



San Diego City Attorney Mara W. Elliott

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Contact: Hilary Nemchik at hnemchik@sandiego.gov or (619) 533-6176

City Attorney Statement on Appellate Review of Mission Valley Initiatives

City Attorney Mara W. Elliott issued the following statement regarding the decision today by the San Diego City Council to seek appellate review of two initiatives concerning City property in Mission Valley:

The Soccer City and SDSU West initiatives essentially force the lease or sale of City assets on terms set by the proponents.

By filing writs with the Fourth District Court of Appeal, the City seeks clarity on whether this unprecedented use of the initiative process is legal.

The California Supreme Court, in ruling on the “Three Californias” initiative last week, said pre-election review of an initiative may be appropriate when there are substantial questions about its legality.

Pre-election review of these local initiatives will ensure that an invalid measure is not presented to voters, avoiding years of costly litigation and delay.

We invite the Court of Appeal’s guidance on this issue of critical importance to San Diego taxpayers.

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