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ARTICLE XIV

MISCELLANEOUS PROVISIONS

**SECTION 211: OATH OF OFFICE**

Every officer or member of a Committee, Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation as provided by the Constitution or General Law of the State to be filed and kept in the office of the City Clerk.

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

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

**SECTION 212: CONTINUANCE OF PRESENT OFFICERS**

All persons holding office at the time the provisions of this Charter or any amendments thereto shall take effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The terms of all elective officers who are in office at the time this Charter or any amendments thereto become effective shall terminate on the tenth day of December following the holding of such election except as otherwise provided in this Charter.

The powers conferred and the duties imposed upon any Officer, Commission, Board, Committee or Department of the City by the laws of the State and by this Charter or ordinance shall be thereafter exercised and discharged by the Officer, Board, Committee or Department designated by this Charter or by ordinances passed by the Council, unless otherwise provided herein. The members of the Legislative body of The City of San Diego in office at the time the State Legislature ratifies and approves this Charter

or any amendments thereto shall take the necessary action and do everything necessary or incidental for the purpose of holding the first election at which municipal officers are elected pursuant to the terms and provisions of this Charter or any amendments thereto.

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

*(Amendment voted 06-03-2014; effective 07-24-2014.)*

**SECTION 213: CONTINUING IN FORCE ORDINANCES AND CONTRACTS**

All ordinances not inconsistent with any of the provisions of this Charter or any amendments thereto shall continue in force until amended or repealed, and all contracts of The City of San Diego in force at the time of the adoption of this Charter or any amendments thereto, and not inconsistent with any of the provisions thereof, shall continue in force until completed, amended or rescinded.

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

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

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**SECTION 214: RESERVATION OF RIGHTS**

The passage of this Act shall not affect any right accruing or accrued, or any suit, prosecution, or other legal proceedings pending at the time when it shall take effect as herein provided, and no penalty or forfeiture previously incurred shall be affected thereby.

**SECTION 215: PUBLICITY OF RECORDS**

All books, records and accounts of every office and Department of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Council, except such records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

**SECTION 216: COPIES OF RECORDS**

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same who shall be charged for such copies or extracts, and for certification, the charge to be fixed by the Council.

**SECTION 216.1: ACCESS TO GOVERNMENT INFORMATION**

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this Section, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule or other authority adopted after the effective date of this Section that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this Section supersedes or modifies the right of privacy guaranteed by Section 1 of the California Constitution or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this Section supersedes or modifies any provision of this Charter or the California Constitution, including the guarantees that a person may not be deprived of life, liberty or property without due process of law, or denied equal protection of the laws.

(5) This Section does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in

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effect on the effective date of this Section, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

*(Addition voted 11-02-2004; effective 01-21-2005.)*

**SECTION 217: NO PAYMENT FOR OFFICE**

No officer or employee of the City shall give or promise to give to any person any portion of his or her compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment. Any officer or employee found guilty by a court of competent jurisdiction for such actions shall forfeit his or her office or position.

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

**SECTION 218: NO CONTRIBUTIONS FOR EMPLOYMENT**

No officer or employee shall solicit or accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from anyone under his or her charge, or from any candidate or applicant for any position as employee or subordinate in any Department of the City. Any officer or employee found guilty by a court of competent jurisdiction for such actions shall forfeit his or her office or position.

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

**SECTION 219: PUEBLO LANDS**

No sale of Pueblo Lands owned by The City of San Diego which are situated North of the North line of the San Diego River shall ever be valid and binding upon said City unless such sale shall have been first authorized by an ordinance duly passed by the Council and thereafter ratified by the electors of The City of San Diego at any special or general municipal election. The City Manager shall have authority to lease Pueblo Lands, provided that any lease for a term exceeding one year shall not be valid unless first authorized by ordinance of the Council. No lease shall be valid for a period of time exceeding fifteen years.

**SECTION 220: EMINENT DOMAIN**

The Council shall have power to acquire by eminent domain proceedings such property as may be needed for public use.

**SECTION 221: SALE OF REAL PROPERTY**

Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego. The foregoing shall not apply to the sale or exchange of real property to a governmental agency for bona fide governmental purposes which sale or exchange was duly

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authorized by ordinance of the Council, nor shall it apply to properties previously authorized for disposition by the electors of The City of San Diego.

*Formerly Section 221. CITY OFFICES TO BE KEPT OPEN.*

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

*New Section 221. SALE OF REAL PROPERTY.*

*(Addition voted 11-06-1990; effective 02-19-1991.)*

### **SECTION 222: EFFECT OF INVALIDITY IN PART**

If any clause, sentence, paragraph, section or part of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 223: AMENDMENT OF CHARTER**

This Charter may be amended in accordance with the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor in the State Constitution.

### **SECTION 224: REPEAL OF INCONSISTENT ACTS**

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

### **SECTION 224: GENDER**

Wherever in this Charter the masculine gender is used, the same shall be deemed amended to include the feminine gender.

*Formerly Section 224. CITY OFFICES TO BE KEPT OPEN.*

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

*New Section 224. GENDER.*

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

### **SECTION 225: MANDATORY DISCLOSURE OF BUSINESS INTERESTS**

No right, title or interest in the City's real or personal property, nor any right, title or interest arising out of a contract, or lease, may be granted or bargained pursuant to the City's general municipal powers or otherwise, nor any franchise, right or privilege may be granted pursuant to Section 103 or 103.1 of this Charter, unless the person applying or bargaining therefor makes a full and complete disclosure of the name and Identity of any and all persons directly or indirectly involved in the application or proposed transaction and the precise nature of all interests of all persons therein.

Any transfer of rights, privileges or obligations arising from a franchise, right or privilege granted under Charter Section 103 or 103.1, or any transfer of any right, title or interest in the City's real or personal property, or any right, title or interest arising out of a contract, or lease, which may be

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granted or bargained pursuant to the City's general municipal powers or otherwise, shall also require a full and complete disclosure as set forth above.

Failure to fully disclose all of the information enumerated above shall be grounds for denial of any application or proposed transaction or transfer and may result in forfeiture of any and all rights and privileges that have been granted heretofore.

For purposes of this Charter section, the term "person" means any natural person, joint venture, joint stock company, partnership, association, firm, club, company, corporation, business trust, organization or entity.

*(Addition voted 06-02-1992; effective 07-13-1992.)*

### **SECTION 226: SUPER MAJORITY VOTE REQUIREMENTS**

(a) Notwithstanding any other provisions of this Charter, any amendment to this Charter, ballot proposal, initiative, statute, law or regulation of any type, whether proposed to be adopted by the electorate, the City Council, or any other body acting pursuant to this Charter or the Municipal Code, that requires a vote of the electorate in excess of a simple majority for any matter, must itself be approved by a vote of the electorate in the same proportion as proposed, in order to be adopted, valid or otherwise effective.

(b) This section may be adopted by a simple majority vote, and shall be applicable to any amendment of this Charter, ballot proposal, initiative, statute, law or regulation of any type, as set forth in Subsection (a), proposed to be adopted at the municipal election by which this Charter Section 226 is approved by the electorate, or otherwise adopted on or after the date of that municipal election, and shall not be applicable to any matter adopted or approved prior to the date of such municipal election.

*(Addition voted 03-05-2002; effective 04-24-2002.)*

*(Section 226 was ordered reformed by the court November, 2004, to read as follows:*

*(a) Notwithstanding any other provision of this Charter, any ballot proposal, initiative, statute, law or regulation of any type, except amendments of this Charter whether proposed to be adopted by the electorate, the City Council, or any other body acting pursuant to this Charter or the Municipal Code, that requires a vote of the electorate in excess of a simple majority for any matter, must itself be approved by a vote of the electorate in the same proportion as proposed, in order to be adopted, valid or otherwise effective.*

*(b) This section may be adopted by a simple majority vote.*

*See, Howard Jarvis Taxpayers Assn. v. City of San Diego, 120 Cal. App. 4th 374 (2004.)*