

February 3, 1987

REPORT TO THE COMMITTEE ON RULES, LEGISLATION
AND INTERGOVERNMENTAL RELATIONS
PREPARATION AND CONSIDERATION OF LEGAL DOCUMENTS

At its regularly scheduled meeting of January 14, 1987, the Rules Committee considered the matter of adopting a policy requiring that legally binding documents considered and adopted by the City Council be only brought forward via the City Attorney's office. This matter was initiated by the City Clerk who has supported his request in his Report No. CC-87-02, dated January 7, 1987.

We fully concur with the concept recommended by the Clerk and are in full accord with his background explanation and rationale.

Section 40 of the City Charter is exceptionally clear in regard to the responsibility of the subject matter at hand, so much so that the promulgation of a policy has never been deemed necessary heretofore. The operative language of section 40, in addition to the recital that the City Attorney "shall be the chief legal advisor of, and attorney for the City ..." is:

It shall be his duty, either personally
or by such assistant as he may designate, ...
to prepare in writing all ordinances,
resolutions, contracts, bonds, or other
instruments in which the City is concerned,
and to endorse on each his approval of the
form and correctness thereof; ... Emphasis
added.

Charter . 40.

Your attention is also invited to San Diego Municipal Code . 22.0101 Permanent Rules of Council which incorporates the authority and process of preparing the ordinances, resolutions, etc., called for in section 40 of the Charter.

The City Charter is our and your constitution and we are obliged to follow its provisions and mandates. The express authority and responsibility set forth therein does not provide for any discretionary waiver by Council. The above cited language has served the City well since its adoption in 1931.

Since the City Clerk initiated this matter for reasons of considerable concern, we recommend the Clerk's suggestion be approved. Our office will cooperate, as we have in the past, in the preparation and promulgation of such policy.

Respectfully submitted,
JOHN W. WITT
City Attorney

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RC-87-7