COUNCILMEMBER DAVID ALVAREZ

City of San Diego
Eighth District

MEMORANDUM

DATE: **June 6, 2011**

TO: **Council President Tony Young**

FROM: **Councilmember David Alvarez**

SUBJECT: Revisions to Permanent Rules of Council and Council Policies

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I appreciate your effort to streamline and make more efficient sections of the Permanent Rules of Council and various Council Policies. I support your efforts in this matter and would like to make the following recommendations in addition to the changes being proposed:

1. Under Rule 1.5 (b), in the first sentence, changing the language to read "*Notice must be delivered personally or by mail* ***and shall be received*** *at least twenty-four hours...*" would ensure that any intended recipients actually receive the notice.

2. Under Rule 1.5 (b) to ensure this section is clear in its intention to adhere to Brown Act requirements (CA Government Code sec 54956), I would like to add the following language: ***"The call and notice shall be posted at least twenty-four hours prior to the special meeting in a location that is freely accessible to members of the public."***

3. Under Rule 2.2, adding language under the section titled "*Tuesday at 10am (6) Non-Agenda Public Comment (limited to three minutes)*" to read: ***"per person per subject"*** after the words "*limited to three minutes,*" Otherwise it would appear that all of non-agenda public comment would be limited to a total of three minutes. Although this is clarified in later sections, I believe this change will allow greater clarity on the intent of the section.

4. Under Rule 2.9.2, the revisions would seem to reduce the legislative authority of the Council President and committee Chairs by allowing any Councilmember to refer an item to a committee for a hearing with a majority vote of the City Council. I would suggest

that only the Council President or a committee Chair be allowed to refer items to committee. After the words *"referred to the appropriate committee for a hearing when so requested by,"* the following language should be inserted: **"the Council President or the committee Chair having jurisdiction over the matter."** Accordingly, the proposed language reading *"any Councilmember, subject to a vote of the Council majority or by unanimous consent,"* should be struck.

5. Under Rule 4.3, the current language requires that if the Council President and Council President Pro Tem are unable to perform their duties that the immediate past Council President shall perform the duties of Council President. However, the immediate past Council President is not always still a member of the City Council. I would suggest that in the absence of the Council President and Council President Pro Tem, that the City Council vote to elect a chair for that specific meeting by simple majority vote.

6. Under Rule 6.9.3, I believe it is best to add a requirement that would require a strikeout/underline version of any changes to a document be provided to the City Council and public prior to a public hearing and vote. It is difficult to track changes made in a document that does not have any kind of strikeout/underline and this requirement would allow a higher level of transparency to the public.

CC: Honorable City Councilmembers
Honorable City Attorney, Jan Goldsmith
Andrea Tevlin, Independent Budget Analyst