

Your YES vote protects and strengthens the INDEPENDENCE of San Diego's City Auditor!

Currently, the City Attorney advises BOTH the Office of the City Auditor and the City Officials the City Auditor is responsible for auditing and investigating, which includes the Office of the City Attorney itself. This structure can present conflicts under Government Auditing Standards, which the City Charter requires the City Auditor to follow.

Voters created the Office of the City Auditor in 2008 on the heels of financial scandals that brought the City to the edge of bankruptcy and established it as an **INDEPENDENT** office to serve the public interest and hold all City departments, offices, and agencies accountable to the public through objective, accurate, and transparent audits and investigations.

Your YES vote on Measure A will amend the City Charter to permit the City Auditor and the Audit Committee to obtain independent legal counsel in certain circumstances to better protect the public interest.

Federal government auditors, the California State Auditor, and all California county auditors currently have access to independent legal counsel. Voters previously have overwhelmingly granted both the City's Ethics Commission and Commission on Police Practices authority to retain independent legal counsel to carry out their investigative responsibilities. Measure A seeks to grant the City Auditor similar authority, and provides guardrails to ensure that the authority is used effectively.

This measure is **supported by the Association of Local Government Auditors and the Institute of Internal Auditors**—two internationally-recognized authorities on the auditing profession. Elaine Howle, California State Auditor from 2000-2021, stated that during her tenure:

"having [independent] legal counsel...strengthened the audit function, benefited the agencies and programs we audited, and most importantly, allowed us to fully serve the taxpayers. San Diego voters deserve the opportunity to secure these same benefits."

Vote YES on Measure A!

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ARGUMENT AGAINST MEASURE _____, CHARTER AMENDMENT AUTHORIZING THE CITY AUDITOR AND AUDIT COMMITTEE TO USE OUTSIDE LEGAL COUNSEL INSTEAD OF THE ELECTED CITY ATTORNEY.

Why ask to use an outside attorney unless you want a more favorable opinion from the advocate you select instead of the free neutral analysis of the city's elected legal counsel? This proposed charter amendment epitomizes today's unfortunate polarization - "You are for me or against me." "You are my friend, or are my enemy." "It's my way or the highway." "I hired you, can fire you, or can seek another more favorable advocate in the future; now, what is your legal opinion about this issue I want you to analyze? And if this gets on TV, will you agree with me or say I was wrong?" The elected official city attorney is not impacted by those perils.

The auditor, who conducts performance audits (not just money audits), is appointed per the city charter by the audit committee, which is chaired by a politician (a city council member; city charter, section 39.1). The legal advisor for the auditor should continue to answer directly to the electors, not the individual or committee that hires and fires that lawyer.

Predictions of limited use or costs of a private attorney are meaningless political smoke and mirrors. Use of a private attorney when in "the public interest" is a subjective open door and without oversight. As for any cost estimate, how often has a governmental cost estimate reflected reality, especially involving legal fees? The proposal has no meaningful restrictions on the number of times a private attorney would be hired or the total lawyers' fees per case or annually.

Why authorize a blank check when the service is already being provided without extra costs, and by an elected neutral? Vote no.

Submitted by: 
Clifford Weiler
A retired public sector attorney with over 40 years of experience

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