



**COUNCILMEMBER DAVID ALVAREZ**  
**City of San Diego**  
**Eighth District**

**MEMORANDUM**

**DATE:** February 14, 2013

**TO:** City Attorney Jan Goldsmith

**FROM:** Councilmember David Alvarez

**SUBJECT:** Follow-Up to Unresolved Port Commission Nomination Questions

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I have grown increasingly concerned with the delay and refusal of your office to respond to my continued questions surrounding the nomination process for the selection of Port Commissioners.

The issues surrounding the Port Commission nominations are hardly moot, as Deputy City Attorney Sharon Spivak responded. Given the Mayor's veto, the Council's vote not to override that veto, and the planned committee workshop to discuss the application procedures, I find the subject very relevant. Certainly, as two of my colleagues have called for the Port appointments to be docketed on March 11, 2013 (memorandum attached), the item would properly fit into the doctrine of 'capable of repetition, yet evading review.'

I request your office provide, in written memoranda format, detailed and substantive responses to my attached memorandums of January 7, 2013 and January 24, 2013. I am in receipt of your January 30, 2013 memorandum. However, the memorandum does not address the majority of my questions.

Additionally, while it speaks to the propriety of using one resolution for both appointment votes, it does not explain why, when Ms. Spivak briefed my office on the morning of January 7, 2013, she verbally indicated her advice would be to have two separate resolutions. In your response, please include an explanation for the change from this stance.

As you are aware, the Rules & Economic Development Committee will be meeting on March 6, 2013 to develop guidelines for the appointment process. I request your response to this memorandum by close of business on Friday, March 1, 2013.

DAA:ggs

cc:

Honorable Mayor Bob Filner  
Honorable Members of the City Council  
Liz Maland, City Clerk  
Andrea Tevlin, Independent Budget Analyst

Enclosures (3)