




**OFFICE OF COUNCIL PRESIDENT TODD GLORIA  
CITY OF SAN DIEGO**

**M E M O R A N D U M**

**DATE:** October 15, 2014  
**TO:** Eduardo Luna, City Auditor  
**FROM:** Council President Todd Gloria   
**SUBJECT:** Denial of Request to Docket Item for City Council Consideration

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This memo is being issued in response to your correspondence dated October 8, 2014 requesting docketing of your claim for legal fees on a future City Council agenda.

I have carefully considered your request and the previous denial of your claim by the Risk Management Department on March 13, 2013 and referenced in a June 18, 2014 letter, both of which are attached. I have also attached my previous denial of this request dated May 30, 2014. Based on these documents and consistent with the City's process for handling claims, I am denying your request for docketing.

**Attachments**

cc: Honorable City Attorney Jan Goldsmith  
Honorable Scott Sherman, Chair, Audit Committee  
Greg Bych, Director, Risk Management



## THE CITY OF SAN DIEGO

DATE: October 8, 2014  
TO: Council President, Todd Gloria  
FROM: Eduardo Luna, City Auditor  
SUBJECT: Request to Pay Legal Fees from Auditor's Budget

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I know we have discussed this issue in the past and appreciate your patience in listening to my efforts in resolving this matter. In connection with an inquiry initiated by the Sanders Administration started while the Auditor's office was conducting an audit of the Development Services Department, the Auditor was required to retain counsel to defend the Auditor's office's independence. When the inquiry conducted by outside legal counsel showed the Auditor's office had acted in conformity with its duties, the Sanders Administration retained a second law firm to determine whether the Auditor's office had engaged in some form of retaliation. The second inquiry found there was no retaliation. Again, the Auditor was required to retain legal counsel to defend the Auditor's office. The Auditor's retention was required because the inquiries implicated directly the central duty of the Auditor to retain independence, the inquiries were carried out by legal counsel, and the City Attorney was unable to represent the Auditor's office because of conflicting duties.

Upon these premises it appears to me that the legal fees incurred should be paid by the City. The Auditor proposes to pay those legal fees from the Auditor's budget. However, before doing I am asking you to place the proposal that the legal fees incurred in connection with both inquiries be paid from the Auditor's budget on the Council Agenda for approval at the first opportunity.


Please let me know if this request meets with your approval.





**OFFICE OF COUNCIL PRESIDENT TODD GLORIA  
CITY OF SAN DIEGO**

**M E M O R A N D U M**

**DATE:** June 18, 2014  
**TO:** Eduardo Luna, City Auditor  
**FROM:** Council President Todd Gloria   
**SUBJECT:** Denial of Request to Docket Item for City Council Consideration

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This memo is in response to your correspondence dated May 30, 2014 requesting docketing of your claim for legal fees on a future City Council agenda.

I have carefully considered your request and the previous denial of your claim by the Risk Management Department on March 13, 2013 and referenced in a May 30, 2014 letter, both of which are attached. Based on these documents and consistent with the City's process for handling claims, I am denying your request for docketing.

Attachments

cc: Honorable City Attorney Jan Goldsmith  
Honorable Scott Sherman, Chair, Audit Committee  
Greg Bych, Director, Risk Management



THE CITY OF SAN DIEGO

May 30, 2014

Eduardo Luna  
5838 Yokohama Ct  
San Diego, CA 92120

Reference: City File #: 7661  
Date of Incident: 06/01/2012  
Claimant: Luna, Eduardo

Dear Mr. Luna:

The City received your Claim Against The City of San Diego (Claim form), personally delivered to the City's Risk Management Department on May 27, 2014. In response thereto I am enclosing with this letter a copy of the City's denial letter, dated March 13, 2013 which was issued in response to the prior Claim form, submitted by you on February 26, 2013.

As the claim(s) set forth in your recent submission was previously received and acted on by the City no further action will be taken. Should you have any questions or wish to contact me regarding this matter you may reach me at (619) 236-5598.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Coldren".

Jim Coldren  
Claims Representative

JWC/jwc

Encl.: Letter dtd March 13, 2013



THE CITY OF SAN DIEGO

March 13, 2013

Eduardo Luna  
5838 Yokohama Ct  
San Diego, CA 92120

Reference: City File #: 7661  
Date of Incident: 06/01/2012  
Claimant: Luna, Eduardo

Dear Mr. Luna:

Claims against the City of San Diego are referred to this office for investigation, and with the advice of the office of the City Attorney a determination of legal liability.

As you may know, the liability of a municipality to persons who claim damages is strictly limited by the legislature of the State of California governing municipal operations. We must review the circumstances of your claim within the terms of those laws. We regret that investigation and legal opinion oblige us to conclude that the City must deny your claim.

Subject to certain exceptions, **you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim.** See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

A handwritten signature in cursive script, appearing to read "James M. Coldren", is written over a horizontal line.

Jim Coldren  
Claims Representative

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