



## **CITY ATTORNEY UPDATE**

### **LEGAL SETTLEMENTS, RELATED COSTS AT EIGHT-YEAR LOW**

The City of San Diego's costs for court settlements, judgments, outside counsel and related legal expenses have dropped to their lowest level in at least eight years.

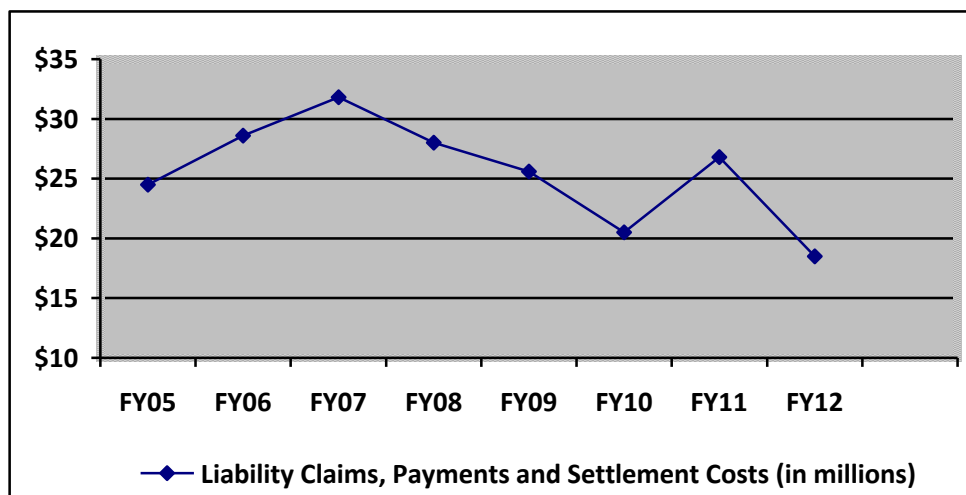
The City paid out \$18.5 million in Fiscal Year 2012, according to the Preliminary Official Statement (POS) for the City's proposed General Fund lease-revenue bonds. The City Council is expected to consider the POS on June 10.

Costs for settlements, judgments and related legal expenses spiked in 2007 at \$31.8 million.

The City has saved an average of more than \$5 million per year (for these costs) during City Attorney Jan Goldsmith's tenure, compared to that of his predecessor. The average annual amount the city has paid since Goldsmith was elected in December 2008 is \$22.9 million. That figure was \$28.2 million per year under Mike Aguirre.

"My first priority when I took office in 2008 was to restore stability to the City Attorney's office and rein in runaway legal costs," Goldsmith said. "One of the main components of that plan was to greatly reduce the practice of farming out litigation to outside counsel."

"Today, we've rebuilt the City Attorney's office into a professional law firm that can not only confidently handle complex litigation, but can also provide expert advice that helps the City steer clear of problems that can lead to litigation," Goldsmith said.



**CITY ATTORNEY'S OFFICE ISSUES MEMO ON 'ADMINISTRATIVE HOLDS'**

The City Attorney's Office has issued a public memorandum of law regarding the use of so-called "administrative holds" on development projects for which permits have been granted.

The memo, written by Assistant City Attorney Paul Cooper, clarifies that neither the Mayor nor his designee have the authority under the law to unilaterally halt permitted development projects.

San Diego Municipal Code section 121.0309 sets forth the process for stopping a development project after issuance of permits. The proper action calls for a "stop work order," which requires the prior approval of the City Attorney's office "unless irreparable harm is imminent so as to warrant an emergency."

Earlier this year, Mayor Bob Filner used an "administrative hold" to halt work on a permitted residential development in Rolando. This resulted in a lawsuit against the City, which was recently settled and work has since resumed.

"No one – not even the Mayor – can ignore the law simply because it's inconvenient," Goldsmith said. "In this case, the law requires the concurrence of the City Attorney's office before work can be stopped on a permitted project. This is just one of the checks and balances in the City Charter."

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