ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW SECTION 22.0101.5 PERTAINING TO THE PERMANENT RULES OF THE COUNCIL UNDER THE MAYOR-COUNCIL TRIAL FORM OF GOVERNANCE AND SUSPENDING SECTION 22.0101

WHEREAS, at a municipal election held on November 2, 2004, the voters of the City of San Diego approved Proposition F, thereby adding Article XV to the City Charter which changes the City's current Council-Manager form of government to a Mayor-Council form of government on a five-year trial basis beginning January 1, 2006; and

WHEREAS, Article XV, section 270(a) of the City Charter provides that the Council shall be composed of eight councilmembers and shall be the legislative body of the City; and

WHEREAS, Article XV, section 270(d) of the City Charter provides that the City Council shall have the right to determine its own rules and order of business, including a process for the selection of a presiding officer to chair the meetings and manage the docket process; and

WHEREAS, Article XV, section 270(e) of the City Charter provides that the City Council shall have the right to establish committees of the City Council; and

WHEREAS, the City Council now chooses to exercise the authority granted to it by the voters upon approving the new form of government, and suspend temporarily the existing provisions of the San Diego Municipal Code that pertain the Permanent Rules of the Council, and adopt in its place a superseding section that will control for so long as the City operates under a Mayor-Council form of government; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, Division 1 of the San Diego Municipal Code is hereby amended by adding section 22.0101.5 to read as follows:

PREAMBLE: On November 8, 2004, the voters of San Diego approved a City Charter amendment to convert the City's Council-Manager form of government to that of Mayor-Council for a period of five years. Therefore, as of January 1, 2006, and so long as the City operates under the Mayor-Council form of government, the following Permanent Rules of Council shall govern the procedures and proceedings of the San Diego City Council.

§22.0101.5 Permanent Rules of the Council

Rule 1: TIME AND PLACE OF MEETINGS (Former Rule 1)

1.1. Time

The regular weekly meetings of the City Council shall be scheduled over a two-day period as follows:

Monday 2:00 p.m. — 5:30 p.m.

Tuesday 9:00 a.m. — 5:30 p.m.

1.2 Time of Adjournment

The time of adjournment each day may be extended by the Chair or by two–thirds vote of the members of the Council beyond the time specified above should additional matters remain on the Council agenda.

1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of

San Diego, California. In addition thereto, the Council shall also hold regularly scheduled night Council meetings in various community facilities throughout the City of San Diego rather than in the City Administration Building. Such night Council meetings will be scheduled at least two to four times during each twelve-month period, with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.

1.4. Change of Time and Place

The Council may by resolution, when necessary, change the time and place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. Such resolution shall be published once in the City official newspaper at least twenty-four hours prior to the meeting to be held pursuant to such change. Twenty-four hours prior to the meeting to be held pursuant to such change, the City Clerk shall give each Councilmember written notice, personally or by registered mail, of any change from the regular meeting days established by this section.

1.5. Special Meetings and Notice

A special meeting may be called at any time by the President or by a majority of the members of the Council. The Mayor may, on extraordinary occasions, also call a special meeting of the Council. The party calling the special meeting shall deliver personally or by mail written notice 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. Notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. Such special meetings shall be chaired by the President. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

1.6. Emergency Meetings and Notice

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 may hold a special meeting at the request of the President or the Mayor without complying with the 24–hour notice requirement of this Rule. 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.

However, each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to this Rule shall be notified by the President or designee, one hour prior to the special meeting by telephone. The President or designee, shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. In the event that telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the Council, or designee thereof, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the special meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. The Council shall not meet in closed session during a meeting called pursuant to this paragraph. All special meeting requirements as prescribed in this Rule shall be applicable to a meeting called pursuant to this paragraph, with the exception of the 24–hour notice requirement. The minutes of a meeting called pursuant to this paragraph, a list of persons who the President or designee, notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

Rule 2: PROCEDURE FOR COUNCIL MEETINGS

2.1. Agenda

A single consolidated agenda covering the regular Council meeting each week shall be published. (Former Rule 1(b))

2.2. Order of Business (Former Rule 3)

The order of business for Council meetings shall be as follows:

Monday at 2:00 p.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Special Orders of Business
4. Requests for Continuances
5. Communications
6. Adoption Agenda
   - (a) Consent Items
   - (b) Committee Items
   - (c) Other Legislative Items
7. Public Notices
8. Non–Agenda Items
9. Adjournment

Tuesday at 9:00 a.m.

1. Roll Call
2. Non-agenda Public Comment (limited to three minutes)
3. Requests for Continuance
4. Adoption Agenda
   - a. Consent Items
   - b. Noticed Hearings (to be scheduled at various times throughout the day by the City Clerk based on the

number of hearings and reasonable expectation of length) and Special Hearings

c. Unfinished Business from Monday

5. Non–Agenda Items

6. Adjournment

2.3. Special Orders of Business (Former Rule 4)

2.3.1. Requests to have an item placed on the agenda, under Special Orders of Business may be initiated by any individual and must be submitted in writing to the President who shall review such requests and direct the City Clerk to list them on the agenda under Special Order of Business.

2.3.2. A Councilmember has the privilege to place on the agenda, under Special Orders of Business, an item which has not been denied by all four members of a committee in order to have the full Council vote on whether the committee decision should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest that it requires the attention of the full Council. Such privilege shall be exercised by a Councilmember within ten days of the date of a committee's decision.

2.3.3. When a matter has been "held in committee" pursuant to Rule 6.9, the following rules shall apply:

(a) The President may place on the agenda, under Special Orders of Business, an item that has been "held in

committee" in order to have the full Council vote on whether this matter may be placed on the Adoption Agenda.

(b) The 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" may be placed on the Adoption Agenda.

(c) The Council can, by majority vote, cause a resolution or ordinance which has been "held in committee" to be placed on the Adoption Agenda. (Former Rule 17 (f)). 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. (Former Rule 4)

2.3.4. Discussion during meetings of the Council of items listed on the agenda as Special Orders of Business shall be within the discretion of the President. These items are not debatable.

2.4 Adoption Agenda (Former Rule 6)

2.4.1. The Adoption Agenda shall consist of noticed hearings and ordinances and resolutions placed on the agenda for action by the Council. (Former Rule 6)

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. (Former Rule 4 (a))

2.4.3. Consent Agenda. (Former Rule 6)

(a) The President shall identify items that are to be placed on the consent portion of the Adoption Agenda.

(b) Any Councilmember or member of the public may remove any item from the Consent Agenda by notifying the President of his or her desire to address this item.

(c) The Consent Agenda shall include those ordinances and resolutions, reported out of a standing committee, for which the law does not require a noticed hearing. Such items may be referred to the Consent Agenda as a time-saving device where they can be disposed of by a single motion when they are sufficiently routine or non-controversial or have had sufficient prior public discussion.

(d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the President, be placed on the Consent Agenda. (Former Rule 30)

(e) Notwithstanding any other provision of these Rules 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 identified as a consent item on an agenda.

2.4.4. Noticed Hearings. (Former Rule 6)

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 individual noticed hearings

2.5. Non–Agenda Items (Former Rule 30.2)

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 if:

(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 herein.

The originating official shall prepare a non–agenda item form (Form CM–1557) to accompany the form 1472 and indicate thereon 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.

2.6. Non-Agenda Public Comment (Former Rule 8)

2.6.1. 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. Subject to the exercise of the President's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda.

2.6.2. Speakers shall be limited to three minutes each and comments shall be limited to three minutes per subject regardless of the number of people in attendance. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the Clerk. Speakers will be called in the order reserved within the available time.

2.6.3. Each person desiring to address the Council shall approach the podium, state his/her name and address for the record, state the subject he/she wishes to discuss, and state who he/she is representing if he/she represents an organization or other persons. All remarks shall be addressed to the Council as a whole and not to any member thereof. The President shall not permit any communication, oral or written, to be made or read where it does not bear on something of interest to the public which is within the subject matter jurisdiction of the Council.

2.6.4. No discussion or action on any matter of non-agenda public comment shall be permitted. Any matter properly raised under this Rule may, if appropriate, be referred by the President to the Rules Committee for appropriate action.

2.7. Communications Requests to Council (Former Rule 5)

2.7.1. Communications requests may be initiated by any individual and submitted to the President by letter or on forms provided by the City Clerk. Requests must state the subject matter and the action which the writer wishes the Council to take. The President shall review all communication requests so received and shall direct the City Clerk to list them on the Council agenda under Communications. When a Communications item is listed on the agenda, the subject matter is not debatable and it must be docketed, or referred to an appropriate committee, or other public agency, or filed.

2.7.2. Referral to a committee may include direction to staff to prepare a report or to develop relevant information for consideration by the committee to which referral is made. When directed to be in writing, such reports shall be in the form of a memorandum to the appropriate committee.

2.8. Parliamentary Procedure (Former Rule 2)

In all cases not provided by these Rules as by statute or other ordinance or resolution, the authority shall be Robert's Rules of Order Newly Revised.

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" means the affirmative vote of six Councilmembers. For committee meeting purposes, "majority" means 50 percent of the members appointed to a committee plus one and "majority vote" means the affirmative vote of 50 percent plus one of the members appointed to a committee.

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

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

(a) The President or the Council by majority vote shall have the authority to refer a resolution or ordinance to a standing committee or to the Committee of the Whole for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption. (Former Rule 7)

(b) The President or the Council by majority vote shall have the authority to refer matters, other than resolutions or ordinances, to a standing committee for further study and consideration. (Restatement of former Rules 7, 14, 22,)

(c) Matters assigned or referred to standing committees shall be in keeping with the general areas of responsibility and the workload of each committee. (Former Rule 22)

(d) Proposals regarding revenue and taxation shall be referred to the Budget Review Committee. (Former Rule 23) Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis shall be referred to the Committee of the Whole. (Former Rule 24)

(e) Matters shall not be referred to more than one committee. Should a committee find that it does not have the jurisdiction to resolve the matter, it may be reassigned to another committee by the President or a majority of the Council.

2.9.2. The 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 thirty days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by three committee members or the committee Chair having jurisdiction over the matter. This matter shall be scheduled for hearing at a regular meeting of that committee within 120 days unless otherwise directed in the assignment process. (Former Rule 7)

2.10. Procedure for Debate (Former Rule 9)

The following procedure shall be used in debating any resolution or ordinance:

(a) Items Initiated by an individual:

(1) Motion and second.

(2) Brief opening statement by the proponent Initiator explaining and advocating the item (maximum of five minutes).

(3) Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members limited to five minutes with the right of any other member to yield all or a portion of such member's time.

(4) Testimony by members of the public who support the item (maximum of fifteen minutes total for all proponents).

(5) Testimony by members of the public who oppose the item (maximum of fifteen minutes total for all opponents).

(6) Discussion by Councilmembers. The order of recognition of Councilmembers desiring to speak shall be determined by the President in accord with the recognition light panel. Each Councilmember shall be allowed the opportunity to speak and shall be limited to a maximum of three minutes.

(7) Brief closing statement by the proponent Initiator (maximum of five minutes).

(b) Items Initiated by a Committee:

(1) Motion and second.

(2) Brief opening statement by the committee chair or his/her designee explaining and/or advocating the item (maximum of five minutes).

(3) Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members, limited to five minutes with the right of any other member to yield all or a portion of such member's time.

(4) Testimony by members of the public who support the item (maximum of fifteen minutes total for all proponents).

(5) Testimony by members of the public who oppose the item (maximum of fifteen minutes total for all opponents).

(6) Discussion by Councilmembers. The order of recognition of Councilmembers desiring to speak shall be determined by the President in accord with the recognition light panel. Each Councilmember shall be allowed the opportunity to speak and shall be limited to a maximum of three minutes.

2.11. Procedure for Reconsideration

2.11.1. Robert's Rules notwithstanding, a motion for reconsideration of any matter must be entertained on the same day that the matter was voted upon by the Council. Where the matter has not been the subject of public testimony, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may

re-vote on the matter that same day. Where, under Council Policy 000-6, public testimony has been heard and the public testimony portion of the hearing has been closed, the Council must suspend the Permanent Rules of Council by a two-third vote, and, approve the motion to reconsider by majority vote, and, if such motion is approved, set a date to rehear the matter as a Special Order of Business/Matter of Reconsideration. (Rules 2 and 4)

2.11.2. A motion for reconsideration made later than the same day the matter was voted upon must be processed and re-docketed by the Clerk under Special Orders of Business/Matters of Reconsideration (Former Rule 2).

2.11.3. A vote by the Council on a matter "held in committee" or one relating to a decision of a committee, shall not be subject to a motion to reconsider and the decision of the Council shall be final forthwith. Any matter approved for rehearing or reconsideration by the entire Council shall be placed on the Adoption Agenda in a timely manner. (Former Rule 4 a)

2.12. Suspension of Permanent Rules (Former Rule 32)

Any permanent rule of the 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.

2.13. Public Conduct (Former Rule 8.1)

Notwithstanding any other provision of law, no person shall cause any disruption of a Council meeting by loud, threatening, or obscene conduct. Any person who engages in such conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the President, be barred from further audience before the Council during that meeting. Any person having been ruled out of order by the President shall immediately conform to the orders of the 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 President.

Rule 3: DUTIES OF COUNCILMEMBERS

3.1. Collective Concurrence Prohibited

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited. (Former Rule 1 (h))

3.2. Requirement to Vote on Matters Not Involving Personal Interests

No member shall be excused from voting at a Council meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved. (Former Rule 13)

(See California Political Reform Act, Government Code sections 1090, 1126, 81000)

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 shall be required to study and review applicable material and tapes before voting thereafter on any such matters. (Former Rule 13)

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

On those matters where a full Council vote is deemed necessary, all testimony shall be taken 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 tapes. (Former Rule 13)

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

4.1. Title

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

4.2. Selection of the President

No later than the first meeting of the Council in January of each calendar year, the Council shall select a President from one of its members by majority vote of the Council. The President shall serve for a term of one year, commencing on the first meeting of the Council in January of each

year, or until a successor is selected and qualified, whichever is later. The President may serve more than one term.

4.3. Selection of the President Pro Tem

No later than the second meeting of the Council in January of each year, the President shall select a President Pro Tem, subject to confirmation by a majority of the Council. The President Pro Tem shall perform all the duties of the President as prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties. The President Pro Tem shall serve for a term of one year and until a successor is selected and qualified. The position of President Pro Tem is not subject to term limits.

4.4. Removal of President or President Pro Tem

At any time, the President or President Pro Tem may be removed by a majority vote of the Council. In the event of a vacancy in either the position of President or 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 his or her predecessor.

Rules 5: DUTIES OF THE PRESIDENT AND PRESIDENT PRO TEM

5.1. City Charter Provisions

The 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 President Pro Tem shall perform all the duties of the President as

prescribed by the City Charter or by ordinance when the President is absent or unable to perform his or her duties.

5.2. Duties of President

The duties of the President shall be to:

(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 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.

In the event of a vacancy in the office of Mayor, the 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 (Former Rule 10)

The Council hereby creates five standing committees as follows:

(a) Committee on Rules, Open Government and Intergovernmental Relations (herein referred to as the "Rules Committee")

(b) Committee on Land Use and Housing

(c) Committee on Natural Resources and Culture

(d) Committee on Public Safety and Neighborhood Services

(e) Committee on Budget and Finance

6.2. Committee Appointments and Membership (Former Rule 13)

6.2.1. For each committee, except for the Rules Committee, the President shall nominate the committee Chair, vice-chair and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year.

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 President of the Council, 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 of his or her predecessor.

6.3. Committee Meetings

6.3.1. The Rules Committee 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. (Former Rule 12)

6.3.2. The Chair, or a majority of the committee, may call a special meeting of the committee by giving appropriate notice, with a copy to each member of the Council personally or in writing twenty-four hours prior to the meeting, specifying the purpose of the meeting,

the time and place thereof, and the matters to be considered at such special meetings. No matter shall be considered at such special meeting other than that specified in the notice. (Former Rule 12)

6.3.3. Every committee meeting of each standing committee, the Budget Review Committee and the Committee of the Whole shall be open to the public except as otherwise provided for by state law and conform to the notice, posting, public comment, and public conduct provisions as provided by these Rules. (Former Rule 12)

6.4. Committee Quorums and Attendance

6.4.1. A majority of the membership of the committee shall constitute a quorum for the transaction of business, including the decision to recommend the adoption of any amendments to a resolution or ordinance. 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, under such conditions, 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. (Former Rule 17 (c))

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 tapes before voting thereafter on any such matters. (Former Rule 13)

6.4.3. On those matters where a full committee vote is deemed necessary, all testimony shall be taken 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 tapes. (Former Rule 13)

6.4.4. When and as long as any standing committee lacks sufficient members to constitute a quorum for the conduct of business, the President is authorized to act as a voting member of that standing committee. (Former Rule 13)

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. (Former Rule 13)

6.5. Conduct of Committee Business

6.5.1. Except as provided in Robert's Rules of Order, the Permanent Rules of Council shall govern 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 Permanent Rules of Council, as it may deem necessary for the conduct of committee business. (Former Rule 11)

6.5.2 No action shall be taken on any measure outside of a duly constituted committee meeting. (Former Rule 17 (k))

6.5.3. Before acting on any matter referred to it, a standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee. (Former Rule 16)

6.5.4. The Mayor, the City Attorney, and independent department heads, or their designees, may attend all committee meetings but shall have no vote therein. The Mayor, the City Attorney, and 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. (Former Rule 17 l)

6.6. Committee Consultants and Legislative Staff (Former Rule 15)

6.6.1. A committee consultant, to provide assistance to the committee, shall be assigned to each standing committee other than the Rules Committee, the Budget Review Committee, and the Committee of the whole. A committee consultant shall be assigned to the Rules Committee by the President.

6.6.2. All committee consultants shall be subject to appointment and removal by the chairs of their respective committees. Committee

consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chair, prepare an objective informational analysis addressing both the policy and fiscal considerations of any matter that is reviewed by the committee. Such consultant analysis shall be attached to any resolution or ordinance when it is delivered to the President for listing on the Adoption Agenda.

6.6.3. All committee consultants shall cooperate fully in providing staff assistance to each standing committee during the authorized absence of any committee consultant.

6.6.4. 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.

6.6.5. Matters assigned to legislative analysts will be prioritized as follows: 1) the City Council, 2) the President, 3) Committee Chairs, 4) individual Councilmembers.

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. (Former Rule 17a)

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. (Former Rule 17b)

6.7.3. The Chair may initiate matters within the subject matter of the committee. The Chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. An agenda for each committee meeting shall be delivered by the Chair or designee to the City Clerk at a time sufficiently in advance for the purpose of public notice at least seventy-two hours prior to the committee meeting. (Former Rule 17d)

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. (Revised Former Rule 14)

6.7.5. On the next business day 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. (Former Rule 17(j))

6.8. Rights and Duties of Committee Members

6.8.1. It shall be the duty of each Councilmember to attend every meeting of every committee of which he or she is a member, and he or she is charged with fulfilling the responsibilities of such committees. (Former Rule 13)

6.8.2. No member shall be excused from voting at a committee meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved. (Former Rule 13)

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 germane to the committee's area of responsibility.

6.8.4. A Councilmember shall have the privilege to cause the full Council to vote on whether or not a committee decision on any matter which has not been denied by all of the four members of the committee should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Councilmember within ten days of the date of the committee's decision. A vote to hear the matter by the Council shall void any prior committee decision. The matter shall be considered de novo by the Council. (Former Rule 4a)

6.9 Committee Hearings on Resolutions and Ordinances

(Former Rule 17(e))

6.9.1. A resolution or ordinance shall be reported back to the Council only if the committee makes one of the following recommendations:

(a) Introduce or introduce as amended (for ordinances); or

(b) Adopt or adopt as amended (for resolutions). If the committee does report the resolution or ordinance back to the Council by making one of these recommendations, the committee may make the additional recommendation that the resolution or ordinance be listed as a consent item on the Adoption Agenda portion of the Council agenda, and such recommendation shall cause the City Clerk to so list the resolution or ordinance. If the full committee votes favorably on the matter, the City Clerk shall automatically list it as a consent item, unless a noticed hearing by the Council is required or the Clerk is otherwise directed by the chair of the committee; or

(c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members.

6.9.2. A resolution or ordinance 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 resolution or ordinance back to the Council within thirty days of the first scheduled committee hearing on the item.

The President or the Council by majority vote can cause a resolution or ordinance which has been "held in committee" to be placed on the Adoption Agenda of the Council docket in accordance with the provision of Rule 2.3.3.

6.9.3. If the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall cause the amendments to be shown by interlineation and shall, if necessary, prepare an amended digest, attach it to the amended resolution or ordinance, and deliver both to the Committee Chair. The Committee Chair shall cause the resolution or ordinance, with attached digest, to be delivered to the President or his/her designee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.

6.9.4. The City Clerk or his designee shall keep a complete record of the meetings and actions taken by the committee.

When the committee takes action on a resolution or ordinance, the vote shall be by roll call vote only. All roll call votes shall be recorded by the City Clerk and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

6.10. Special Rule with Respect to Appeals to Committees (Former Rule 17.1)

Various sections of the San Diego Municipal Code provide for appeals to the Committees of the Council established by these Rules. Upon a decision being rendered on appeal, the Chair of the committee shall advise all interested persons of the provisions regarding reconsideration in Rule 2.11.

6.11. Standing Committee Composition and Responsibilities

6.11.1. Committee on Rules, Open Government and Intergovernmental Relations (Former Rule 18)

(a) The Committee on Rules, Open Government and Intergovernmental Relations (herein referred to as the Rules Committee) shall be composed of four (4) voting members, the President, the President Pro Tem and two other Councilmembers. The President shall serve as the permanent Chair and the President Pro Tem shall serve as the Vice-Chair.

(b) The Rules Committee shall have responsibilities that include the Permanent Rules of Council, City Charter, Intergovernmental Relations, the Ralph M. Brown Act, the Public Records Act, Community Right To Know, Accuracy of Government Information, Citizens' Right to Privacy, Consumer Protection, Efficiency and Effectiveness of

Government Services, Nominations, International Airports, Port District, and Interagency/Binational Agreements.

(c) There is a Select Committee on Governmental Efficiency and Fiscal Reform (Select Committee) which shall be a sub-committee of the Rules Committee and shall consist of three members of the Rules Committee and such advisors as it shall appoint. The President Pro Tem shall chair this Select Committee which has the responsibility to oversee the implementation of the recommendations of the citizens' committee (known as Change 2) that were approved by the Council.

6.11.2. Committee on Land Use and Housing (Former Rule 19)

(a) The Committee on Land Use and Housing shall be composed of four voting Councilmembers.

(b) The committee shall have responsibilities that include Planning, Land Use, Affordable Housing, Development Services, General Plan Amendments, Subdivisions, Community Facility Finance, Engineering, Annexations, Transportation Planning, Transit Services, Parking, Building Code Inspection, Land Development Code, Utilities, Infrastructure Finance, and Housing Commission Quarterly Reports.

(c) The committee shall have the responsibility, 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 Land Use and Housing.

(d) The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Land Use and Housing.

(e) The committee shall have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

6.11.3. Committee on Natural Resources and Culture (Former Rule 20)

(a) The Committee on Natural Resources and Culture shall be composed of four voting Councilmembers.

(b) The committee shall have responsibilities that include the Clean Water Program, Water, Energy, State and Federal Endangered Species Act, MSCP, Solid Waste Disposal, Recycling, APCD Air Quality, Hazardous Waste, Arts and Culture, TOT, Regional Parks and Open Space.

(c) The committee shall have the responsibility, 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 Natural Resources and Culture.

(d) The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Natural Resources and Culture.

(e) The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

6.11.4. Committee on Public Safety and Neighborhood Services

(Former Rule 21)

(a) The Committee on Public Safety and Neighborhood Services shall be composed of four voting Councilmembers.

(b) The committee shall have the responsibilities that include Police, Fire, Paramedics, Neighborhood Parks, Recreation Programs, Youth Services, Senior Services, Neighborhood Revitalization, Business Improvement Districts, Litter Control, MBE/WBE, Community Development Block Grants, Code Enforcement, Graffiti Abatement, and Parking Regulations and Enforcement.

(c) The committee shall have the responsibility, 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 Public Safety and Neighborhood Services.

(d) The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Public Safety and Neighborhood Services

(e) The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

6.11.5. Committee on Budget and Finance

(a) The Committee on Budget and Finance shall be composed of four voting Councilmembers.

(b) The Committee shall have responsibilities that include the Annual Budget, Capital Improvement Programs, Financial Reports, Taxes, Fees, Assessments and Independent Budget Analyst Reports.

(c) The Committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

6.12 Special Committee Composition and Responsibilities

6.12.1. Budget Review Committee (Former Rule 23)

(a) The Budget Review Committee shall be composed of all members of the Council. The President of the Council shall

serve as Chair of this special Committee and the President Pro Tem shall serve as Vice-Chair.

(b) The President or, in his absence, the President Pro Tem, or in the absence of both, the immediate past President Pro Tem, may call a special meeting of the Budget Review Committee in accordance with the provisions of Government Code section 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) This special committee shall have the responsibility to analyze, study, and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance.

(d) The committee shall have the further responsibility to review and evaluate the tentative Capital Improvements Program.

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

6.12.2. Committee of the Whole (Former Rule 24)

(a) The Committee of the Whole shall be composed of all members of the Council. The President shall serve as Chair and the President Pro Tem shall serve as Vice-Chair.

(b) The President or, in his absence, the President Pro Tem, or in the absence of both, the immediate past President Pro Tem, may call a special meeting of the Committee of the Whole in accordance with the provisions of California Government Code section 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 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 President or Council to be more properly a concern of the entire Council.

Rule 7: PROCEDURES FOR RESOLUTIONS AND ORDINANCES

7.1. Initiation of Resolutions and Ordinances by Councilmembers and Committees

Any member of the Council or a Council committee may initiate a resolution or ordinance by a Request for Council Action (Form 1472). Committee requests for Council action must be germane to the subject

matter properly considered by that committee. (Consolidation of Rules 25 and 26)

7.2. Initiation of Resolutions and Ordinances by the City Attorney or the Mayor (Former Rule 27)

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 that is germane to his or her official duties as prescribed by law. Resolutions or ordinances drafted in accordance with such requests shall be assigned by the President to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances.

7.2.2. Any 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 President. Such matters include but are not limited to the following:

(a) Request for a change in zoning;

(b) Request for approval of a final map;

(c) An appeal from any administrative or quasi–judicial decision as permitted under the City Charter, state law, or ordinance of the City; and

(d) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

Such resolution or ordinance shall be prepared and delivered by the City Attorney and a copy thereof shall be delivered by the City Attorney to the President for information.

7.3. Preparation of Resolution or Ordinance by City Attorney (Former Rule 28)

7.3.1. Upon receiving a properly initiated Request for Council Action (Form 1472), 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 showing any changes in the existing law which are proposed by the resolution or ordinance.

7.3.2. 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 and legality of that document, indicate the mayor's inability to veto that measure within the body of that resolution or ordinance. (City Charter mandate)

7.3.3. The City Attorney shall then cause the completed document, with digest attached, to be delivered to the official who originated the Form 1472. If more than one official signed the form 1472, the City Attorney shall cause the completed document, with digest attached, to be delivered to the first signatory. It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance.

7.4. Delivery of Resolution or Ordinance to Council President (Former Rule 29)

7.4.1. The official who originated the Form 1472 shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with this Rule, to be delivered to the President or his/her designee no later than 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meeting to be held, at the discretion of the President, the second or third week after receipt of the 1472.

7.4.2. Ordinances or resolutions that are reported out of committee in accordance with Rule 6.9 shall be delivered to the President or his/her designee by the Committee Chair by 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meetings to be held, at the discretion of the President, the second or third week after receipt of the 1472.

7.5. Preparation of the Council Agenda (Docket Management) (Former Rule 30)

7.5.1. Only those resolutions or ordinances that have been prepared and delivered in accordance with this Rule shall be listed on the agenda. Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

(a) Consent Items

(b) Noticed Hearings

(c) Other Discussion and Legislative Items

7.5.2. In assigning an ordinance or resolution to one of these categories, preference should be given to listing purchasing items and routine business resolutions as Consent Items on the Adoption Agenda.

7.5.3. In assigning every other ordinance or resolution to one of these categories, it is preferable to refer it 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 Regular Agenda to Clerk (Former Rule 30)

7.6.1. The agenda prepared as above and any items under Special Order of Business, together with all resolutions and ordinances prepared and delivered as required by Rule 7 shall be delivered to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council to be held during the week following the next succeeding week and the City Clerk shall so list the items. Additionally, any item may be set for a time certain hearing.

7.6.2. When preparing the docket, the City Clerk 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 also indicate on the agenda which ordinances, resolutions and other matters are not subject to mayoral veto. (City Charter mandate)

7.6.3. The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 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 Wednesday and shall be posted by 2:00 p.m. each Friday preceding the regular meetings of the full Council to be held the following week.

7.6.4. Notwithstanding the above provisions, there may be listed on the Adoption Agenda an ordinance or resolution that has been initiated as required by Rules 7.1 and 7.2 but which has not been prepared and delivered in accordance with Rules 7.3 and 7.4 if the City Attorney certifies in writing to the 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 Supplemental Agenda to Clerk (Former Rule 30)

7.7.1. Notwithstanding the above provisions, the Council, at a regular meeting, or the President may direct the City Clerk to list a

resolution or ordinance on a supplemental agenda for the next regular Council meeting if the City Attorney certifies 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 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 to form and legality.

7.8. Posting, Notice and Items for Consideration (Former Rule 30.1)

At least seventy-two hours before the regularly scheduled meetings of the Council the City Clerk shall post the agenda for same containing 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 regular 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 7.9

Rule 8: Noticing and Conduct of Closed Sessions (Former Rule 30.3)

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" (Cal. Gov't Code § 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 City Council's regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the City Council, which shall meet the 72-hour public noticing requirement. 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 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. Closed Session Agenda

shall further indicate the time and place the scheduled closed session will occur.

(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 he or she 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 shall apply:

(1) Significant Exposure to Litigation

When a closed session is scheduled under the heading - - significant exposure to litigation -- unless the facts and circumstances creating the threat of litigation are not yet known to the likely plaintiffs, such facts and circumstances must be made known to the public. Supplemental oral or written announcements shall be made in the following circumstances:

(A) There has been no communication yet from the foreseeable plaintiffs but the City is aware of

circumstances likely to prompt a litigation threat – for example, an accident, disaster, incident, or transactional dispute; in such instances the circumstances shall be stated on the agenda known at the time of its 72-hour advance posting or announced prior to the closed session if not.

(B) If a claim or some other written threat of litigation has been received, the document is a public record and a copy shall be attached to the agenda if known at the time of its 72-hour advance posting or announced and distributed to those requesting a copy prior to the closed session if not.

(C) When the closed session is deemed to be justified by a litigation threat made in an open and public meeting, reference to the statement shall be publicly stated on the agenda if known at the time of its 72-hour advance posting or announced prior to the closed session if not.

(D) When an oral threat of litigation is made outside a meeting, it may not be made the basis of a closed session unless the official who heard it has made a memo explaining what was stated and by whom. A copy of the memo shall be attached to the agenda if the threat is known at the time of its 72-hour

advance posting or announced and distributed prior to the closed session if not.

(2) Conference with Real Property Negotiators

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation) Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.) Negotiating parties: (Specify name of party (not agent)) Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(3) Conference with Legal Counsel – Existing Litigation

Name of case: (Specify by reference to claimant's name, names of parties, case, or claim numbers) Or Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations.)

(d) n open session, before public comment or Council discussion of any closed session item, the City Attorney or appropriate staff shall provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining.

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 Council questions and discussion on the item and after the oral report by the City Attorney or appropriate staff.

8.3. Council questions and discussion in Open Session

At the regular or special meeting of the Council, the Mayor and Councilmembers shall have the opportunity to 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 shall be transcribed by a court certified reporter. All transcripts shall be retained.

8.5. Reporting of Closed Session Results in Open Session

(a) After every closed session, if a public report of any final action taken in closed session is required as set forth herein, 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 as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to California Government Code section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If the Council's own approval renders the agreement final, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(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 under California Government Code section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once

formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in California Government Code section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of

a public employee in closed session pursuant to California Government Code section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(5) Approval of an agreement concluding labor negotiations with represented employees pursuant to California Government Code section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(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 twenty-four 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 paragraph (2) 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, redevelopment agencies, 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 (Former Rule 31)

The Rules Committee 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 permanent rule, it shall supersede such permanent rule 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 PERMANENT RULES (Former Rule 33)

No Permanent Rule of the 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 Rules Committee.

Rule 11: EXISTING PROCEDURES PRESERVED (Former Rule 34)

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

Section 2. That this ordinance shall take effect and be in force on the first day of January 2006, and shall remain in effect for a period of five years (until December 31, 2010) at which time section 22.0101.5 shall automatically be repealed and removed from the San Diego Municipal Code. However, in the event that the people of the City of San Diego, at an election held prior to December of 2010, amend the City Charter to extend or make permanent the Mayor-Council form of government, this ordinance shall not be repealed but shall instead remain in full force to the same extent as allowed by the City Charter.

Section 3. That during the time that section 22.0101.5 is in effect, section 22.0101 of this Code shall be deemed suspended and inoperative, and section 22.0101.5 shall supersede and completely govern with regard to the subject of the Permanent Rules of the Council.

Section 4. That in the event that section 22.0101.5 is repealed, the provisions of section 22.0101 that were in effect on the date of this ordinance shall return to full force and effect.

Section 5. That the City Clerk may provide a Table of Contents similar to Attachment A, herein, to be included in the San Diego Municipal Code.

Section 6. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Catherine M. Bradley
Chief Deputy City Attorney

CMB:jab
10/12/2005
Or.Dept: Transition Committee
O-2006-43

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