

Article 2: Administrative Code

Division 2: The City Manager

§22.0201 Authority, Department Organization

The City Manager shall have authority within any office or department under his control, to organize such divisions, bureaus, or other operating units, in addition to those prescribed by the Charter or by ordinance, and may assign work to them, as may be necessary or convenient for the proper conduct of the work of the office or department. Offices, departments, divisions, or bureaus established by ordinance, may not be abolished except by ordinance and powers and duties conferred or assigned by ordinance may not be transferred elsewhere except by ordinance. The Manager may assign to an office, department, division, or bureau, duties in addition to those assigned by ordinance.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0202 Authority, Discipline

The City Manager, except as otherwise provided by Charter or ordinance, shall appoint and may, in accordance with the provisions of Sections 30 and 129 of the City Charter, dismiss, suspend, and discipline all officers and employees in the administrative service under his control.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0203 Annual Reports

It shall be the duty of the City Manager to prepare and present to the Council on or before the first day of January of each year, an annual report of the affairs of the City and such other reports as the Council may require or as he may deem advisable. For the purpose of the preparation of such annual report, it is hereby made the duty of the head of every commission, board, department, and the office of the City government, not under the control of the City Manager to furnish to the City Manager, on or before the first day of November of each year, a comprehensive report of the activities and affairs of such commission, board, department or office for the past year, such report to contain, in addition to all other matter, any information specifically requested by the City Manager.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0204 Work Programs

In order that City Manager may be fully advised as to all activities being carried on or planned by the City as a whole, for the fiscal year, the head of every commission, board, department or office not under the jurisdiction and control of the City Manager, shall, immediately after the adoption of the Annual Appropriation Ordinance, submit to the City Manager in such form and detail as he may require, a work program for the ensuing fiscal year, which program shall disclose all expenditures contemplated for operation and maintenance, and for the acquisition of property.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0205 Authority, Investigation

The City Manager, when authorized by resolution of the Council, shall have power, either by himself or any other officer or person, designated for the purpose by him, to investigate and to examine or inquire into the affairs or operations of any commission, board, department, division, office, or employee, not under his direct control, and when so authorized by the Council shall have power to employ consultants and professional counsel to aid in such investigation, examination, or inquiry.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0206 Transfer of Duties

Whenever in the ordinances of The City of San Diego it is provided that anything shall be done or may be done by an officer therein designated by a title which no longer exists, as used therein, the duty or authority to do such thing shall rest upon such officer as may be designated by ordinance or, as to departments under the control of the City Manager; by order of the City Manager, as the successor in such duty or authority of the officer originally referred to.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0208 Filling Vacancy

Whenever the office of the City Manager is vacant, the duties thereof shall be performed, until a City Manager is appointed, by the person designated by the Council to perform such duties. The designation of such person shall be made by the Council by resolution, at the first regular or special meeting of the Council held after the office of City Manager shall have become vacant. Whenever such person is performing the duties of the office of the City Manager, he shall be known as the Acting City Manager. Any such designation shall be deemed to be revoked whenever another like designation is made by the Council. The office of the City Manager shall be deemed to be vacant during such period as the City Manager may, pursuant to Section 27 of the Charter, be suspended pending a hearing and final vote on his removal.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0220 Real Estate and Airport Management Department

- (a) The Real Estate and Airport Management Department is a City department. The department is responsible for managing the City’s real estate and airports.
- (b) The Director is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Director is the appointing authority of all personnel authorized in the department.
- (c) The Real Estate and Airport Management Department, under the direction of the City Manager and with policy direction from the City Council, is responsible for performing those duties and functions assigned and directed by the City Manager, including:
 - (1) performing administrative functions and duties related to managing the City’s real estate and airport needs, such as property valuation, leasing City-owned real property, and acquiring real property interests for the City;
 - (2) managing City airports as provided in Chapter 6, Article 8 of the Municipal Code;
 - (3) acquiring and managing public rights-of-way and easements;
 - (4) coordinating with the County Tax Collector regarding property that may be sold because of delinquent taxes that the City may desire for public use;

- (5) performing administrative functions required for eminent domain proceedings;
- (6) performing administrative functions to manage leases and concessions at City-owned properties;
- (7) inspecting and maintaining City-owned real property;
- (8) periodically reviewing City-owned real property to identify underutilized real properties; and
- (9) managing and controlling Pueblo Lands and unimproved City properties that are not under the control of a specific City department.

(Retitled to "Real Estate Assets Department" and amended 3-7-1994 by O-18042 N.S.)

(Retitled from "Real Estate Department" to "Real Estate and Airport Management Department" and amended 1-27-2022 by O-21405 N.S.; effective 2-26-2022.)

§22.0227 City Manager to Provide Budget Estimates Forms

The City Manager shall, on or before the first day of March of each year, deliver to the head of every commission, board, department or office not under his jurisdiction or control, an adequate number of forms upon which the annual budget estimates of such commission, board, department or office shall, pursuant to Section 69 of the Charter, be submitted to the Manager.

(Renumbered from Section 22.0801 on 4-15-1996 by O-18283 N.S.)

§22.0228 Preparation of Annual Budget; Library Appropriation

In preparing the budget required by Section 69 of the Charter, the City Manager shall include a proposed appropriation for general library operation, maintenance and supplies for the San Diego Public Library System, as follows:

- (a) For Fiscal Year 2002, an amount equal to at least 4-1/2% of the proposed General Fund budget for Fiscal Year 2002;
- (b) For Fiscal Year 2003, an amount equal to at least 5% of the proposed General Fund budget for Fiscal Year 2003;
- (c) For Fiscal Year 2004, an amount equal to at least 5-1/2% of the proposed General Fund budget for Fiscal Year 2004;

- (d) For Fiscal Year 2005, and for each Fiscal Year thereafter, an amount equal to at least 6% of the proposed General Fund budget for each such Fiscal Year.
- (e) If the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services necessary for preserving the health, safety, and welfare of the citizens, the City Manager may ask the City Council to temporarily suspend compliance with this Section. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year.

The City Council, in considering the passage each year of the Annual Appropriation Ordinance pursuant to Section 71 of the Charter, shall consider this proposed appropriation and shall make any appropriation for general library operation, maintenance and supplies in accordance with Council Policy 100-19.

(Amended 4-1-2003 by O-19163 N.S.)

§ 22.0229 Mid-Year Amendments to the Adopted General Fund Budget

- (a) In the month of February or at such time during any fiscal year after the City has six months of actual budgetary data and the Mid-Year Budget Monitoring Report is projecting a surplus or a deficit relative to the adopted General Fund budget, the Mayor shall report such deficit or surplus to the City Council and provide a recommendation to the City Council, and accompanying budget amendment resolution, to address the reported deficit or surplus. The Mayor may recommend budgeting all, none, or any portion of any projected surplus.
- (b) The City Council may approve the Mayor's recommendation or modify such recommendation in whole or in part, up to the total amount recommended by the Mayor, in accordance with Charter section 290(b).
- (c) Notwithstanding any other provision in this section, transfers of appropriations recommended by the Mayor pursuant to Charter section 73 shall not be considered budget amendments and shall not be subject to the provisions herein.
- (d) Notwithstanding any other provisions in this section, other modifications to the budget proposed by the Mayor shall not be subject to the provisions herein.

(Added 8-4-2011 by O-20084 N.S.; effective 9-3-2011.)

(Amended 8-3-2015 by O-20551 N.S.; effective 9-2-2015.)

§ 22.0230 Reporting Significant Reductions in Programs or Services

- (a) Prior to any significant reduction in programs or services affecting the community, the Mayor, or designee, shall provide written notice to the City Council regarding such reductions and provide a fiscal justification thereof and a description of expected service level impacts.
- (b) In the event there is any disagreement between the Mayor and the City Council regarding what constitutes a significant reduction, the City Council may establish specific funding reduction levels by resolution.

(Added 8-4-2011 by O-20084 N.S.; effective 9-3-2011.)