

CHARTER OF THE CITY OF SAN DIEGO

Section 54

1. Original Charter section approved by voters April 7, 1931

Section 54. HARBOR DEPARTMENT. (a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within the limits of said City, except, however, such tide and submerged lands which have heretofore or which hereafter may be transferred to the exclusive control of the United States and excepting further such other land as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) The Council shall appropriate each year until the year 1938 the sum of \$150,000.00 in the annual appropriation ordinance for the use of the Harbor Commission on harbor improvements. This sum so appropriated annually, together with such portions of the revenue and receipts of the Department as may not be needed for operating expenses, shall be placed in a trust fund in the City Treasury and expended by the Harbor Commission for capital purposes only in the development of the harbor and tide lands of the Bay of San Diego. When the harbor has been fully developed all such funds which are not necessary for the maintenance and operation of said Department shall be placed in the general fund of the City and thereafter used for any lawful purpose.

(g) The Harbor Commission shall have authority to lease tide lands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tide lands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tide lands shall be under the control and supervision of the Harbor Commission until such time as the Council by Ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

2. Amendment voted 03-23-1937; effective 04-14-1937

Section 54. HARBOR DEPARTMENT.

(a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within the limits of said City, except, however, such tide and submerged lands which have heretofore or which hereafter may be transferred to the exclusive control of the United States and excepting further such other land as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ

legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) The Council shall appropriate each fiscal year until the fiscal year 1943-44 the sum of \$150,000.00 in the annual appropriation ordinance for the use of the Harbor Commission on harbor improvements. This sum so appropriated annually, together with such portions of the revenue and receipts of the Department as may not be needed for operating expenses, shall be placed in a trust fund in the City Treasury and expended by the Harbor Commission for capital purposes only in the development of the harbor of San Diego and of tide lands heretofore or hereafter granted to The City of San Diego by the State of California. When the harbor has been fully developed all such funds which are not necessary for the maintenance and operation of said Department shall be placed in the general fund of the City and thereafter used for any lawful purpose.

(g) The Harbor Commission shall have authority to lease tide lands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tide lands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tide lands shall be under the control and supervision of the Harbor Commission until such time as the Council by Ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development,

the matter shall be referred to the Council, whose decision on such development shall be final.

3. Amendment voted 04-22-1941; effective 05-08-1941

Section 54. HARBOR DEPARTMENT.

(a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within the limits of said City, except however, such tide and submerged lands which have heretofore or which hereafter may be transferred to the exclusive control of the United States and excepting further such other land as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer in the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) The Council shall appropriate each fiscal year until the fiscal year 1948-1949, the sum of \$150,000.00 in the Annual Appropriation Ordinance for the use of the Harbor Commission on harbor improvements. This sum so appropriated annually, together with such portions of the revenues and receipts of the department as may not be needed for operating expenses, shall be placed in a trust fund in the City Treasury, and expended by the Harbor Commission for capital purposes only in the development of the harbor of San Diego and of tidelands heretofore or hereafter granted to The City of San Diego by the State of California. When the harbor has been fully developed all such funds which are not necessary for the maintenance and operation of said department shall be placed in the general fund of the City and thereafter used for any lawful purpose.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

4. Amendment voted 06-08-1954; effective 01-10-1955

Section 54. HARBOR DEPARTMENT.

(a) The Mayor, with the approval of the Council, shall appoint three electors of the City, as members of the Harbor Commission, one to serve for two years, one for

three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until the successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by the general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Chapter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative office of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Chapter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) All revenues derived from the tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, and the maintenance and operation of the Harbor Department.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before the final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

5. Amendment voted 06-07-1960; effective 01-09-1961

Section 54. HARBOR DEPARTMENT.

(a) The Mayor, with the approval of the Council, shall appoint five electors of the City as members of the Harbor Commission, one to serve for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members of the Harbor Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this amendment becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands

within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal Law.

(f) All revenues derived from tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, including the payment of principal and interest of any general obligation bonds or revenue bonds issued by the City for harbor purposes, and the maintenance and operation of the Harbor Department. Each year there shall be appropriated from funds derived from said revenues the amount or amounts required by any ordinance or resolution authorizing or providing for the issuance of revenue bonds for harbor purposes and such amount or amounts, if any, as the Council shall direct for the payment of principal of and interest on general obligation bonds of the City issued after June 15, 1960, for harbor purposes. If, at the time of submission of its annual budget estimate, as provided in Section 69 of this Charter, the Harbor Commission determines there are or will be revenues available for the payment of any principal or interest coming due the next fiscal year on general obligation bonds of the City issued prior to June 15, 1960, for harbor purposes, said revenues may be appropriated and use for such payment.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that

no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal airports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

6. Amendment voted 06-05-1962; effective 06-29-1962

Section 54. HARBOR DEPARTMENT.

(a) The Mayor, with the approval of the Council, shall appoint five electors of the City as members of the Harbor Commission, one to serve for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members of the Harbor Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this amendment becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as

may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission subject to the Civil Service provisions of this Charter shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) All revenues derived from tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, including the payment of principal and interest of any general obligation bonds or revenue bonds issued by the City for the improvement of the harbor or of tidelands fronting thereon, and the maintenance and operation of the Harbor Department. Each year there shall be appropriated from funds derived from said revenues the amount or amounts required by any ordinance or resolution authorizing or providing for the issuance of revenue bonds for the improvement of the harbor or of tidelands fronting thereon and such amount or amounts, if any, as the Council shall direct for the payment of principal of and interest on general obligation bonds of the City issued after June 15, 1960, for the improvement of the harbor or of tidelands fronting thereon. If, at the time of submission of its annual budget estimate, as provided in Section 69 of this Charter, the Harbor Commission determines there are or will be revenues available for the payment of any principal or interest coming due the next fiscal year on general obligation bonds of the City issued prior to June 15, 1960, for harbor purposes, said revenues may be appropriated and used for such payment.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal airports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

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