

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 533-5800

DATE: March 30, 2022

TO: Honorable Mayor and Councilmembers

FROM: City Attorney

SUBJECT: Committee on Rules and Council-Initiated Matters

Council President Elo-Rivera requested that the Office of the City Attorney clarify the process San Diego City Council (Council) Offices should follow to request Council action for matters within its jurisdiction. The procedures for Requests for Council Action are in San Diego Municipal Code (Municipal Code or SDMC) section 22.0101, Rule 6.10.7 and Rule 7.1. This Memorandum briefly describes the meaning and purpose of these Council Rules.

Rule 6.10.7 establishes the responsibilities of the Committee on Rules, which include “Council-initiated matters as provided in Rule 7.1.” Rule 7.1, which governs the initiation of Requests for Council Action, provides a mechanism for committee consideration of matters initiated by a Councilmember who is not a member of the committee with assigned responsibility for the subject matter. SDMC § 22.0101, Rule 7.1. In 2016, the Council amended these two Rules to their current form, to address concerns that there was no process in compliance with the Brown Act for a Councilmember to propose a policy matter to a committee that the Councilmember did not sit on. Report to Council No. 15-093 (Oct. 28, 2015). The attached legal memorandum, titled “Application of Ralph M. Brown Act to Five-Member Standing Council Committees and Conduct of Non-Committee Councilmembers Attending Council Committee Meetings,” was in the back-up materials considered by the Council and cited as part of the basis for proposing amendments to Rule 6.10.7 and 7.1. City Att’y MS 2011-1 (Jan. 14, 2011). This memorandum explains that the Ralph M. Brown Act (Brown Act) prohibits a majority of Councilmembers from discussing matters within their subject matter jurisdiction outside of a properly noticed meeting.¹

¹ Action taken in violation of the Brown Act may be invalidated by any interested person, or the District Attorney and could expose the City to remedies including court costs and attorney’s fees. League of California Cities, *Open & Public V, A Guide to the Ralph M. Brown Act*, Rev. April 2016, https://www.calcities.org/docs/default-source/city-attorneys/open-public-v-revised-2016.pdf?sfvrsn=995414c9_3

Based on the legislative history, the phrase “Council-initiated matters” refers to any policy matter within the jurisdiction of the Council that is initiated by a Councilmember, rather than by City staff or an independent City department. Examples of recent Council-initiated matters include the amendments to Chapter 3, Article 4, Division 1 of the Municipal Code to reduce the current tax rate for Cannabis Production Facilities proposed by Councilmember Campillo and the Short-Term Residential Occupancy Ordinance proposed by Councilmember Campbell. Council-initiated matters are not limited to proposed Municipal Code changes or the submittal of ballot proposals. Rather, the term applies to any item proposed by a Council Office, such as resolutions, policy declarations, or amendments to Council Policies.

Under the Rules of Council, Council-initiated matters should be referred to the appropriate committee with subject matter responsibility if the Councilmember initiating the matter sits on that committee. SDMC § 22.0101, Rule 7.1. If the Councilmember does not sit on the committee to which a Council-initiated matter should be referred, the Council President may refer the matter to the Committee on Rules or the Committee of the Whole. SDMC § 22.0101, Rule 7.1.

MARA W. ELLIOTT, CITY ATTORNEY

By /s/ Heather M. Ferbert

Heather M. Ferbert

Chief Deputy City Attorney

HMF:sc

MS-2022-4

Doc. No.: 2916218

Attachment

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: January 14, 2011

TO: City Councilmembers

FROM: City Attorney

SUBJECT: Application of Ralph M. Brown Act to Five-Member Standing Council Committees and Conduct of Non-Committee Councilmembers Attending at Council Committee Meetings.

INTRODUCTION

The Council has established five standing Council Committees, which hold hearings, ascertain facts, and make recommendations to the Council. San Diego Charter section 270(e); San Diego Municipal Code (SDMC) § 22.0101.5, Rules 6.11.1(b)-(e), 6.11.2(c)-(e), 6.11.3(c)-(e), 6.11.4(c)-(e), and 6.11.5(c). Two Committees are composed of five Councilmembers; three are composed of four members.¹ Each Committee agenda reflects the names of all Committee members, providing notice that either four or five members of the Council are expected to attend the meeting, and the agenda items under discussion. Five Councilmembers constitute a quorum (a majority) of the Council.

We review the appropriateness of standing Council Committees composed of a quorum of the City Council under the Ralph M. Brown Act (Cal. Gov't Code §§ 54950-54963)² (the Act), concluding that the Act does not prohibit such standing committees, and does not require those meetings to be separately noticed as Council meetings, so long as the Committee agenda provides notice that a quorum of Councilmembers meets as the Committee. We also review the level of participation the Act permits at Council Committee meetings for visiting

¹ The five-member committees are the Committee on Rules, Open Government and Intergovernmental Relations (SDMC § 22.0101.5, Rule 6.11.1) and the Committee on Budget and Finance (Rule 6.11.5). The four-member committees are the Committee on Land Use and Housing (Rule 6.11.2), the Committee on Natural Resources and Culture (Rule 6.11.3), and the Committee on Public Safety and Neighborhood Services (Rule 6.11.4). We believe the first three-member Council Committee was established in 2005; four-member Committees were created later that year.

² Unless otherwise indicated, all future section references are to the California Government Code.

Councilmembers, concluding the level of participation depends on the size of the Committee. For example, at properly noticed meetings of Committees composed of a quorum of the Council, visiting Councilmembers may attend and participate as would any member of the public, and should sit with the public. At Committee meetings composed of less than a quorum of the Council, visiting Councilmembers may attend only as silent observers, when *their attendance creates a quorum*. When their attendance *does not create a quorum*, they may attend and participate as members of the public.

DISCUSSION

I. INTERPRETING THE ACT

By its notice and open meeting requirements, the “Act . . . serves to facilitate public participation in all phases of local government decisionmaking and to curb misuse of the democratic process by secret legislation of public bodies . . .” *Epstein v. Hollywood Entertainment District II*, 87 Cal. App. 4th 862, 868 (2001). Established case law and voter enactments require courts to interpret the Act liberally in favor of openness in conducting public business. *Shapiro v. San Diego City Council*, 96 Cal. App. 4th 904, 917 (2002); Cal. Const. art. I, § 3(b)(2); San Diego Charter § 216.1(b)(2).

II. THE ACT PERMITS QUORUM OR LARGER STANDING COMMITTEES OF THE CITY COUNCIL

Both the City Council and Council Committees are considered “legislative bodies” for purposes of the Act. § 54952(a) and (b). “Ordinarily, a committee is composed of less than a quorum of the legislative body that has created it.” *Adler v. City Council*, 184 Cal. App. 2d 763, 771 (1960). The concept of a less-than-quorum meeting exception to the Act’s requirements has been significant in the Act’s history. *See discussion, Freedom Newspapers v. Orange County Employees Retirement System*, 6 Cal. 4th 821, 829-834 (1993) (interpreting former § 54952.3, exempting less-than-quorum advisory committees from the Act); *also Henderson v. Los Angeles City Board of Education*, 78 Cal. App. 3d 875, 881-883 (1978).

Dealing with this historical norm, the Legislature amended section 54592, effective April 1, 1994, to clarify that sub-quorum *standing committees* of legislative bodies were included within Act requirements, although sub-quorum *temporary* advisory committees were exempt from Act requirements. *Freedom Newspapers*, 6 Cal. 4th at 832, n 11. Although this 1994 legislative change imposed the Act’s requirements upon sub-quorum standing committees of legislative bodies, the Act places no upper membership limit upon standing committees.

Accordingly, we conclude that San Diego’s procedure of establishing some or all of its standing Council Committees with five Councilmembers is permissible under the Act.

III. FIVE-MEMBER COUNCIL COMMITTEES NEED NOT SEPARATELY NOTICE MEETINGS AS CITY COUNCIL MEETINGS

Whether the Act requires the City Council's five-member Committees to provide separate notice that they are also meeting as the City Council requires a more complicated analysis. Under our facts, we believe it does not.

The Act itself exempts certain gatherings of majorities of legislative bodies from its notice requirements. In particular, section 54952.2(c)(4) exempts "the attendance of a majority of the members of a legislative body at an *open and noticed meeting of another body* of the local agency, . . . provided that a majority of the members do not discuss among themselves, *other than as part of the scheduled meeting*, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency." § 54952.2(c)(4) (emphasis added).

We are aware the California Attorney General (Attorney General) interpreted this section in a 1996 opinion, addressing *sub-quorum* standing committees, the historical norms under the Act. 79 Op. Cal. Att'y Gen. 69, 73-74 (1996)(1996 opinion). The Attorney General opined the section did *not* permit the attendance of a fourth member of a seven-member board at a meeting of a three-person standing committee of the board, reasoning that the presence of the additional non-member at the committee meeting *created* a quorum of the larger legislative body, without providing notice to the public of that meeting. "Such result would undermine the Legislature's purposes in requiring notice, a posted agenda, and public participation prior to the resolution of a matter by a legislative body." *Id.* at 75. A 1998 City Attorney Report concluded this analysis did "not directly apply to The City of San Diego, because standing committees are made up of a majority of Councilmembers. Thus, the attendance of an additional Council member at a fully attended committee meeting would not create a Council quorum." 1998 City Att'y Report 616, 617 (98-18; Sept. 3, 1998).

We agree with our 1998 Report's conclusion insofar as it applies to five-member Council Committee meetings. The meeting agendas for the five-member Council Committees, filed in advance as required, list the names of the five Councilmembers who compose the Committee. The public may participate fully at each Committee meeting. The five-member committees have existed since at least 1974, are codified in the Municipal Code, and Councilmembers are appointed annually by publicly-enacted Council resolutions. We believe the meeting notices for these five-member Council Committees provide ample notice to the public that a quorum of the City Council is meeting, allowing the public to attend and be heard, and alleviating concerns raised in the 1996 opinion on this subject.³

³We part company with the 1996 opinion to the extent it inserts an additional requirement into the statutory language, not placed there by the legislature. The Attorney General also opined section 54952.2(c)(4) was "intended to govern the situation where a majority of the members of a legislative body attend a meeting of another body of the local agency *that is composed of persons different from the legislative body members themselves.*" *Id.* (emphasis added.) The Attorney General's interpretation that the "meeting of another body" *required* the other body to be composed of *different* persons from the legislative body members was supported by no citation to legislative history,

Moreover, we believe the plain language of section 54952.2(c)(4) applies to the five-member Council Committee meetings. That section exempts from the Act's notice and other requirements the attendance of a majority of the members of a legislative body "at an open and noticed meeting of another body of the local agency." A standing committee of the Council is "another body" of the local agency, and members of the legislative body are expected to "discuss among themselves, . . . as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency."§ 54952.2(c)(4).

We have found no California case holding that noticed and open meetings of a *quorum or larger committee* of a legislative body must *also* notice the Committee meeting as a meeting of the parent body. However the Wisconsin Supreme Court, interpreting a similar open meeting law has indicated in dicta that a separate notice for such meeting would not be required. *State ex rel. Badke v. Village Board of the Village of Greendale*, 173 Wis. 2d 553, 578-579, 494 N.W.2d 408, 418 (1993) (separate notices for both bodies' meetings not required where quorum of one body constitutes the second governmental body.)

This appears to be a reasonable and logical interpretation, and entirely consistent with the language of section 54952.2(c)(4) as applied to quorum-or-larger standing committees. Accordingly, we conclude that so long as they meet the Act's other requirements, five-member (or larger) standing Committee meetings of the City Council are exempt from the requirement they also be separately noticed as City Council meetings.

IV. THE CONDUCT OF VISITING COUNCILMEMBERS AT COMMITTEE MEETINGS DEPENDS ON THE SIZE OF THE STANDING COMMITTEE

The Legislature acted swiftly after the Attorney General's 1996 opinion, enacting section 54952.2(c)(6). The intent of section 54952.2(c)(6) was "to permit non-members to attend committee meetings but not participate." Sen. Bill 138 Senate Floor Bill Analysis, May 22, 1997. Section 54952.2(c)(6) exempts from the Act's requirements:

The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

The Attorney General reviewed section 54952.2(a)(6) in 1998, interpreting the limits of an observer's behavior at a standing committee meeting. 81 Op. Cal. Att'y Gen. 156 (1998) (1998

statutory construction analysis, or case authority. Moreover, the function of a court in construing any statute, including the Act, 'is simply to ascertain and declare what is in terms or in substance contained therein, *not to insert what has been omitted*, or to omit what has been inserted.' Cal Code Civil Proc. § 1858; *Shapiro v. Board of Directors of Centre City Development Corp.*, 134 Cal. App. 4th 170, 180 (2005) (emphasis added). No court has ruled on the correctness of this 1996 interpretation, yet it is repeated as a general proposition, without further analysis. See the Attorney General's 2003 Brown Act Guide, at 10 ("This exception, which is contained in section 54952.2(c)(4), does not apply when a majority of the members of a parent legislative body attend a meeting of a standing committee of the parent body.")

opinion). The Attorney General concluded “that members of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body ‘as observers.’ Attendance is . . . restricted to watching and listening.” *Id.* at 159. The Attorney General recognized that such “observers” have even fewer rights than members of the general public attending the meetings, since as observers they may make no statements or ask questions. That Office also concluded “that members of the legislative body of a local public agency may not sit in special chairs on the dais while attending a meeting of a standing committee of the legislative body ‘as observers.’” *Id.* at 160.

A. Section 54952.2(c)(6) Applies to Councilmembers Attending Sub-quorum Committee Meetings When Their Attendance Creates a Quorum of the City Council.

Despite the broad language of section 54952.2(c)(6), which seems to apply to *all* standing committees regardless of size, we believe the section’s restrictions are intended to apply only to sub-quorum standing committees, which is consistent with historical norms under the Act. In addition, the restrictions only apply when the presence of a member of a parent body *creates* a quorum of the parent body at the committee meeting. This belief is supported by the legislative history of the section, which was specifically enacted to correct the Attorney General’s 1996 opinion interpreting section 54952.2(c)(4). *See* Sen. Bill 138 Senate Floor Bill Analysis, May 22, 1997. That 1996 opinion was factually limited though, precluding the attendance of legislative body members *only* at *sub-quorum* meetings of a standing committee, when that attendance *created a quorum* of the legislative body.

The 1998 opinion acknowledges that “without the special exemption for ‘observers,’ the mere attendance at the meeting by a quorum of the legislative body would constitute a violation of the Act.” *Id.* at 159. It also acknowledges that if attendees wish a greater degree of participation, they may accomplish that by having the meeting noticed as a meeting of the full legislative body. *Id.* at 158 n 2. While not binding as legal precedent, the opinions of the California Attorney General often carry great weight with the courts, particularly when they interpret the Act and are well-reasoned. *Freedom Newspapers*, 6 Cal. 4th at 829.

Accordingly, we concur in the Attorney General’s 1998 opinion to the extent it applies to attendance of visiting Councilmembers at four-member standing Council Committee meetings, when their attendance creates a quorum of the City Council. Visiting Councilmembers at such Committee meetings may only watch and listen, and may not sit with the Committee members.

However, when the attendance of a Councilmembers at a sub-quorum Committee meeting does *not* create a quorum, for example, if one of the Committee members does not attend the meeting, section 54952.2(c)(6) has no application. On such rare occasions, we recommend the attending Councilmember be given the same rights as the public, and to avoid confusion, to limit his or her actions to those we suggest below may be appropriate for attendance at Committee meetings composed of a quorum of the Council.

B. Section 54952.2(c)(6) Does Not Apply to Councilmembers Attending Committee Meetings Already Composed of a Quorum of the City Council.

In 1998, this Office disagreed with the limitations the Attorney General's 1998 opinion placed on the behavior of visiting Councilmembers attending Council Committee meetings, which then all consisted of five-member Committees. 1998 City Att'y Report at 617. We concluded that "Council members who are not members of the committee should be permitted to comment on a pending matter as would members of the public." *Id.* (footnote omitted). To avoid any confusion about whether the Committee meeting was a meeting of the Council, we recommended that the visiting Councilmembers not sit with the Committee, or participate in the discussion and deliberation of the Committee item. *Id.* at 618.

Albeit for different reasons, we still believe those recommendations are valid for visitors to standing Council Committees composed of a quorum or more of Councilmembers. The notice for each five-member Committee meeting tells the public that a quorum of the City Council is gathering at the meeting. The public is free to attend and participate. The presence of additional Councilmembers at these Committee meetings does not create a quorum without notice to the public, which was a principal concern of the 1998 opinion. Accordingly, we recommend visiting Councilmembers to five-member Council Committee meetings comply with the recommendations in that 1998 report.⁴

CONCLUSION

We conclude that the Ralph M. Brown Act does not prohibit quorum or larger standing Council Committees, and does not require those meetings to be separately noticed as Council meetings, so long as the Committee meeting notice and agenda indicates that a quorum of Councilmembers meets as those Committees.

The level of participation the Act permits visiting Councilmembers at Council Committee meetings is complicated because the City's standing committees are composed of less than a quorum, and a quorum, of Councilmembers. We conclude the Act would likely support the following levels of participation at the different Committee meetings as follows:

1. At duly noticed five-member Committee meetings, visiting Councilmembers may attend so long as they sit with the general public and may participate as would a member of the general public.
2. At duly noticed four-member Committee meetings, where the presence of a visiting Councilmember *does not create a quorum* of the City Council, for example, when a Committee member is absent, visiting Councilmembers may attend, so long as they sit with the general public, and may participate as would a member of the general public.

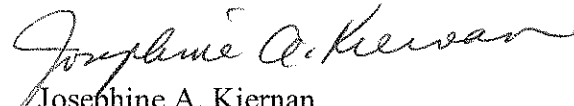
⁴ Limiting the participation of visiting Councilmembers to the same behavior as the public at these meetings is also consistent with Council rules prohibiting non-Committee members at any Committee meeting from voting or counting towards the Committee quorum necessary to conduct business. See SDMC § 21.0101.5, Rules 6.4, 6.8 and 6.10.

3. At duly noticed four-member Committee meetings, where the presence of a visiting Councilmember *creates a quorum* of the City Council, visiting Councilmembers may attend, so long as they sit with the general public and attend only as silent observers.

We believe the conclusions in this memorandum are legally supportable. But they have not been tested by a court. The Council may wish to consider making all its Committee the same size, or to adopt a consistent rule for the behavior of visiting Councilmembers at *all* Committee meetings regardless of Committee size that would meet Act requirements. Such a rule could be that visiting Councilmembers may attend any Committee meetings, so long as they sit with the general public and attend only as silent observers. This Office will be happy to assist with any changes needed to conform Committee meeting agendas to the legal principles discussed in this memorandum.

JAN I. GOLDSMITH, CITY ATTORNEY

By


Josephine A. Kiernan,
Deputy City Attorney

JAK:als

MS-2011-1

cc: Mayor Jerry Sanders

Andrea Tevlin, Independent Budget Analyst



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: October 28, 2015 REPORT NO: 15-093
ATTENTION: Charter Review Committee
SUBJECT: Permanent Rules of Council
REFERENCE: Municipal Code Section 22.0101: Permanent Rules of Council

REQUESTED ACTION:

- 1) Approve revisions to Municipal Code Section 22.0101: Permanent Rules of Council

STAFF RECOMMENDATION:

Approve recommended revisions to the Permanent Rules of Council to reflect current practice, along with other proposed revisions that would provide for better meeting management, efficiency and transparency.

SUMMARY:

Charter Section 14 states that, "The Council shall determine its own rules and order of business." To that end, San Diego Municipal Code Section 22.0101: Permanent Rules of Council outlines the Rules of the Council and the proper procedure and protocol to conduct the business of the City Council, as well as that of the Council Committees and Closed Session meetings.

On July 2, 2015, revisions to the Permanent Rules of Council were proposed to the Charter Review Committee and direction was given to return to committee for final review and evaluation before forwarding for Council consideration. As a result of several meetings with stakeholders, City Attorney memoranda, and Councilmembers' input, the following revisions and clarifications are being proposed. These revisions would update the Permanent Rules of Council to reflect the Council's current practice as well as provide better meeting management, efficiency and transparency.

Rule 2.1: Agenda

The Committee requested the Director of Legislative Affairs to analyze the possibility of having Council meetings be held on Tuesdays from 9:00am- 6:00pm with Closed Session at 1:00pm.

- In reviewing Council Meetings for the last four years, the current Monday and Tuesday schedule has been sufficient to meet the needs of the City. Although

instances of exceeding the allotted time have been reduced dramatically, the number of large meetings necessary throughout the year for land use, environmental appeals, and controversial policy matters has increased. If the Council would change the meeting schedule to one day a week, it would increase the number of Special City Council Meetings that need to be called, and it would be more difficult to coordinate the attendance of Councilmembers, support staff, City staff, and the public for these larger meetings.

- Moving the Closed Session to commence at 1:00pm on Tuesdays is at the discretion of the Council and would only require an amendment to the 2016 legislative calendar to implement.

Rule 2.2: Order of Business

On August 17, 2015, Councilmember Sherman and Councilmember Alvarez issued a memo regarding the order of business for Council meetings. The memo recommends that the Council rearrange the order of business to the following in an effort to avoid disrupting workflow and costing taxpayers staff hours and productivity:

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Consent Items
4. Proclamations/Ceremonial Items
5. Special Orders of Business
6. Items pulled from Consent
7. Non-agenda Public Comment

RULE 2.8: Parliamentary Procedure

Currently, in all cases not provided by these Rules, or other ordinance or resolution, Robert's Rules of Order Newly Revised is used as a guide to the Council's conduct. The Council in practicing Robert's Rules had not allowed the Council President or Committee Chair to make a motion for any item before the Council or Committee for consideration. Per the City Attorney's opinion the Council President or Committee Chair holds the same rights and privileges as any other Councilmember, including the right to make a motion. Due to this new development, the Committee should consider whether to leave this section as is and allow the new practice to continue, or to include new language in the Permanent Rules which would follow past practice and not allow the Council President or Chair of a Committee to make a motion.

RULE 6.10: Standing Committee Composition and Responsibilities

The Committee requested the Director of Legislative Affairs work with interested stakeholders to review and clarify the Committees' Areas of Responsibility. These are the proposed areas of responsibility for the Council Committees' which would be more in conformance with the City's organizational chart and give each Committee a better picture of the workload being undertaken by each department.

6.10.1. The Committee on Economic Development and Intergovernmental Relations:

- | | |
|--|---------------------------------|
| -Intergovernmental Relations | -Workforce Development |
| -Interagency and Bi-national Agreements | -Commercial Marketing District |
| -International Trade | -Business Improvement Districts |
| -Foreign Trade Zones | -Tourism Marketing District |
| -Educational Partnerships | -Economic Development |
| -San Diego Regional Airport Authority | -Arts and Culture |
| -Port District | -Incentive Programs |
| -San Diego Convention Center Corporation | -Regulatory Relief Programs |
| -City-wide Economic Development | -Open Data |
| Programs and Strategy | -Civic San Diego |

6.10.2. The Committee on Smart Growth and Land Use:

- | | |
|--------------------------|-----------------------------------|
| -Planning | -Real Estate Assets Department |
| -Land Use | -Walkability |
| -Affordable Housing | -Bicycle Programs |
| -General Plan Amendments | -Community Parking Districts |
| -Transportation Planning | -Historical Issues/Mills Act |
| -Transit Services | -Community Plans |
| -Parking | -Coastal Overlay Zone |
| -Municipal Airports | -ADA Compliance and Accessibility |
| -Land Development Code | |

6.10.3. The Committee on the Environment:

- | | |
|---|--|
| -Clean Water Program | -Public Utilities |
| -Water Management and Policy | -Golf |
| -Energy (Solar, Property Assessed Clean Energy Programs, Green) | -Utility Undergrounding |
| -Multiple Species Conservation Program | -Franchise Agreements |
| -Solid Waste Disposal | -Stormwater Management and Policy |
| -Recycling | -Climate Action Plan and any further Adaptation Plan |
| -Air Quality Standards | -Wastewater Management and Policy |
| -Hazardous Waste | -Independent Rates Oversight Committee |
| -Regional Parks | -Potable Reuse |
| -Open Space | -Recycled Water |

- Graywater
- San Diego County Water Authority
- Wildlife Management

- Environmental Services
- Environmental Policy

The committee's responsibility includes programmatic policy matters related to water, wastewater, storm water and parks.

6.10.4. The Committee on Public Safety and Livable Neighborhoods:

- | | |
|-------------------------------------|--|
| -Police | -Veterans Services |
| -Fire | -Libraries |
| -Neighborhood Parks | -Homeless Services |
| -Recreation Programs | -Consumer Protection |
| -Youth Services | -Homeland Security |
| -Senior Services | -Volunteerism |
| -Maintenance Assessment Districts | -Special Event Permits |
| -Community Development Block Grants | -Emergency Medical Services |
| -Code Enforcement | -Gang Prevention and Intervention |
| -Graffiti Abatement | -Citizens Review Board on Police Practices |
| -Lifeguards | |

6.10.5. The Committee on Budget and Government Efficiency:

- | | |
|---|--|
| -Annual Budget | -Fleet Services |
| -Financial Reports | -Risk Management |
| -Fees | -Equal Opportunity Contracting |
| -Performance Measures and Analytics | -Prevailing Wage |
| -Information Technology | -Living Wage |
| -Enterprise Resource Management | -San Diego City Employees' Retirement System |
| -Purchasing and Contracting | -Personnel |
| -Managed Competition | -Civil Service |
| -Revenue | -Human Resources |
| -Corporate Partnerships and Development | |

6.10.6. The Committee on Infrastructure :

- | | |
|--|--|
| -Capital Improvement Program (CIP) | -Storm water Infrastructure |
| -Oversight of CIP Streamlining | -Public Facilities Financing Plans |
| -Infrastructure Finance | -Development Impact Fees |
| -Regional Transportation Improvement Program | -Facilities Benefit Assessments |
| -Asset Management | -Wastewater Infrastructure |
| -Infrastructure Condition Assessment | -Water Infrastructure |
| Monitoring and Implementation | -City Facilities |
| -Neighborhood Input on Infrastructure Needs and Priorities | -Park Infrastructure |
| | -Multi-Year Capital Improvement Program Plan |

- Transportation Infrastructure
- Public Works

- ADA CIP Projects

The Committee's responsibility includes individual infrastructure projects related to water, wastewater, storm water and parks.

6.10.7 The Committee on Rules:

- | | |
|--------------------------------|---|
| -Permanent Rules of Council | -Boards and Commissions |
| - City Charter | -Council Initiated Matters |
| - Open Government | -Communications/Customer Service and Outreach |
| -Elections and Ballot Measures | |
| - Annexations | |

RULE 6.10.7: Rules Committee:


At the July 2, 2015 Committee meeting there was discussion of creating a Special Issues Committee that would take all of the areas of responsibility currently held within the "Additional Responsibilities of the Committee Chaired by the Council President." In further review of the matter, it is proposed that the Committee be a standing committee composed of five Councilmembers with the additional responsibility of "Council Initiated Matters." Currently, there is no way that a Councilmember can propose a policy matter to a committee that he/she does not sit on. It has been opined by the City Attorney's Office that this is not allowed under the Brown Act, as it would create a quorum of the Council. A possible solution would be to have five members on the Rules Committee. Per the City Attorney's office, as long as the committee is comprised of a quorum of the Council, then any Councilmember may participate in that meeting.

Per Rule 7.1, this would only be one tool for the Council to use to initiate Requests for Council Action. Any Councilmember who is the chair or is a member of the appropriate committee could still initiate and review the matter at that committee.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was reviewed at the July 2, 2015 Charter Review Committee Meeting. The actions taken at that meeting have been incorporated into the final draft proposed, unless otherwise noted in the staff report.



Diana Jurado-Sainz
Director of Legislative Affairs

Attachment:

1. Strike-Out
2. August 17, 2015 Councilmember Sherman and Councilmember Alvarez memo regarding Agenda Order at Council Hearings
3. Action Sheet for Item No. 3 from the July 2, 2015 Charter Review Committee Meeting
4. January 14, 2011 City Attorney Memoranda regarding Application of Ralph M. Brown Act to Five-Member Standing Council Committees and Conduct of Non-Committee Councilmembers Attending at Council Committee Meetings