Councilmember Mark Kersey
Council President Pro Tem Barbara Bry
Councilmember Monica Montgomery
Councilmember Vivian Moreno

MEMORANDUM

DATE: **March 4, 2020**

TO: **Council President Georgette Gómez**

FROM: **Councilmember Mark Kersey**
Council President Pro Tem Barbara Bry
Councilmember Monica Montgomery
Councilmember Vivian Moreno

RE: **Proposed Charter Amendment**

The current organizational structure of the City of San Diego requires the Mayor and City Council to seek legal advice exclusively from a fellow elected official. This structure is ill-advised and does not serve either the City's officials or its citizens well, regardless of who holds the office of City Attorney.

Other cities and counties offer alternative models for both effective governmental legal services and strong, community-oriented criminal law and prevention programs. For example, the County of San Diego has an appointee-led Office of County Counsel that provides advisory and litigation support to the Board of Supervisors, County departments, County officers, boards, and commissions, while the elected District Attorney prosecutes crimes, provides comprehensive services to crime victims, and participates in crime prevention programs.

It is our belief that the City should explore adopting an alternative model that better supports the City's executive and legislative branches of government, such as the City Attorney retaining the role of elected prosecutor and a new office headed by a Mayor/Council appointee assuming civil advisory and litigation functions, potentially with distinct divisions answering to the executive and legislative branches. We do not propose elimination of any FTEs as part of this reorganization.

Per Section 2.9.2 of Rules of Council, we respectfully request that this be docketed for Council consideration with ample time to receive public input, fulfill any obligations under the Myers-Milias-Brown Act, and prepare language for voter consideration on the November 2020 ballot.