
ARTICLE VII

(Effective 01-01-2006, all executive authority, power, and responsibilities conferred upon the City Manager in this Article were transferred to the Mayor. See section 260.)

FINANCE

Section 68: Budget and Accounting System

A complete budget and accounting system of municipal receipts and expenditures is hereby established.

(Amendment voted 04-21-1953; effective 05-29-1953.)

[Prior Language](#)

Section 69: Annual Budget and Appropriation

The fiscal year of the City shall begin on July 1 of each year and shall end on June 30 of the following calendar year. The Mayor is responsible for the preparation of an annual budget, in each fiscal year, for the City and all of its departments. The annual budget shall set forth, in both summary and detail, the projected revenues and expenditures of the City. The budget as proposed by the Mayor and as adopted by the Council shall be balanced such that proposed expenditures shall not exceed projected revenues and any other sources to balance the budget. The process for the preparation and adoption of the budget is as follows:

- (a) The Mayor shall annually prepare a multi-year financial outlook for the general fund projecting anticipated revenues and expenditures in future years as a fiscal planning document and basis for the proposed budget.
- (b) Each Councilmember shall provide a memorandum to the Independent Budget Analyst setting forth the Councilmember's budget priorities early in each calendar year. The Independent Budget Analyst shall analyze the budget priorities of the Councilmembers and prepare a budget priorities resolution for Council consideration. Upon Council adoption of the budget priorities resolution, the resolution shall be sent to the Mayor for consideration in the proposed budget.
- (c) The Mayor shall present the proposed budget to the Council and the public no later than April 15.

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- (d) The Council shall hold at least one public hearing on the Mayor's proposed budget. Such hearing may be before the City Council or any of its committees.
 - (e) The Mayor shall provide to the Council any necessary revisions to the proposed budget in a timely manner to allow for Council consideration.
 - (f) On or before June 15, the Council shall approve the budget as submitted by the Mayor or modify the proposed budget in whole or in part. The Council may increase or decrease any item or add or remove any item provided that the budget must remain balanced.
 - 1) If approved by the Council as proposed by the Mayor, the budget shall become the adopted budget upon the Mayor signing the budget resolution.
 - 2) If modified by the Council, the budget shall be returned to the Mayor as soon as practicable and, in no event more than 24 hours after Council approval.
 - (g) The Mayor shall, within five business days of receipt either approve, veto, or modify any line item approved by the Council.
 - (h) The Council shall thereafter have five business days within which to override any vetoes or modifications made by the Mayor. Any item in the proposed budget that was vetoed or otherwise modified by the Mayor shall remain as vetoed or modified unless overridden by the Council. In voting to override the actions of the Mayor, the Council may adopt either an amount it had previously approved or an amount in between the amount originally approved by the Council and the amount approved by the Mayor subject to the balanced budget requirements of this section. In no event may spending proposals not previously included in either of the Mayor's proposed budget or the Council's initial budget resolution be considered as part of a veto override action. The vote of two-thirds of the Council shall be required to override any veto by the Mayor under this section.
 - (i) Upon the expiration of the Council's five business day override period, or sooner if the Council so votes, the budget as returned by the Mayor, and to the extent modified thereafter by the Council shall become the adopted budget.
 - (j) Both the proposed and adopted budgets shall be made available to the public in any format required by ordinance.
 - (k) No later than June 30, the Council shall adopt an Annual Appropriation Ordinance setting forth the legal levels at which the Chief Financial Officer, as the designee of the Mayor, shall control operational and capital project spending.

The preparation of the appropriation ordinance, including the form, arrangement and itemization thereof, shall be determined and prescribed by the Chief Financial Officer and the City Attorney. The adopted budget and Salary Ordinance shall be controlling documents in the preparation of the Appropriation Ordinance. In the event that the Council fails to adopt the Appropriation Ordinance prior to the beginning of the new fiscal year the spending controls in the prior year's Appropriation Ordinance shall continue, as modified by the adopted budget.

- (l) The Appropriation Ordinance shall not be subject to veto by the Mayor.
- (m) The City's annual appropriation shall be limited in accordance with the California Constitution.

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Section 69 is modified by contrary language in Charter section 265(b)(14) during the operative period of Charter Article XV.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 70: Power to Fix Salaries

The Council shall have the power to fix salaries of the Mayor, the City Clerk, the City Auditor, the Independent Budget Analyst, and all other officers under the Council's jurisdiction. All members of Commissions serve without compensation except where otherwise provided by State law or this Charter. Except as otherwise provided by law, the Mayor and other departmental heads outside of the departments under control of the Mayor have power to fix salaries and wages subject to the personnel classification determined by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City. All increases and decreases of salary or wages of officers and employees must be consistent with the compensation schedules established by the annual salary ordinance, and in accordance with the Meyers-Milias-Brown Act or other legal requirements governing labor relations that are binding upon the City. No increases or decreases to the compensation schedules are effective prior to the fiscal year for which the budget is adopted. If, during any fiscal year, the Council finds and determines that because of a significant change in living costs, the salaries and wages fixed for that fiscal year are not comparable to the salaries and wages of other public or private employments for comparable services, and as a result, the best interests of the City are not being protected or are in jeopardy, the Council, upon recommendation of the Mayor or non-mayoral department heads, and if funds are available, may revise the compensation schedules to the extent necessary to protect the City's interests.

(Amendment voted 03-13-1951; effective 03-26-1951.)

(Amendment voted 11-08-1977; effective 01-20-1978.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

Prior Language

Section 70.1: Reforming Base Compensation Used to Establish Pension Benefits

“Base Compensation for Calculation of Pension Benefits” or “Base Compensation” shall be defined for this Section and for Section 70.2 as the total amount of annual compensation received by an individual City officer or employee for years of service after the implementation of this section that is used by the Retirement System for the purpose of calculating an individual’s benefits under a Defined Benefit Pension Plan as defined in Section 140 of this Charter.

By January 1, 2013 and to the extent allowed by law, including the legal effect of existing Memorandums of Understanding as of the effective date of this section, no Earning Codes Included in Retirement Base Compensation in any Annual Salary Ordinance shall include any pay components that may be excluded pursuant to any judicially approved legal settlement from the calculation of Base Compensation for Calculation of Pension Benefits.

This Section shall apply prospectively. Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees beyond Base Compensation, provided however that such compensation shall not be included in the calculation of Base Compensation. Employees determined to be performing work outside of their job classification may have their “out of class” pay included in the calculation of Base Compensation. Furthermore, nothing herein is intended to prohibit or limit the City Council from having its representatives meet and confer with Recognized Employee Organizations or Bargaining Groups as required by applicable labor relations laws to implement this Section.

(Addition voted 06-05-2012; effective 07-20-2012.)

Section 70.2: Emergency Limitations on Base Compensation for Calculation of Pension Benefits (July 1, 2012 to June 30, 2018)

From the effective date of this Section until June 30, 2018, in the City’s initial bargaining position in negotiations on any Memorandum of Understanding with recognized employee organizations or bargaining groups, the City shall propose terms that are consistent with the following requirements and shall work to achieve the following outcomes:

- (a) No Base Compensation for any classification shall be set at an amount higher than the base compensation for that classification established in Ordinance No. O-19952, adopted on May 4, 2010, (“2011 Fiscal Year Salary Ordinance”).

- (b) The Earning Codes Included in Retirement Base Compensation, as adopted in Ordinance No. O-19952, shall not be amended to add any new types of compensation to the Base Compensation for the Calculation of Pension Benefits during the effective period of this section.
- (c) Any new job classification may only be created, during the effective period of this Section, with specific findings that the creation of the new classification is necessary to achieve efficiencies and/or salary savings by consolidation job duties or the creation of a more efficient service delivery method to the public. No base compensation for any new job classification created during the effective period of this section shall be set at an amount higher than the base compensation for that classification during the Fiscal Year in which it was established.
- (d) No other forms of compensation shall be provided or increased for any applicable fiscal year that has the effect of increasing Base Compensation as defined under this Section and Section 70.1, above, of this Charter.

City bargaining representatives may be authorized to negotiate tentative agreements with employee organizations incorporating changes in employee compensation and other employee benefits provided, however, that no provision of a tentative agreement that fails to meet the conditions established in (a)-(d), above, shall become effective unless and until it is approved by a two-thirds majority of the full City Council.

From the effective date of this Section until June 30, 2018, prior to any City Council action that establishes the initial bargaining position of the City to meet and confer with recognized employee organizations or bargaining groups which include increases to salaries and benefits for any City officer or employee, in any proposed Memorandum of Understanding or other agreement, the Retirement System shall prepare and submit to the Mayor and City Council an actuarial study that identifies and discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the initial Council proposal, and certifies whether the proposed action increases the average or mean Base Compensation, for any job classification. Prior to any submission of a tentative agreement with any recognized employee organization or bargaining group to the City Council for approval of a Memorandum of Understanding, the City shall refer the tentative agreement to the Retirement System's Actuary to update the actuarial study to include any additional fiscal impacts of the tentative agreement. Such analysis shall be made readily available to the public ten days prior to any final action taken by the Council.

Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees during the effective period of this section, provided however that such compensation shall not have the effect of

increasing the Base Compensation for Establishment of Pension Benefits for that City officer or employee without complying with the requirements of this section.

Nothing in this section shall be interpreted to limit the ability of the City to exercise authority under Charter Section 124 (Promotions). This section shall be implemented in a manner consistent with the requirements of any applicable labor relations laws. This Charter Section 70.2 shall be automatically repealed and removed from this Charter on July 1, 2018, unless extended, modified or repealed by a vote of the People.
(Addition voted 06-05-2012; effective 07-20-2012.)

Section 71: Multi-Year Capital Plan

The Mayor shall maintain a current, multi-year capital plan that identifies and prioritizes deferred capital and infrastructure needs of the City and projects the amount of available funding sources over the term of the plan.

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-07-1978; effective 01-12-1979.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 71a: Reappropriations at Beginning of Fiscal Year for Salaries and Maintenance and Support Expenses

(Addition voted 04-20-1943; effective 05-04-1943.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 72: Mid-Year Amendment to Annual Budget

The Council shall by ordinance set forth the terms and conditions under which the Mayor must propose mid-year amendments to the annual budget.

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 73: Transfer of Appropriations

Upon the written recommendation of the Mayor, the Council may at any time transfer all or part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated for the same Department or office; provided, however, the Council shall have no authority to transfer all or any part of the salary account during the fiscal year to any other purpose, save and except in the event of a public emergency, and then only for the purpose of insuring the safety and lives and property of the inhabitants of The City of San Diego.

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 74: Appropriation Required for City Debt

An appropriation on account of the debt of the municipality, at least equal to the amount or amounts, estimated by the Mayor to be required for the purpose, shall be included in each Annual Appropriation Ordinance passed by the Council. If for any reason the Council fail to include such an appropriation in the Annual Appropriation Ordinance or shall appropriate for the debt of the municipality less than estimated by the Mayor to be required for that purpose, or less than that actually required for that purpose, the Chief Financial Officer shall nevertheless cause to be set up, an appropriation account for the full amount so estimated or actually required and shall, notwithstanding any other appropriation made by the Council, transfer to such account out of any moneys of the municipality derived from taxes and paid into the Treasury, such amount or amounts as may be necessary to bring the appropriation for the City debt up to the full amount of the Mayor's estimate or the sum actually required.

Any taxpayer of the City or owner of any bond thereof may bring suit against the Chief Financial Officer in the Superior Court to enforce the provisions of this section and if, upon such suit, it be found that the Council has failed to make an appropriation for the full amount estimated by the Mayor and actually required for the City debt and that the Chief Financial Officer has failed to set up the appropriation account and provide for transfers thereto as required by this section, the court shall order the establishment of such appropriation account and the necessary transfers thereto as hereinbefore provided. And such action by the court shall have the same force and effect in regard to appropriations for the City debt as though taken by the Council in the Annual Appropriation Ordinance.

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 75: Annual Tax Levy

No later than the last day of August of each year, the Council shall adopt an ordinance levying upon the assessed valuation of property in the City any lawfully imposed ad valorem property taxes. Unless otherwise provided by ordinance, the City shall use, for purposes of municipal taxation, the County of San Diego system of assessment and tax collection. If the Council fails to levy a rate of taxation at the time and in the manner provided by the Charter, the Chief Financial Officer shall calculate a rate of taxation, not exceeding the limit provided by law, in an amount required to meet maturing portions of principal and interest on the bonded indebtedness of the City and any special taxes lawfully imposed. The Chief Financial Officer shall give public notice of the rate of taxation as provided by ordinance. The Chief Financial Officer is hereby vested with all necessary legislative power to carry out the provisions of this section.

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 76: Special Taxes

Notwithstanding any provision of this Charter to the contrary, a special tax, as authorized by Article XIII A of the California Constitution, may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors of the City voting on the proposition; or if the special tax is to be levied upon less than the entire City, then the tax may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors voting on the proposition in the area of the City in which the tax is to be levied.

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 76.1: Special Taxes

(Amendment voted 11-08-1983; effective 12-30-1983.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 77: Proceeds of Sale of City-Owned Real Property

All proceeds received from the sale of City-owned real property shall be used exclusively for the acquisition and construction of permanent public improvements, including public buildings and such initial furnishings, equipment, supplies, inventory and stock as will

establish the public improvement as a going concern. Proceeds may also be used to reimburse the General Fund for prior capital expenditures and for the financing costs, if any, associated with the acquisition and construction of such permanent public improvements. The funds may also be used for the replacement of permanent public improvements but not the repair or maintenance thereof. The qualified electors of the City may, by a two-thirds vote, consent to the transfer and expenditure of such moneys for other purposes.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 04-20-1943; effective 05-04-1943.)

(Amendment voted 04-19-1949; effective 05-20-1949.)

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 06-07-1966; effective 06-29-1966.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 77a: Provisions for Zoological Exhibits

The Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than two cents (\$0.02) on each one hundred dollars (\$100.00) of the assessed valuation of the real and personal property within the City, to be used exclusively for the maintenance in Balboa Park of zoological exhibits.

Whenever the Council deems it to be for the best interests of the City, the Council may enter into a contract, upon such terms and conditions as the Council may prescribe, for the maintenance in Balboa Park of zoological exhibits, with any organization formed primarily for the purposes of maintaining zoological gardens and zoological exhibits and conducting general zoological work; and may make available to such organization the proceeds of the special tax levy provided for in this section.

(Addition voted 11-06-1934; effective 01-21-1935.)

(Amendment voted 04-22-1941; effective 05-08-1941.)

[Prior Language](#)

Section 77b: Public Transportation

(Addition voted 06-07-1966; effective 06-29-1966.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 77.1: Infrastructure Fund

There is hereby created a fund in the General Fund that shall be called the Infrastructure Fund. The intent of the Infrastructure Fund is to require the City to dedicate specific sources of revenue to fund General Fund infrastructure.

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- (a) For the purpose of this section, the following definitions shall apply and the words shall appear in italics:
- (1) *Base Year* means the City's fiscal year 2016 audited actual revenues and expenditures.
 - (2) *Exempt Revenues* means revenues that would be included in *Infrastructure Revenues* but are otherwise legally committed to other uses, such as sales tax rebate agreements.
 - (3) *General Fund Share* means the amount budgeted annually in the General Fund for maintenance and repair functions related to *Infrastructure*, including but not limited to streets, storm water systems, and facilities. The City Council may, by ordinance, more specifically define included functions.
 - (4) *Infrastructure* means General Fund capital improvements including streets, sidewalks, bridges, bike paths and related right-of-way features, storm water and drainage systems, public buildings such as libraries, recreational and community centers, public safety facilities such as police, fire and lifeguard stations, and park facilities. New convention center facilities and new professional sports venues are expressly excluded from the definition of *Infrastructure*. Software and other technology that is capital in nature (having a useful life in excess of five (5) years) may be included in the definition of *Infrastructure* by the City Council by ordinance.
 - (5) *Infrastructure Revenues* means *Major Revenues Increment*, *Sales Tax Increment*, and *Pension Cost Reduction* dedicated to the Infrastructure Fund pursuant to this section, as specified, and excluding *Exempt Revenues*.
 - (6) *Major Revenues* means property tax revenues, unrestricted General Fund transient occupancy tax revenues and unrestricted General Fund franchise fees. Sales tax revenues are excluded from the definition of *Major Revenues* as are any components of revenues otherwise identified as *Major Revenues* that are already dedicated to other purposes by this Charter or other law.
 - (7) *Major Revenues Increment* means fifty percent (50%) of the year to year growth in *Major Revenues* beginning with the *Base Year*.

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- (8) *Pension Cost* means, for each enumerated item herein, the General Fund portion of:
- (A) the City's Actuarial Determined Contribution (ADC) as provided to the City by the San Diego City Employees' Retirement System (SDCERS) plus (B) any payments required under the City's Preservation of Benefits Plan, plus (C) any payments made pursuant to the Supplemental COLA benefit, plus (D) any employer contributions made to an interim or final defined contribution plan on behalf of City employees initially hired on or after July 20, 2012 and who are not members of SDCERS. *Pension Cost*, as defined herein, is not intended to define, limit, or otherwise modify the City's obligation to fund any vested retirement benefit for any City employee.
- (9) *Pension Cost Reduction* means the amount by which the *Pension Cost* in the proposed budget for each fiscal year beginning in Fiscal Year 2018, is lower than the *Pension Cost* in the *Base Year*. If the *Pension Cost* in any fiscal year is higher than the *Pension Cost* in the *Base Year* there is no *Pension Cost Reduction* in that fiscal year.
- (10) *Sales Tax Baseline* means *Sales Tax Revenue* in the *Base Year* adjusted for the annual change in the statewide Consumer Price Index (CPI) for California.
- (11) *Sales Tax Increment* means the annual change in *Sales Tax Revenue* compared to the *Sales Tax Baseline*.
- (12) *Sales Tax Revenue* means any unrestricted sales tax revenue received by the City. In the *Base Year*, *Sales Tax Revenue* is the Bradley-Burns Sales Tax received by the City including the Triple Flip Property Tax reimbursement.
- (b) Beginning with the Mayor's Fiscal Year 2018 proposed budget, and for each fiscal year through Fiscal Year 2022, *Infrastructure Revenues* shall include *Sales Tax Increment* plus *Major Revenues Increment*, plus *Pension Cost Reduction*, minus *Exempt Revenues*.
- (c) Beginning with the Mayor's Fiscal Year 2023 proposed budget, *Infrastructure Revenues* shall include *Sales Tax Increment* plus *Pension Cost Reduction*, minus *Exempt Revenues*.

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- (d) Beginning with the Mayor's Fiscal Year 2043 proposed budget, all funds previously budgeted in the Infrastructure Fund shall be budgeted in the General Fund as unrestricted revenues and the requirements of this section shall cease.
 - (e) Each fiscal year, as part of the presentation of the proposed budget, the Chief Financial Officer shall certify as to the accuracy of the calculations used in determining the amount of *Infrastructure Revenues*.
 - (f) *Infrastructure Revenues* shall be used exclusively for the acquisition of real property, construction, reconstruction, rehabilitation, repair and maintenance of *Infrastructure*, including all costs associated with financing such acquisition of real property, construction, reconstruction, rehabilitation, repair and maintenance. Personnel costs associated with such use are also permitted. *Infrastructure Revenues* may not be used to fund debt service on General Fund lease revenue bonds issued before the effective date of this section. *Infrastructure Revenues* may not be used to fund operations, such as utility costs, janitorial services, waste management and upkeep of grounds. Operations may be more specifically defined by the City Council by ordinance.
 - (g) The Mayor may request the suspension of the requirements of this section for one fiscal year or for the remainder of a fiscal year. After at least one public hearing on the request for suspension, the City Council may approve a one-year suspension by a vote of two-thirds of the City Council.
 - (h) Except in the event of the suspension of the requirements of this section, in no fiscal year may the *General Fund Share* be less than the amounts included in the *Base Year*.
 - (i) The adopted budget in any fiscal year must comply with the requirements of this section.
 - (j) The City Council shall, by ordinance, establish policies and definitions, not inconsistent with this section, related to the use of the Infrastructure Fund.
 - (k) Nothing in this section prohibits the City Council from transferring additional revenues to the Infrastructure Fund or otherwise funding infrastructure projects within the General Fund.
 - (l) *Infrastructure* otherwise approved by voters in a general obligation bond election shall not be included in permitted uses of *Infrastructure Revenues* except with respect to maintenance and repair.
(Addition voted 06-07-2016; effective 07-18-2016.)

Section 78: Assessment and Collection of Taxes

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 79: Special Assessments

The Council shall have power by ordinance to provide for the payment of all or any part of the cost of any public service or of the acquisition of any land or other property for public use, or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement, by levying and collecting special assessments upon property specially benefitted. The mode and manner for the acquisition of any land or other property for public use or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement and the levying and collecting of special assessments therefor shall be as prescribed at that time by the general law of the State of California relative thereto; unless the Council shall by ordinance provide otherwise.

The legal and engineering work of preparing proceedings, plans and specifications, costs and estimates of any improvements under this Section shall be done and performed by the offices of the City Attorney and City Engineer respectively. However, if there shall be filed with the City Clerk for presentation to the Council a request in writing by property owners interested that such legal and engineering work be performed by attorneys and engineers outside of the City employ, the Council may so provide. As a condition precedent to the Council's granting permission for the employment of private attorneys or engineers, the property owners interested, the private attorney or the engineer, as appropriate, shall agree to hold the City free and harmless of and from any and all liability or cost or expense if for any reason the project is abandoned by the Council or the assessments are not levied or collected. On City-initiated projects toward which the City or other public agency contributes a portion of the costs, the Council may provide for the employment of private attorneys or engineers without requiring compliance with the foregoing condition precedent.

(Amendment voted 06-07-1966; effective 06-29-1966.)

[Prior Language](#)

Section 80: Money Required to Be in Treasury

The Council may not approve any contract, agreement or other obligation involving the expenditure of City funds unless the Chief Financial Officer first certifies that, in the

judgment of the Chief Financial Officer, sufficient funds are or will be available in the City treasury to make such expenditures from revenues received during or before the fiscal year in which the obligations will become due.

(Amendment voted 06-04-1968; effective 07-22-1968.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 81: Allotments

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 82: Payment of Claims Against the City

All invoices, bills and claims for payment shall be properly approved by the employee or officer designated by the Mayor or by an independent department head or designees and submitted to the Chief Financial Officer for review and payment. The Chief Financial Officer shall ensure that proper controls exist in all City departments to support accurate and timely disbursements of city funds.

The Chief Financial Officer shall make no payment unless he or she has determined that it has been properly approved, is in the proper form, correctly computed, legally due and payable, that an appropriation for such payment is available and that there is money in the treasury to make such payment. Payments for salaries of officers and employees shall be made regularly from the treasury without the necessity of review and approval prescribed for other payments. Claims against the City shall be paid in any acceptable form of payment authorized under the provisions of the California Government Code.

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 83: Payment of Claims Against the City

(Amendment voted 06-05-1956; effective 01-10-1957.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 84: Money to Be Drawn from Treasury in Accordance with Appropriation

No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the Annual Appropriation Ordinance or of the annual appropriation changed as authorized by Section 73 of this Article. At the close of each fiscal year any unencumbered balance of an appropriation except retirement funds, and such trust funds as may be established by this Charter shall revert to the fund from which appropriated and shall be subject to reappropriation. Appropriations may be made by the Council, to be paid out of the revenues of the current year, in furtherance of improvements or other objects or works which will not be completed within the year. Any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 85: Daily Deposits of Money

All moneys received from taxes, licenses, fees, fines, penalties and forfeitures and all moneys which may be collected or received by any officer of the City in his official capacity, or from any Department of the City for the performance of any official duty and all moneys accruing to the City from any source and all moneys directed by law or by this Charter to be paid or deposited in the treasury, shall be paid into the treasury daily.

Section 86: Disposition of Public Moneys

All City officials and employees empowered to collect money for fees, permits, licenses, inspections, services, taxes or other municipal charges, shall collect the same promptly at the time they become due, turn them into the City Treasury daily, obtain a receipt therefor, and report the same to the City Chief Financial Officer daily; provided, however, that in the case of employees located in distant parts of the city or county who in the course of their duties collect money belonging to the City, which collections can be deposited in the City Treasury daily only with difficulty and undue cost to the City, such collections may be deposited in the City Treasury within one week after their receipt by the employee collecting the same. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the City, and all funds which may remain in the possession of the City unclaimed after a period of one year from the date when due and payable, shall be credited to the appropriate fund of the City, and shall be applicable to

any purpose to which the Council may appropriate them and the Council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 87: Uniform Accounts

The Chief Financial Officer shall prescribe uniform forms of accounts which shall be observed by all officers and Departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the legislature of the State providing for uniform municipal accounts or reports, the City Council may elect to conform thereto.

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 88: Monthly Reports of Officers

At least monthly every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to Chief Financial Officer of all moneys received by him during the preceding accounting period.

(Amendment voted 06-04-1974; effective 08-13-1974.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 89: Monthly Statements by the Chief Financial Officer

The Chief Financial Officer shall prepare for submission to the Council at least monthly, or when requested, a summary statement of revenues and expenses for the preceding accounting period, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department and Division thereof as of the last day of the previous accounting period.

(Amendment voted 06-04-1974; effective 08-13-1974.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 90: General Obligation Bonds

The Council is authorized to provide for the issuance of general obligation bonds in accordance with the California Constitution. General obligation bonds may be issued and sold in accordance with state law and any other local procedure adopted by ordinance.

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 90.1: Revenue Bonds

The Council may authorize the issuance of revenue bonds by a two-thirds vote of the Council provided the bonds are not secured by or payable from the general fund or any fund other than an enterprise fund and that the purpose of the bond issue is to provide for the construction, reconstruction or replacement of water facilities, wastewater facilities, or stormwater facilities. All revenue bonds may be issued and sold in accordance with state law or any procedure established by ordinance.

(Addition voted 11-02-1954; effective 01-10-1955.)

(Amendment voted 06-03-1958; effective 02-19-1959.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 90.2: Sewer

(Addition voted 06-05-1956; effective 01-10-1957.)

(Amendment voted 11-8-1960; effective 1-9-1961.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 90.3: Voter Approval for Major Public Projects Conferring Significant Private Benefit

- (a) The City may not enter into the agreements necessary for financing, development, and construction of a major public project that confers a significant private benefit, unless that project is submitted to a vote at a municipal election and a majority of those voting in that election approve the project.
- (b) For purposes of this section 90.3:

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- (1) the term “major public project” means any capital improvement for which the expenditure of City funds is proposed, other than capital improvements for water, sewer or other public infrastructure, and for which the City’s total cost is in excess of an amount equal to ten percent (10%) of the City’s General Fund budget for the fiscal year in which the project is proposed to be approved by the electorate;
 - (2) the term “cost” means the amount paid to directly develop or construct the project, and does not include costs related to financing or interest;
 - (3) the term “significant private benefit” means that one or more identifiable private individuals or entities will have the exclusive use of any portion of the proposed capital improvement, pursuant to any type of agreement, for more than ten percent (10%) of the days during any calendar year that the proposed capital improvement is available for use, for the purpose of generating federal or state taxable income for such private individual or entity;
 - (4) the term “City funds” means funds authorized to be spent pursuant to an appropriation in the City’s annual budget and derived through any type of financing mechanism, including cash, loans, revenue bonds, lease revenue bonds or certificates of participation, but not including funds generated by a financing mechanism in which the City acts solely as a conduit, and where all costs and financial risks associated with the financing, development and construction are the responsibility of individuals or entities other than the City; and
 - (5) the term “identifiable private individuals or entities” means those individuals or entities which can be clearly identified, prior to the development of a project, as the party or parties who will ultimately use, rent, lease, or operate the facility for their own benefit. Not included within this definition are private individuals, business interests, groups, trades, associations or any other private entity that may derive private benefit indirectly as a result of the major public project.
- (c) Nothing in this section supersedes or nullifies the application of the voter approval requirements of section 90 of this Charter, governing any major public project financed by the City’s issuance of general obligation bonds.
 - (d) Any major public project that has been submitted to a vote at a municipal election and has been approved by a majority of those voting in that election on or before the effective date of this section shall be deemed to have complied with and fulfilled the requirements of this section.

(Addition voted 11-03-1998; effective 12-04-1998.)

Section 91: General Fund to Operate on Cash Basis

The City shall maintain sufficient cash on hand, including all funds available in the General Fund or from which the General Fund may temporarily borrow, to allow for keeping the payment of the running expenses of the General Fund on a cash basis. In the event that the Chief Financial Officer determines that the General Fund will not have sufficient cash available to meet all legal demands against the General Fund prior to the receipt of necessary revenues in any fiscal year, the City may issue short term notes in accordance with Charter section 92.

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 91.1: General Fund Reserves

The City shall maintain General Fund Stability and Emergency Reserves that may be accessed in the event of a significant emergency or economic downturn, unanticipated liability, or adverse litigation that affects revenues and expenditures in the General Fund. Recommendations to appropriate from the Emergency Reserve will require a two-thirds affirmative vote of the City Council. The Council shall establish policies for use of the Stability Reserve account.

(Addition voted 06-07-2016; effective 07-18-2016.)

Section 92: Borrowing Money on Short Term Notes

Bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes and revenues, as authorized by the City Council by resolution and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year may be issued during each fiscal year and each such bond, note, or warrant shall specify that it is payable out of the taxes and revenues of the fiscal year in which issued, and shall not bear a higher rate of interest than the maximum rate established by Council Resolution within the legal limit, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five (25) percent of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the Constitution of the State of California.

(Editor's note: Supplement No. 655)
(Amendment voted 11-06-1962; effective 01-21-1963.)
(Amendment voted 09-21-1965; effective 02-10-1966.)
(Amendment voted 06-03-1980; effective 07-16-1980.)
(Amendment voted 11-06-1990; effective 02-19-1991.)
[Prior Language](#)

Section 93: Loans and Advances

The City Council may from time to time authorize the advance of moneys in the treasury as a temporary loan to any tax-supported fund, which loan shall be repaid from the first property taxes received thereafter; provided, however, that such temporary loans shall not exceed the current property taxes receivable. It shall be lawful from time to time to advance money in the General Fund to any bond fund or to use any money in the General Fund for any purpose for which a loan shall have been authorized and bonds actually voted but not yet issued and sold, and the City officials need not sell said bonds until it is necessary to repay the General Fund advances or to replenish such loan fund or funds. The credit of the City shall not be given or loaned to or in aid of any individual, association or corporation; except that suitable provision may be made for the aid and support of the poor.

(Amendment voted 11-06-1962; effective 01-21-1963.)
[Prior Language](#)

Section 94: Contracts

Contracts for the construction, reconstruction or repair of public buildings, streets, utilities and other public works, for the provision of goods or services, and the hiring of architects, engineers, and other consultants, shall be competitively bid pursuant to rules established by ordinance of the City Council. The City Council may establish by ordinance contract amounts below which competitive bidding is not required. Unless otherwise required by ordinance, competitive bidding is not required for work done by City forces, services provided by non-profit organizations, in an emergency, or where competitive bidding is not required by state law.

Pursuant to state law, no officers of the City, whether elected or appointed, financially interested in any contract made by them in their official capacity. Any officer who willfully violates this paragraph shall be guilty of a misdemeanor and shall immediately forfeit his or her office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City.

All contracts entered into in violation of this Section shall be void and shall not be enforceable against said City; provided, however, that officers of this municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Public Utilities

Commission of the State of California; and provided further, that no officer shall be prohibited from purchasing the services of any utility whether publicly or privately owned, whether or not the rates are fixed by law or by the Public Utilities Commission of the State of California; and provided further, that in designating any bank as a depository for the funds of said City, any officer interested as a stockholder or otherwise in such bank shall not be deemed to have an interest in such City contract within the meaning of this section, and in each of the cases enumerated herein such contracts shall be valid and enforceable obligations against the municipality.

(Amendment voted 03-13-1945; effective 04-09-1945.)

(Amendment voted 03-11-1947; effective 03-24-1947.)

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 11-02-1976; effective 01-12-1977.)

(Amendment voted 09-20-1977; effective 11-18-1977.)

(Amendment voted 11-03-1998; effective 12-04-1998.)

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 94.1: Job Order Contracts

(Addition voted 11-03-1998; effective 12-04-1998.)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 94.2: Design-build Contracts

(Addition voted 11-03-1998; effective 12-04-1998.)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 94.3: Bond Reimbursement Program

(Addition voted 11-03-1998; effective 12-04-1998)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 94.4: Construction Manager At Risk Contracts

(Addition voted 3-2-2004; effective 07-15-2004)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 95: Preference in Accepting Bids

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Repeal voted 09-21-1965; effective 02-10-1966.)

[Prior Language](#)

Section 96: Progressive Payments

(Amendment voted 03-23-1937; effective 04-14-1937.)

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 97: No Collusion in Bidding

If at any time it shall be found that any party or parties to whom a contract has been awarded has, in presenting any bid or bids, been guilty of collusion with any party or parties in the submission of any bid or for the purpose of preventing any other bid being made, then the contracts so awarded may be declared null and void by the Council and the Council shall thereupon re-advertise for new bids for said work or the incomplete portion thereof. The Council shall debar from future bidding all persons or firms found to be in violation of this Section, or any future firm in which such person is financially interested.

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 98: Alteration in Contracts

(Amendment voted 06-07-1966; effective 06-29-1966.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 99: Continuing Contracts

The City shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year unless the qualified electors of the City, voting at an election to be held for that purpose, have indicated their assent as then required by the Constitution of the State of California, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when the qualified electors of the City, voting at an election for that purpose have indicated their assent as then required by

the Constitution of the State of California, such proposition shall be deemed adopted. No contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the members elected to the Council.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 06-04-1968; effective 07-22-1968.)

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 99.1: Sports Stadium

For the purpose of acquiring, constructing and completing on a site in Mission Valley not to exceed 200 acres and lying westerly of Murphy Canyon Road, northerly of Highway 80 and southerly of Friars Road, and maintaining and operating thereon a coliseum, stadium, sports arena, sports pavilion or other building, or combination thereof, and facilities and appurtenances necessary or convenient therefor, for holding sports events, athletic contests, contests of skill, exhibitions and spectacles and other public meetings, the City may, in addition to other legal methods, enter into contracts, leases or other agreements not to exceed fifty years with any other public agency or agencies, and the provisions of Sections 80 and 99 of this Charter shall not be applicable thereto.

(Addition voted 11-02-1965; effective 02-10-1966.)

Section 100: No Favoritism in Public Contracts

No officer or employee of the City shall favor one bidder over another, by giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Any officer or employee found guilty of violation of this Section shall forfeit his position immediately.

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 101: When Contracts and Agreements Are Invalid

All contracts, agreements or other obligations entered into, all ordinances and resolutions passed, and orders adopted, contrary to the provisions of Sections 97 and 100 of this Article may be declared null and void by the Council and thereupon no contractor whatever shall have any claim or demand against the City thereunder, nor shall the Council or any officer of the City waive or qualify the limitations fixed by such section or fasten upon the municipality any liability whatever; provided that all persons who have heretofore furnished material for and/or performed labor on the job shall be protected by

the contractor's surety bonds. Any willful violation of these Sections on contracts shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of these Sections, with the knowledge, expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the Council.

Section 102: Continuance of Contracts

All contracts entered into by the City, or for its benefit, prior to the taking effect of the Charter, shall continue in full force and effect.

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 103: Franchises

The Council shall have power to grant to any person, firm or corporation, franchises, and all renewals, extensions and amendments thereof, for the use of any public property under the jurisdiction of the City. Such grants shall be made by ordinance adopted by vote of two-thirds (2/3) of the members of the Council and only after recommendations thereon have been made by the Manager and an opportunity for free and open competition and for public hearings have been given. No ordinance granting a franchise or a renewal, extension or amendment of an existing franchise shall be effective until thirty days after its passage, during which time it shall be subject to the referendum provisions of this Charter. No franchises shall be transferable except with the approval of the Council expressed by ordinance. For purposes of this section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to, sale, lease, assignment, corporate merger, stock swap, leveraged buy-out reorganization, or any other method heretofore or hereafter devised which results in a change of ownership or control of the entity. Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity. This amendment is intended to be declaratory in nature as an explanation of the existing transfer of franchise provisions as set forth above and in the various City franchises presently in existence.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-03-1992; effective 12-18-1992.)

[Prior Language](#)

Section 103.1: Regulation of Public Utilities

No person, firm or corporation shall establish and operate works for supplying the inhabitants of The City of San Diego with light, water, power, heat, transportation,

telephone service, or other means of communication, or establish and carry on any business within said City which is designed to or does furnish services of a public utility nature to the inhabitants of said City, without the consent of said City manifested by ordinance of the Council. The Council shall have power to provide reasonable terms and conditions under which such businesses may be carried on and conducted within The City of San Diego.

(Addition voted 03-10-1953; effective 04-20-1953.)

Section 103.1a: Environmental Growth Fund

There is hereby created a fund in the City Treasury, to be known as the Environmental Growth Fund. Into this fund each year there shall be placed 25 percent of all moneys derived from the revenues accruing to the City from any franchises for the transmission and distribution of gas, electricity and steam within the City of San Diego.

The Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego; provided, however, that two-thirds of the moneys paid into the Environmental Growth Fund shall be used exclusively as debt service for bonds of any nature issued for the acquisition, improvement and maintenance of open space to be used for park or recreational purposes. In connection with the issuance of any general obligation bonds for the acquisition, improvement and maintenance of open space to be used for park or recreational purposes, the Council may pledge up to two-thirds of the Environmental Growth Fund to the payment or security of such general obligation bonds and the interest thereon and may so state in any ordinance calling an election authorizing the issuance of said general obligation bonds. If there are no such bonds outstanding or if two-thirds of the moneys paid into the Environmental Growth Fund exceed the amount necessary to service any outstanding bonds issued for the above purposes in any fiscal year, then in those events, and those events only, the moneys set aside for debt service of said bonds or that portion of said moneys which is not needed for debt service of said bonds, shall be used, if at all, exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego.

(Addition voted 06-06-1972; effective 08-03-1972.)

Section 104: Term and Plan of Purchase

Within six months after this Charter takes effect, copies of all franchises existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The Council may fix the

term of each new franchise in accordance with the laws of the State of California, provided that any franchise may be terminated by ordinance whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 105: Right of Regulation

Plenary control over all primary and secondary uses of its streets and other public places is vested in the City. Franchises may be granted upon such terms, conditions, restrictions or limitations as may be prescribed by ordinance. Every ordinance granting a franchise shall provide that the grantee therein named, as consideration for such grant, shall pay compensation to the City in an amount and in the manner set forth in said ordinance.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 11-07-1950; effective 01-13-1951.)

[Prior Language](#)

Section 106: Revocable Permits

Permits revocable at will of the Council for such minor or temporary utility purposes and privileges as may be specified by general ordinance may be granted or revoked by the Council from time to time in accordance with the terms and conditions prescribed thereby and such permits shall not be deemed to be franchises as the term is used in this Charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Section 107: Official Bonds

The Council shall determine which officers of the City shall give bonds for the faithful performance of their official duties, and fix the amount of such bonds. Each officer upon entering upon his duties shall deliver to the City a surety bond executed by a reliable surety company authorized to do business in the State of California in the penal sum required, which surety bond shall include other offices of which he may be an ex-officio incumbent, and shall also cover the services of any and all assistants and deputies of said officer. The Council may, however, if it so desires, purchase from a reliable surety company authorized to do business in the State of California a blanket surety bond, which

shall insure the faithful performance of the official duties of each officer named therein and fix the amount of each bond for each officer named therein. Each bond or the blanket bond if so purchased shall be approved by the Council and filed with the City Clerk. The premium of all such bonds shall be paid by the City.

(Amendment voted 04-21-1953; effective 05-29-1953.)

[Prior Language](#)

Section 108: Forfeiture of Office for Fraud

Every officer who shall willfully approve, allow, or pay any demand on the treasury not authorized by law, and found civilly liable by a court of competent jurisdiction, shall be liable to the City individually and on his or her official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever debarred and disqualified from holding any position in the service of the City. Violation of this section may also be prosecuted as a misdemeanor.

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 109: Accounts of Municipally Owned Utilities

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Repeal voted 11-03-1964; effective 01-21-1965.)

[Prior Language](#)

Section 110: Claims Against the City

Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the designated City official of The City of San Diego within one hundred (100) days after the occurrence giving rise to the claim for damages.

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law, a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within one hundred (100) days after the last item of the account or claim has accrued.

Each claim for damages because of tort shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

Each claim or demand for money due because of contract or operation of law shall specify the name and address of the claimant, a brief description of the contract or a brief recital of the facts giving rise to the obligation of the City imposed by law.

The time limit of one hundred (100) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim.

No suit shall be brought on any claim for money or damages against The City of San Diego until a demand for the same has been presented, as herein provided.

(Amendment voted 03-28-1939; effective 04-24-1939.)

(Amendment voted 04-19-1949; effective 05-20-1949.)

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 04-21-1959; effective 05-20-1959.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-08-1977; effective 01-20-1978.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

[Prior Language](#)

Section 111: Audits of Accounts of the City and City Officers

Each year the Council shall provide that an audit shall be made of all accounts and books of all the Departments of the City. Such audit shall be made by independent auditors who are in no way connected with the City. Either the Audit Committee or the Council may at any time provide for an independent examination or audit of the accounts of any or all officers or Departments of the City government. In case of death, resignation or removal of the City Auditor, the Audit Committee shall cause an audit to be made of his or her accounts. If, as a result of any such audit, an officer be found indebted to the City, the City Auditor, or other person making such audit, shall immediately give notice thereof to the Audit Committee, the Council, the Mayor and the City Attorney, and the latter shall forthwith proceed to collect such indebtedness.

(Amendment voted 06-03-2008; effective 07-08-2008.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 112: Appraisal of City Assets

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 11-04-1958; effective 02-19-1959.)

(Effective 07-08-2008, the authority, power, and responsibilities conferred upon the Auditor and Comptroller by this Charter were transferred to the Chief Financial Officer. See section 39.)

(Repeal voted 06-07-2016; effective 07-18-2016.)

[Prior Language](#)

Section 113: Official Advertising

(Amendment voted 04-19-1949; effective 05-20-1949.)

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 11-08-1977; effective 01-20-1978.)

(Repeal voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 114: Bureau of Information and Publicity

The Council may establish a bureau of information and publicity under the supervision and control of the Manager, who shall designate some official in his Department or in that of the City Clerk to compile the annual report of the City giving a summary of the Council proceedings and a summary of the operations of the administrative Departments for the previous fiscal years; have charge of the editing, printing and distribution of all municipal records, reports and documents; collect and compile information and statistics concerning all Departments and offices of the City, and other municipalities; and publish as often as necessary a City Bulletin, which shall contain the transactions and proceedings of the Council, the legal advertising of the City and such other information relating to the affairs of the City as shall be determined by ordinance or as the Manager may designate. The City Bulletin shall be published in lieu of the awarding of a contract for publication of official advertising in a newspaper of the City when the Council shall determine that it is to the best advantage of the City. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the Council may determine. No unofficial advertising shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.