

CITY OF SAN DIEGO

(This Measure will appear on the ballot in the following form.)

MEASURE F

CHARTER AMENDMENT REGARDING REQUIRED TERM OF SERVICE FOR CERTAIN TERMINATIONS OR SUSPENSIONS OF DEPUTY CITY ATTORNEYS.

Shall the City Charter be amended to change the term of service required of Deputy City Attorneys, for protection from termination or suspension without good cause, from two years or more of continuous service to one year or more of continuous service, which protection would continue not to apply to layoffs due to lack of work or insufficient appropriations?

This measure requires approval by a simple majority (over 50%) of the voters voting on the measure.

Full text of this measure follows the argument.

BALLOT TITLE

Charter Amendment Regarding Required Term of Service for Certain Terminations or Suspensions of Deputy City Attorneys.

BALLOT SUMMARY

This measure would amend the San Diego Charter to reduce the number of years of service necessary before a Deputy City Attorney can only be terminated or suspended for good cause, with certain exceptions listed in the Charter.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

This measure would amend the fifth paragraph of Article V, section 40 of the San Diego Charter, which currently provides that a Deputy City Attorney who has served continuously for two or more years, may not be terminated or suspended without good cause. This provision was added to the Charter by Proposition B, adopted by the voters at the special municipal election held on November 2, 2010.

If approved by voters, this Charter amendment would reduce the period of continuous service required by a Deputy City Attorney from two years to one year, so that a Deputy City Attorney would have good cause protection after one year of service. The good cause provision does not apply to layoffs due to lack of work or lack of funding.

This measure was proposed by the City Council, approved by its Charter Review Committee, and placed on the ballot by the Council. If approved, the Charter amendment would become effective after it is chaptered by the California Secretary of State.

FISCAL IMPACT STATEMENT

This measure would amend a section of the City Charter related to the employment protections of Deputy City Attorneys in the Office of the City Attorney. Currently, Deputy City Attorneys with two years or more of continuous service are protected from termination or suspension without good cause, except for layoffs due to lack of work or insufficient appropriations. If approved, this measure would change the term of service required for these protections from two years or more of continuous service to one year or more of continuous service.

There is no fiscal impact associated with this Charter amendment.

ARGUMENT IN FAVOR OF MEASURE F

Measure F will help attract and retain good lawyers for the City by ensuring the City Attorney's Office remains independent and non-political.

The City Attorney's Office should never be used to further an elected official's political agenda. Legal advice should always be based upon the law, not politics.

By shortening the probation period from two years to one year, deputy city attorneys achieve their job protections sooner. This measure makes it harder for politics to influence the office and its makeup.

Over the past five years, the City Attorney's Office has lost over 77 attorneys out of approximately 150 attorneys due to retention issues. The City needs every tool available to help attract and retain qualified lawyers in its workforce.

This measure protects the City and deputy city attorneys from political pressure, while maintaining quality standards.

The one year probation period makes sure that deputy city attorneys can only be fired for ethical lapses or poor legal work, but not for telling the truth, speaking up to prevent an illegal act, or for giving researched legal opinions.

A "YES" vote for Measure F protects taxpayers by ensuring the City Attorney's Office continues to provide quality legal advice to the City and maintains its professional reputation.

Measure F is supported by the City Council, the Deputy City Attorney's Association, the San Diego County Taxpayers Association and the League of Women Voters.

SHERRI LIGHTNER
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City of San Diego

MARK MERCER
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Deputy City Attorneys Association
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HANEY HONG
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San Diego County Taxpayers Association

JEANNE BROWN
President
League of Women Voters of San Diego

ARGUMENT AGAINST MEASURE F

No argument against Measure F was filed in the office of the City Clerk.

FULL TEXT OF MEASURE F

ARTICLE V

EXECUTIVE AND ADMINISTRATIVE SERVICE

SECTION 40: CITY ATTORNEY

(fifth paragraph) No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for ~~two~~ one years or more shall be terminated or suspended without good cause, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in the Office of the City Attorney.

(sixth paragraph) To ensure that Deputy City Attorneys conduct their legal work with the highest level of integrity, honesty, and professionalism, good cause for purposes of termination or suspension includes, but is not limited to, failure to comply with the California Rules of Professional Conduct.

END OF MEASURE