

RESOLUTION NUMBER R-300511

ADOPTED ON JUNE 6, 2005

WHEREAS, on April 5, 2005, District Attorney Bonnie Dumanis appeared before the City Council with a proposal for the transfer of the misdemeanor prosecution function from the San Diego Office of the City Attorney to the Office of the District Attorney; and

WHEREAS, the proposal was based on three factors: (1) the transfer would yield a \$2 million savings for the City of San Diego; (2) the same or better level of service would be provided; and (3) transferring the misdemeanor prosecution function would make sense and be the right thing to do for efficiency and effectiveness of the criminal justice system; and

WHEREAS, at the April 5, 2005 meeting the City Council directed the City Manager to study the issue and return with an analysis of the proposal within four weeks; and

WHEREAS, on May 18, 2005, the District Attorney submitted a revised proposal that only State misdemeanor prosecution would be transferred, with the City Attorney continuing to prosecute misdemeanor violations of the San Diego Municipal Code and matters presently handled by Code Compliance, Neighborhood Prosecution, Public Integrity Unit, and Drug Abatement Response Team; and

WHEREAS, on June 6, 2005, the City Manager submitted a report recommending that the City Manager work with the Office of the City Attorney and the Office of the District Attorney to further study the issue; and

WHEREAS, the proposal to transfer the City Attorney's misdemeanor prosecution function to the Office of the District Attorney has been made on three previous occasions during the past 10 years, and on each occasion the proposal was rejected by the City Council; and

WHEREAS, the present City Attorney and past City Attorneys John Witt and Casey Gwinn have advised that the transfer of the City Attorney's misdemeanor prosecution function to the District Attorney would require an amendment to City Charter section 40.1; and

WHEREAS, the City Manager's task force was not able to confirm either that the District Attorney's original proposal would yield the \$2 million in annual savings or that the District Attorney's revised proposal would yield any savings given the reduction in the scope of the transfer of misdemeanor prosecution; and

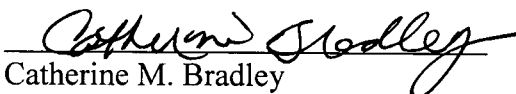
WHEREAS, the City Manager's report indicates that concerns were raised about the reduction in service levels that are now provided by the City Attorney's specialized units; and

WHEREAS, the City Council has determined that it is not in the City's best interest to continue to study the transfer of misdemeanor prosecution at this time; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the alternative in the City Manager's Report on file in the Office of the City Clerk as document No. RR-300511,

that there be no further study or action of any type on the proposal to transfer misdemeanor prosecution from the City Attorney's Office to the District Attorney's Office, be adopted.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Catherine M. Bradley
Deputy City Attorney

CMB:jab
06/9/2005
Or.Dept:Mgr.
R-2005-1289