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## ARTICLE III

### LEGISLATIVE POWER

#### Section 11: Legislative Power

All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of California, in the Council, except such legislative powers as are reserved to the people by the Charter and the Constitution of the State.

##### Section 11.1: Legislative Power — Nondelegable

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California applies to the City Council of The City of San Diego, so that its members must not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy, except where authorized by the Charter.

The City Council must annually adopt an ordinance establishing salaries for all City employees, except the City's elective officers, not later than May 30 of each year after considering all relevant evidence, including the needs of the residents of the City of San Diego for municipal services, the ability of the residents to pay for those services, local economic conditions and other relevant factors as the City Council deems appropriate. The City Council must give priority in the funding of municipal services to the need of the residents for police protection in considering adoption of this salary ordinance and the annual budget ordinance, and must comply with any collective bargaining laws binding on the City as a public agency employer.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for City employees extends to any scheme or formula which seeks to fix the compensation of City of San Diego employees, except City elective officers, at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego. This prohibition shall also extend to any scheme or formula which seeks to fix, establish, or adjust the compensation of City of San Diego employees, except City elective officers, at the level of the largest cities in California or the State of California.

City elective officers will receive annual salaries based on the salary paid to Superior Court judges by the State of California. The Chief Financial Officer is responsible for determining the State salary of Superior Court judges and for setting and adjusting the salaries of the City Councilmembers, Mayor, and City Attorney, as provided in sections 12.1, 24.1, and 40, respectively.

*(Addition voted 06-03-1980; effective 07-16-1980.)*

*(Amendment voted 11-04-1980; effective 12-31-1980.)*

*(Amendment voted 06-03-1986; effective 09-08-1986.)*

*(Amendments voted 11-06-2018; effective 12-24-2018.)*

[Prior Language](#)

## **Section 11.2: Legislative Power — Memorandum of Understanding**

Notwithstanding any provisions of this Charter to the contrary, nothing in the Charter shall be construed to preclude the Council from entering into a multiple year memorandum of understanding with any recognized City employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council.

*(Addition voted 06-03-1986; effective 09-08-1986.)*

## **Section 12: The Council**

(a) The Council shall be the legislative body of the City and each of its members shall have the right to vote upon all questions before it.

(b) Council members shall hold office for the term of four (4) years from and after 10 a.m. on the tenth day of December next succeeding their election and until their successors are elected and qualified. If the tenth day of December falls on a weekend or holiday, the term shall begin at 10 a.m. on the next calendar day that is not a weekend or a holiday.

(c) Notwithstanding any other provision of this Charter, no person shall serve more than two four-year terms as a Council member. If for any reason a person serves a partial term as Councilmember in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision.

(d) Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district they were elected to serve for the remainder of their current term. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose

terms expire as of the general election in that year. If, as a result of any redistricting, more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial council term shall be two years in order to retain staggered terms for Council members.

(e) It is the duty of the Council-members to attend all Council meetings. The Council shall vacate the seat of any Councilmember who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

(f) Council-members shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

(g) Council-members shall not be eligible during the term for which they were appointed or elected to hold any other office or employment with the City, except as a member of any Board, Commission or Committee thereof, of which they are constituted such a member by general law or by this Charter.

(h) Whenever a vacancy exists in the office of a Councilmember, the chief of staff for the departing Councilmember shall manage the office of the Councilmember under the authority of the Council President, until a replacement is appointed or elected pursuant to the procedures for filling vacancies provided by this Charter.

*(Amendment voted 11-08-1949; effective 12-20-1949.)*  
*(Amendment voted 06-05-1956; effective 01-10-1957.)*  
*(Amendment voted 11-06-1962; effective 01-21-1963.)*  
*(Amendment voted 09-17-1963; effective 02-11-1964.)*  
*(Amendment voted 11-04-1969; effective 01-29-1970.)*  
*(Amendment voted 11-05-1974; effective 12-01-1975.)*  
*(Amendment voted 11-04-1975; effective 12-01-1975.)*  
*(Amendment voted 11-06-1979; effective 12-17-1979.)*  
*(Amendment voted 11-08-1988; effective 04-03-1989.)*  
*(Amendment voted 11-06-1990; effective 02-19-1991.)*  
*(Amendment voted 06-02-1992; effective 07-13-1992.)*  
*(Amendment voted 11-03-1992; effective 12-18-1992.)*  
*(Amendment voted 06-07-1994; effective 08-18-1994.)*  
*(Section 12(a) was superseded by section 270 from*  
*01-01-2006 through 07-30-2010.)*  
*(Amendment voted 06-08-2010; effective 07-30-2010;*  
*see section 270.)*  
*(Amendment voted 06-03-2014; effective 07-24-2014.)*  
*(Amendment voted 06-07-2016; effective 07-18-2016.)*  
*(Amendment voted 11-08-2016; effective 12-19-2016.)*  
*(Amendments voted 11-06-2018; effective 12-24-2018.)*

[Prior Language](#)

### **Section 12.1: Councilmanic Salaries**

Effective December 10, 2020, the salary paid to the City Councilmembers will be 60 percent of the salary prescribed by law and as adjusted by law for judges of the Superior Court for the State of California. Effective December 10, 2022, the salary paid to the City Councilmembers will be 75 percent of the salary prescribed by law and as adjusted by law for judges of the Superior Court for the State of California.

*(Addition voted 11-06-1973; effective 12-07-1973.)*

*(Amendments voted 11-06-2018; effective 12-24-2018.)*

[Prior Language](#)

### **Section 13: Meetings of the Council**

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

*(Section 13 was superseded by section 270 from 01-01-2006 through 07-30-2010.)*

*(Repeal voted 06-08-2010; effective 07-30-2010; see section 270.)*

[Prior Language](#)

### **Section 14: Council Rules**

The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

### **Section 15: Quorum**

A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

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**Section 16: Introduction and Passage of Ordinances and Resolutions**

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

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

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

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

*(Section 16 was superseded by sections 275, 280, 285 and 290 from 01-01-2006 through 07-30-2010.)*

*(Repeal voted 06-08-2010; effective 07-30-2010; see sections 275, 280, 285 and 290.)*

[Prior Language](#)

**Section 17: When Ordinances and Resolutions Take Effect. Emergency Measures**

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

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

*(Section 17 was superseded by section 295 from 01-01-2006 through 07-30-2010.)*

*(Repeal voted 06-08-2010; effective 07-30-2010; see section 295.)*

[Prior Language](#)

**Section 18: Authentication and Publication of Ordinances and Resolutions**

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage the title and number of each ordinance or resolution of a general nature, together with a digest thereof prepared by the City Attorney, shall be published at least once in such manner as may be provided by this Charter or by ordinance. The publication shall be accompanied by the notice that the full text of the ordinance or resolution is available for perusal in the office of the City Clerk.

*(Amendment voted 11-05-1974; effective 12-01-1975.)*

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

[Prior Language](#)

**Section 19: Effect of Other Ordinances**

All ordinances and resolutions in force at the time this Charter takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed.

**Section 20: Codification of Ordinances**

The Council may by ordinance codify all of the ordinances of a general nature of the City into a Municipal Code. When so codified such Municipal Code and all sections thereof shall be admissible in all courts as prima facie evidence of the due passage and publication of the ordinances as codified.

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

[Prior Language](#)

## **Section 21: Courts**

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

[Prior Language](#)

## **Section 22: Interference by Individual Members of Council with Administrative Service Prohibited**

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

*(Section 22 was superseded by sections 270(g) and 270(h) from 01-01-2006 through 07-30-2010.)*

*(Repeal voted 06-08-2010; effective 07-30-2010; see sections 270(g) and 270(h).)*

[Prior Language](#)

## **Section 23: Initiative, Referendum and Recall**

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of the Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten per cent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five per cent of the registered voters of the City at the last general election; and that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen per cent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

Initiative measures and referendum measures that qualify for the ballot after the people's petition process, and in compliance with provisions of this Charter and the City's

Election Code Ordinance, shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election.

Submission of such measures to a general election ballot shall be considered to meet the Charter requirement of an expeditious procedure for the people's exercise of their constitutionally reserved powers of initiative and referendum.

All other municipal ballot measures may be submitted to the electorate at a Municipal Special Election that may be consolidated with the next City-wide Municipal Primary Election or Municipal General Election, or at any City-wide special election held for that purpose.

Charter amendment measures and the timing of their submission to the electorate are governed by California law.

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

*(Amendment voted 11-08-1988; effective 04-03-1989.)*

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

[Prior Language](#)