A decision or appeal on any administrative or quasi-judicial matter as permitted under the City Charter, state law, or ordinance of the City; and
- (c) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

7.3. Preparation of Resolution or Ordinance by the City Attorney

- 7.3.1.** Upon receiving a properly initiated Request for Council Action, the City Attorney shall prepare a resolution or ordinance as requested and shall affix a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a digest where required, showing any changes in the existing law which are proposed by the matter.
- 7.3.2.** (a) Pursuant to City Charter sections 280(a) and (b), whenever a resolution or ordinance is not subject to a mayoral veto, the City Attorney shall, before signing off as to the form or correctness of that document, indicate the Mayor’s inability to veto that measure within the body of that resolution or ordinance.
- (b) The City Attorney will indicate within the body of the resolution or ordinance whether a supermajority vote of the Council is required for its passage. Failure to indicate the supermajority vote requirement will not invalidate a resolution or ordinance otherwise passed in accordance with law.
- 7.3.3.** The City Attorney shall attach the completed document and digest, if required, to the Request for Council Action. The originating official is responsible for ensuring the completeness of documentation accompanying the Request for Council Action.
- 7.3.4.** If changes are made to the resolution or ordinance after the Request for Council Action has been submitted, the City Attorney shall provide a corrected copy of the resolution or ordinance with a strike-out or memorandum explaining the changes to the Council President for inclusion in backup information.

7.4. Delivery of Resolution or Ordinance to the Council President

The official who originated the Request for Council Action shall cause the resolution or ordinance, with attached digest and any other supporting materials prepared in accordance with Rule 7, to be submitted to the Council President or designee no later than 10:00 a.m. on Wednesday for placing on the agenda of a regular Council meeting to be held within a timely manner not to exceed 120 days or as soon as necessary to comply with any legal deadline.

7.5. Preparation of the Council Agenda (Docket Management)

7.5.1. Only those Requests for Council Action that have been prepared and submitted in accordance with these Rules of Council shall be placed on the agenda. Each Request for Council Action so prepared and submitted shall be reviewed and placed on the Adoption Agenda.

7.5.2. It is the Council’s preference that a Request for Council Action be referred to a standing committee or the Committee of the Whole when it would do any of the following: (1) support or oppose state or federal legislation; (2) result in a substantial expenditure of City money; (3) result in a substantial loss of revenue to the City; (4) result in a substantial reduction of expenditures of City money by reducing, transferring, or eliminating any existing responsibilities of the City; (5) appropriate money; or (6) add to, modify, or abolish existing City policy.

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

7.6.1. The agenda prepared as described above and any items under Special Order of Business, together with all Requests for Council Action prepared and delivered as required by Rule 7, shall be delivered by the Council President to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council as indicated by the Council President pursuant to Rule 7.4.1, but no sooner than the meeting to be held during the week following the next succeeding week. Additionally, any item may be set for a time certain hearing.

- 7.6.2. When preparing the docket, the Council President shall identify items to be placed on the Consent Agenda, Noticed Hearing Agenda, and other items for discussion. Per City Charter section 280(b), the City Clerk shall indicate on the agenda which ordinances, resolutions, and other matters are not subject to mayoral veto and which items require a two-thirds vote. Failure to indicate either will not invalidate a resolution or ordinance otherwise passed in accordance with law.
- 7.6.3. The City Clerk shall arrange the agenda in proper format and cause the agenda to be prepared for public notice by 10:00 a.m. each Wednesday preceding the regular meetings of the Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Thursday and shall be posted in accordance with California Government Code section 54954.2.
- 7.6.4. Notwithstanding the above provisions, there may be listed on the Adoption Agenda a Request for Council Action that has been initiated as required by Rules 7.1 and 7.2, but for which an ordinance or resolution has not been provided in accordance with Rules 7.3 and 7.4, if the City Attorney provides written notification to the Council President that an ordinance or resolution will be prepared and delivered by the City Attorney to the City Clerk prior to the time the item is considered on the Adoption Agenda.

7.7. Preparation and Delivery of the Supplemental Agenda to the City Clerk

- 7.7.1. Notwithstanding the above provisions, the Council, at a regular meeting, or the Council President may direct the City Clerk to list an item on a supplemental agenda for the next regular Council meeting if the City Attorney provides written notice to the City Clerk that an ordinance or resolution has been prepared or will be prepared and delivered to the City Clerk prior to the time the item is considered at the regular Council meeting.

7.7.2. Notwithstanding any other provision of these Rules of Council or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including, but not limited to, Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City-related entity, shall be docketed as a supplemental item on any agenda, and all such matters must be prepared as required by Rule 7.

7.7.3. The legislative authority of Councilmembers in regard to drafting documents to be considered by the Council shall be preserved and not limited; provided, however, that all resolutions, ordinances, and other legal documents regarding and in support of matters listed on the Council agenda for Council action shall be prepared in final form by the City Attorney and bear the City Attorney’s signature or approval as required by City Charter section 40.

7.8. Posting, Notice, and Items for Consideration

At least 72 hours before the regularly scheduled meeting of the Council, the City Clerk shall post the agenda with a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the meeting and shall be posted in a location freely accessible to the public. No discussion or action shall be taken on any item not appearing on the posted agenda, except as otherwise provided in Rule 2.5.

Rule 8: NOTICING AND CONDUCT OF CLOSED SESSION

The Council may impose upon itself requirements which allow greater access to its meetings than prescribed by the minimum legal standards set forth in the California Open Meeting Law, commonly known as “the Brown Act” (California Government Code sections 54950-54963).

8.1. Form and Manner of Notice

- (a) All closed session items shall appear on a Closed Session Agenda or Supplemental Closed Session Agenda, which agenda may be separate and distinct from the Council’s regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the Council, per Rule 7.6.3. A line item shall appear on the regular Council docket indicating that closed session items will be appearing on a separate Closed Session Agenda.

The Closed Session Agenda shall clearly indicate the time and place that open session discussion of closed session items is scheduled to occur. The Closed Session Agenda shall also indicate the time and place for the scheduled closed session.

- (b) All Closed Session Agenda items shall contain descriptions which can be easily understood and informative to the public in a meaningful way, unless to do so would harm the City and public interest by disclosing facts that are not known to the adverse party in any litigation or negotiations. Meaningful means clear and specific enough to alert a person of average intelligence and education whose interests are affected by the item that the person may have a reason to attend the meeting or seek more information on the item. The description should be concise and written in plain, easily understood words.
- (c) For authorized exceptions to open meetings, the following minimum noticing and disclosure requirements, as may be amended, shall apply:
 - (1) Significant Exposure to Litigation: California Government Code section 54956.9.
 - (2) Conference with Legal Counsel – Existing Litigation: California Government Code section 54956.9.
 - (3) Conference with Legal Counsel – Initiation of Litigation: California Government Code section 54956.9.
 - (4) Conference with Real Property Negotiator: California Government Code section 54956.8.

- (5) Conference with Labor Negotiators: California Government Code section 54957.6.
 - (6) Threat to Public Services or Facilities: California Government Code section 54957(a).
 - (7) Public Employee Performance Evaluation: California Government Code section 54957(b)(1).
 - (8) Public Employee Appointment: California Government Code section 54957(b)(1).
 - (9) Public Employee Discipline/Dismissal/Release: California Government Code section 54957(b)(1).
- (d) In open session, before public comment or Council discussion of any closed session item, the City Attorney or appropriate staff may provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining if requested by a member of the Council.

8.2. Public Participation

The public shall have the opportunity to directly address the Council on any closed session item on the agenda, prior to the Council convening in closed session.

8.3. Council Questions and Discussion in Open Session

At the regular or special meeting of the Council, the Mayor and Councilmembers may discuss the basis for convening into closed session, ask questions, and respond to questions from the public.

8.4. Transcription of Closed Sessions

All closed sessions, except those related to personnel matters, shall be transcribed by a court certified reporter. All transcripts shall be retained.

8.5. Reporting of Closed Session Results in Open Session

- (a) The Council shall adjourn from closed session, reconvene in open session, and publicly report such final action and the vote or abstention of every member present when a public report is required by law, including:
 - (1) Approval of an agreement concluding real estate negotiations: California Government Code section 54957.1(a)(1).
 - (2) Approval given to the City’s legal counsel to defend, or seek, or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation: California Government Code section 54957.1(a)(2).
 - (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasi-judicial-proceeding (pending litigation): California Government Code section 54957.1(a)(3).
 - (4) Final disposition of any claim: California Government Code section 54957.1(a)(4).
 - (5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.1(a)(5).
 - (6) Approval of an agreement concluding labor negotiations with represented employees which is a final and has been accepted or ratified by the other party: California Government Code section 54957.1(a)(6).

- (b) Reports that are required to be made pursuant to this section may be made orally or in writing. The City shall provide to any person who has submitted a written request to the City within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to California Government Code sections 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that an oral summation of the substance of the amendments has been made for the benefit of the document requester or any other person present and requesting the information.
- (c) The documentation referred to in Rule 8.5(b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.
- (d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

8.6. Litigation Log

The City Attorney, in coordination with the City Clerk, shall provide the Council with a weekly listing of all litigation filed against or by the City of San Diego, its officers or employees, any City boards and commissions (collectively “the City”) that has been served upon the City. The list shall include the court in which the case was filed, the name of the litigants, the date filed, and the court case number. A copy of the list shall be kept on file in the Office of the City Clerk and available for members of the public. The list shall be provided every week, and shall report on cases served the immediate preceding week.

Rule 9: TEMPORARY RULES

The Council President may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule. Upon adoption by the Council, the temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule is in conflict with a Rule of Council, it shall supersede such Rule of Council only for the day on which it was adopted or for such greater period as may be specified in the temporary rule.

Rule 10: AMENDMENT OF RULES OF COUNCIL

No Rule of Council shall be amended except by ordinance adopted by the Council. No such ordinance shall be considered by the Council until it has been referred to the standing Committee on Rules.

Rule 11: EXISTING PROCEDURES PRESERVED

The procedures of the Council contained in the Council Policy Manual shall be continued in full force and effect.

(Amended 6-21-2011 by O-20066 N.S.; effective 7-21-2011.)
(Amended 11-1-2011 by O-20109 N.S.; effective 12-1-2011.)
(Amended 1-10-2012 by O-20121 N.S.; effective 2-9-2012.)
(Amended 1-8-2013 by O-20242 N.S.; effective 2-7-2013.)
(Amended 10-29-2013 by O-20316 N.S.; effective 11-28-2013.)
(Amended 1-13-2015 by O-20452 and O-20453 N.S.; effective 2-12-2015.)
(Retitled from "Permanent Rules of the Council" to "Rules of the Council (Rules of Council)" and amended 1-12-2016 by O-20594 N.S.; effective 2-11-2016.)
(Amended 12-6-2016 by O-20765 N.S.; effective 1-5-2017.)
(Amended 8-6-2019 by O-21101 N.S.; effective 9-5-2019.)
(Amended 12-6-2022 by O-21576 N.S.; effective 1-5-2023.)

§22.0102 Publication of Ordinances or Resolutions

Within fifteen days after final passage of any ordinance or resolution of a general nature, the City Clerk shall cause the same to be published once in the "City Official Newspaper" as defined by section 113 of the City Charter; provided, however, that when any ordinance or resolution is, by the City Charter, or by any general law, the provisions of which have been adopted by the City Charter, required to be published more than once, the City Clerk shall cause such ordinance or resolution to be published in the manner and as often as is so required.

(Amended 4-17-1989 by O-17277 N.S.)
(Amended 1-12-2016 by O-20594 N.S.; effective 2-11-2016.)