



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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SECOND JUDGE THROWS OUT “PRESIDENTIAL LEAVE” PENSION BENEFITS

San Diego, CA: A second San Diego Superior Court judge has thrown out “presidential leave” retirement benefits on the basis that the San Diego City Council granted the benefits in violation of the City Charter. This ruling from Judge Yuri Hofmann parallels Judge Taylor’s December 7, 2009 ruling (see previous Union Tribune article <http://www.signonsandiego.com/news/2009/dec/16/judge-rejects-pension-benefit-union-presidents/>) stating that the benefit was invalid because the City Council did not comply with the city charter when it adopted a resolution approving it in 2002. Judge Hofmann found that the alleged contracts are unenforceable and unlawful.

In a lawsuit between the City of San Diego and the San Diego City Firefighters, Local 145, IAFF, AFL-CIO (“Local 145”), Judge Yuri Hofmann found that the “Presidential Benefits” were not valid or enforceable given the City’s failure to follow Charter procedures. Local 145 filed the lawsuit last September seeking benefits on behalf of former union president Ronald L. Saathoff.

So-called “presidential leave” retirement benefits would allow union presidents to combine their city salaries with their union salaries for calculating their pension payments. Saathoff sought those benefits under an alleged December, 2003, agreement with the City. Judge Hofmann disagreed and recited the same case law that Judge Taylor referenced that no pension rights are granted in the first place where the City Council lacked authority:

“No contractual obligation may be enforced against a public agency unless it appears the agency was authorized by the constitution or statute to incur the obligation; a contract entered into by a governmental entity without the requisite constitutional or statutory authority is void and unenforceable.”

Judge Hofmann’s decision is attached.

City Attorney Jan Goldsmith stated, “I hope it is starting to dawn on people that the terms of our City Charter matter a lot and prevail over everything other than state and federal law. It is our local Constitution. Our judiciary understands that and has shown a willingness to enforce it.”

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