

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

MEMORANDUM

DATE: July 27, 2007

TO: Council President and City Council

FROM: Mark D. Blake, Chief Deputy City Attorney

SUBJECT: Adoption of Appropriation Ordinance

Council President and City Council:

At the July 23, 2007 City Council first hearing on the Appropriation Ordinance a question was asked about the procedure under the charter for adoption of the Appropriation Ordinance. At the meeting I indicated that under the Charter the Appropriation Ordinance required two public hearings of the Council, and then could be adopted on the date of its introduction.

The Appropriation Ordinance establishes spending authority for the Mayor and the Auditor and Controller for the fiscal year. The Appropriation Ordinance differs from other City legislation in that its content is prescribed by the adopted City Budget and serves as the enactment of the Budget. The procedure for preparation and adoption of the Appropriation Ordinance is set forth under Charter section 71. It provides that “[t]he form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Controller, and the City Attorney.” In addition, it states that “[p]rovision shall be made by the Council for a minimum of two [2] public hearings either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinance shall take the same course in the Council as other ordinances and shall be adopted in the month of July.”

Under Charter section 295(d), (which supersedes Charter section 17) the annual appropriation ordinance “shall take effect at the time indicated therein.”¹

The Appropriation Ordinance is not subject to Mayoral veto. Charter section 280(4).

Upon final passage, the Appropriation Ordinance shall be published in the manner provided for

¹ Charter section 295(d) also provides that “All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days from the date of their passage.”

Council Members

July 27, 2007

Page 2

the publication of other ordinances, i.e. within 15 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 provided by this Charter or by ordinance. Charter section 18.

Should you have any additional questions please feel free to contact me.

MICHAEL J. AGUIRRE, City Attorney

By

Mark D. Blake, Chief Deputy City Attorney

MDB:jdf

cc: Honorable Mayor

Andrea Tevlin, Independent Budget Analyst