

ARTICLE I INCORPORATION AND SUCCESSION

SECTION 100. Name.

The City of San José, in the County of Santa Clara, State of California, shall continue to be a municipal corporation under its present name of “City of San José.”

SECTION 101. Boundaries.

The boundaries of the City of San José shall continue as now established until changed in the manner authorized by law.

SECTION 102. Succession, Rights, Powers and Liabilities.

The City of San José shall remain vested with and shall continue to own, have, possess, control and enjoy all property, rights of property and rights of action of every nature and description (including but not limited to all pueblo lands and pueblo rights) owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of the same. It shall be subject to all debts, obligations and liabilities which exist against the municipality at the time this Charter takes effect.

ARTICLE II POWERS OF THE CITY

SECTION 200. General Powers.

The City of San José shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. The City shall also have all other rights, powers and privileges which are not prohibited by, or in conflict with, the State Constitution or the Charter and which it would be proper to specifically set forth in this Charter even though such are not herein set forth. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration or specification in this Charter of any particular power shall not be held to be exclusive of or any limitation upon the generality of the foregoing provisions.

SECTION 201. Special Powers.

The City shall have the following special power: To acquire any property outside the City limits by eminent domain, or otherwise, for municipal purposes.

SECTION 202. Procedures.

The City shall have the power to act and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter or by ordinance.

SECTION 203. Continuity Of Government in Event of Disaster.

In order to provide for continuity of City government during any emergency resulting from war, enemy-caused calamity or other disasters of whatever nature, and in order to otherwise handle any such emergency, the Council is hereby empowered, anything elsewhere in this Charter to the contrary notwithstanding, to:

- (a) Provide for the appointment or designation of persons to exercise the powers and discharge the duties of any City offices, whether elective or appointive, during any such emergency, in the event the regularly elected or appointed incumbents of said offices are killed, missing, disabled or for some other cause unable or unavailable to perform the functions and duties of their respective offices, until said incumbent officers perform or resume performance of their functions and duties or until, where an actual vacancy exists, a successor is elected or appointed, pursuant to other provisions of this Charter, to fill such vacancy;
- (b) Provide for the preservation of essential records needed to protect the rights of individuals and to conduct emergency operations;
- (c) Provide for the establishment of emergency locations for City government so that the City could continue to operate;
- (d) Provide for the formulation of plans to use all personnel, facilities and equipment of government for emergency actions;
- (e) Do such other things as may be authorized by the laws of the State of California for such purposes.

SECTION 204. City Government - Ethics.

The citizens of San José expect and must receive the highest standard of ethics from all those in the public service. City officers and employees must be independent, impartial and responsible in the performance of their duties and accountable to the members of the public.

Added at election November 6, 1990