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July 22, 2010

TO: Elaine DuVal
City of San Diego Office of the Independent Budget Analyst

RE: CHANGES TO DCAA PROPOSED BALLOT MEASURE

Thank you for taking the time to review the changes to the proposed ballot language. While the textual changes were relatively simple in nature, their significance is noteworthy as they pertain to the IBA's perspective on the proposal.

Specifically, there have been two substantive textual changes to the proposal. The first occurs in the proposed language for Charter Section 40. Upon consideration of all factors, and following negotiations with the City Attorney, the DCAA deleted language pertaining to salary reductions as contained in the original proposal. Please see immediately below the original proposed language as well as the now current proposal language:

Original

"No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for two years or more shall be terminated, suspended or have his or her salary reduced without good cause..."

Current/Revised

"No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for two years or more shall be terminated or suspended without good cause..."

This change removes any uncertainty regarding the City's ability to address across-the-board policies impacting DCA compensation in times of fiscal crisis or instability through the appropriate meet and confer procedures.

The second substantive change involves the proposed Charter Section 40, and was designed to clarify grounds for layoffs of DCAs when necessary. Specifically, the DCAA deleted the term "lack of funds" for a more clarifying and accurate term. Please see below for original proposed language and the corresponding current proposal language:

Original

“...except that any Deputy City Attorney may be subject to layoff due to lack of work or lack of funds.”

Current/Revised

“...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.”

This change clarifies the terminology used within the Charter to be consistent with other Charter sections relating to personnel budget(s) and workforce reductions.

In addition to these two substantive changes, the proposal was also edited to ensure language/text conformity throughout the proposed changes for Charter Sections 30, 40 and 117.

Lastly, it is important to note that the proposed Charter amendment will alter the Charter to be consistent with the policies instituted by City Attorney Goldsmith for the governance of the office under his tenure. The proposed Charter amendment is absolutely necessary to protect the interests of the City – legal as well as fiscal – and still provides the City the flexibility it needs to affect policy changes going forward.

We are hopeful the IBA will review this revised proposal with a fresh perspective and will feel comfortable supporting this needed change to the Charter.

Sincerely,



George Schaefer
President, DCAA

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