

Chapter 2 Government

Article 1: General Provisions

Division 1

(Added 12-5-2000 by O-18901 N.S.)

§21.0101 Seal of City

- (a) The Seal of the City of San Diego, California, shall be circular, in diameter of a size appropriate for use on official City documents, and having in the center any design adopted by the Council, and the following inscription surrounding the same: "The City of San Diego, State of California."
- (b) No person shall use or allow to be used any reproduction or facsimile of the Seal of The City of San Diego for any commercial purpose unless previously authorized by the Council.

(Renumbered from Sec. 21.01 on 12-5-2000 by O-18901 N.S.)

§21.0102 California Government Code Applicable

- (a) Pursuant to the provisions of sub-section (b) and subject to the provisions of Sections 120 and 211 of the Charter of The City of San Diego, the provisions of Sections 3100, 3101, 3102, 3103, 3104, 3105 and 3107 of the Government Code of the State of California, in so far as applicable, are herein incorporated and made a part of this ordinance as fully as though set forth herein, and all officers and employees of The City of San Diego are hereby authorized and directed to enforce and comply with each and every provision of said section of the Government Code of the State of California hereinabove enumerated.
- (b) The Personnel Director of The City of San Diego shall not certify any payroll of any officer or employee of The City of San Diego unless and until such officer or employee has taken and subscribed to the oath or affirmation required by said sections of the Government Code, and in particular that oath or affirmation required by Section 3103 of the said Government Code.

(Renumbered from Sec. 21.02 on 12-5-2000 by O-18901 N.S.)

§ 21.0103 Mandatory Disclosure of Business Interests

- (a) Terms defined in this section are indicated by italics. For purposes of this section:
- (1) *Directly or indirectly involved* means pursuing the proposed *transaction* or transfer by communicating or negotiating with City officers or employees, submitting or preparing applications, bids, proposals, or other documents for purposes of contracting with the City, or directing or supervising the actions of *persons* engaged in such activity.
 - (2) *Person* means every natural person, joint venture, joint-stock company, partnership, association, firm, club, company, corporation, business trust, organization or other entity.
 - (3) *Transaction* means any right, title, or interest in the City's real or personal property, any contract or lease with the City, or any franchise, right, or privilege pursuant to San Diego Charter sections 103 or 103.1.
- (b) Prior to entering into a *transaction* with the City, every *person* who will be a party to the *transaction* shall provide the City with the name, identity, and the precise nature of the interest of all *persons* who are *directly or indirectly involved* in the *transaction*.
- (c) Prior to transferring any right, title, or interest in a *transaction* with the City, every *person* who will be a party to the transfer shall provide the City with the name, identity, and the precise nature of the interest of all *persons* who are *directly or indirectly involved* in the transfer.
- (d) For purposes of this section, the identity of a natural person shall be established by providing the city and state of residence of the natural person, or the country of residence if located outside the United States. The City Manager may require additional information regarding a natural person's identity if necessary to distinguish between *persons* with the same name.
- (e) The precise nature of the interest to be disclosed shall include:
- (1) the percentage of any ownership interest in a *person* that is a party to the *transaction* and any ownership interest in a *person* that will receive funds from the *transaction*,

- (2) the value of any financial interest in the *transaction*,
 - (3) a description of any contingent interest in the *transaction*, including the value of the interest should the contingency be satisfied, and
 - (4) a description of any philanthropic, scientific, artistic, or property interest in the *transaction*.
- (f) All the information required to be disclosed to the City by this section shall be provided in writing to the City Manager, include a written statement confirming that it is a full and complete disclosure of the required information, and signed by the *person* who is a party to the *transaction*. If more than one *person* is a party to the *transaction* with the City, the *persons* may jointly submit the information to the City provided each *person* signs and confirms it is a full and complete disclosure.
- (g) The City Manager shall provide the information to the City Council for any *transactions* submitted to the City Council for approval and include it with the backup material, before the City Council or Committee meeting where the *transaction* will be considered.
- (h) This section does not require disclosure of information protected by the attorney-client privilege or where disclosure is prohibited by California or federal law.
- (i) The City Manager may reject a bid or proposal, refuse to enter into a proposed *transaction*, or reject the transfer of a *transaction*, if any *person* who will be a party to the *transaction* or transfer knowingly submits false information or knowingly omits information required to be disclosed by this section. A *transaction* or transfer is voidable by the City Manager if a party to the *transaction* or transfer knowingly submitted false information or knowingly omitted information required to be disclosed by this section.
- (j) If a bid or proposal is rejected by reason of a violation of this section, the person submitting the bid or proposal may protest the rejection of the bid or proposal pursuant to section 22.3017 of this Code.

- (k) If a *transaction* is voided or a transfer of a *transaction* denied by the City Manager by reason of a violation of this section, a person who is a party to the *transaction* may appeal the decision to a hearing officer pursuant to Chapter 1, Article 2, Division 4 of this Code by providing written notice of appeal to the City Manager. Written notice of appeal must be received by the City within ten days, excluding weekends and City holidays, after the City mailed notice that the *transaction* was voided or the transfer of the *transaction* was denied.
- (l) This section shall be automatically repealed on the date any material amendment to Charter section 225 is chaptered by the California Secretary of State.

(“Mandatory Disclosure of Business Interests” added 1-18-2018 by O-20888 N.S., effective 2-17-2018)

§21.0104 Holidays

Except where otherwise specifically defined and provided in this Code, the holidays in the City of San Diego are:

- (a) January 1st;
- (b) Third Monday in January, known as “Dr. Martin Luther King, Jr.’s Birthday”;
- (c) Third Monday in February, known as “Presidents’ Day”;
- (d) March 31st, known as “Cesar Chavez Day”;
- (e) Last Monday in May, known as “Memorial Day”;
- (f) June 19th, known as “Juneteenth”;
- (g) July 4th;
- (h) First Monday in September, known as “Labor Day”;
- (i) November 11th, known as “Veterans Day”;
- (j) Fourth Thursday in November, known as “Thanksgiving Day”;
- (k) December 25th;

- (l) Every day appointed by the City Council for a public fast, thanksgiving or holiday; and
- (m) A floating holiday to be requested by the employee and approved by the appointing authority in accordance with provisions of the Personnel Manual of the City of San Diego.

If January 1st, March 31st, June 19th, July 4th, November 11th, or December 25th fall upon a Sunday, the Monday following is a holiday, and if they fall on a Saturday, the preceding Friday is a holiday.

(Renumbered from Sec. 21.04 on 12-5-2000 by O-18901 N.S.)

(Amended 4-24-2003 by O-21635 N.S.; effective 5-24-2023.)