



CITY ATTORNEY UPDATE

Legal Role of the Mayor's Stadium Task Force

In response to media inquiries, City Attorney Jan Goldsmith today released the following statement concerning the Citizens' Stadium Advisory Group formed by Mayor Kevin Faulconer:

“The Mayor of San Diego has convened nine well-respected members of the community to advise him on a possible Chargers stadium. As I understand it, this group will operate informally. It will not be required to conduct public meetings, submit financial disclosure forms or otherwise publicly identify conflicts of interest.

“Our office has been asked whether this group is legally obligated to follow Brown Act requirements that apply to public bodies. The answer is that as long as the group remains an informal advisory group to the Mayor and nothing more, it does not have to comply with the rules designed for public bodies. In fact, it is common for politicians to receive informal input from members of the community without demanding such compliance.

“The Chargers task force is not a public body or a City of San Diego entity. Their opinions, however helpful, are the opinions of a group of community members. They have no legal significance different than other members of the community. That is the reason the Brown Act requiring public meetings does not apply.

“This group has no authority to represent the City of San Diego or otherwise speak on behalf of the City or make any decisions for the City. And, specifically, they are not authorized to negotiate on behalf of the City. That is the reason members of this group are not required to submit financial disclosures or report conflicts of interest.

“Because this group is not a City entity, our office is not authorized under City Charter section 40 to provide legal advice or legal representation to the group or any of its members.

“Any stadium project the City pursues would follow the normal approval process. A City project proposal must be approved by the City Council and must be signed off by our office; in addition, a public vote has been promised and would probably be required under the law in any event.

“The City remains obligated to comply with the California Environmental Quality Act. Unless exempted by state legislation, that process requires environmental review, consideration of alternatives (including “no project”) and public input. An EIR for a typical project takes about 12-18 months. The City may not commit to a specific project before the CEQA process is completed.

“I hope this Update clarifies the legal role of this group.”