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RESOLUTION NUMBER R- 305686
DATE OF FINAL PASSAGE MAR 26 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING COUNCIL POLICY 300-04
ENTITLED "ANNUAL SALARY REVIEW OF POSITIONS
WITH SALARIES ESTABLISHED BY COUNCIL."

WHEREAS, Council Policy 300-04 sets forth the guidelines for a systemic review process for the salaries of the City Clerk, Independent Budget Analyst, City Auditor, and the City Attorney; and

WHEREAS, in April 2009, the Office of the City Auditor issued the Audit of Accounts of Michael Aguirre, Former City Attorney, which stated that the City Attorney is the only elected City official that receives Annual Leave benefits, and found that the process used to set the City Attorney's salary is not fully in compliance with City Charter section 7 and section 40 of the City's Salary Ordinance; and

WHEREAS, the Independent Budget Analyst (IBA) agreed to work with the City Council to review these issues, recommend corrective actions and improved compliance procedures; and

WHEREAS, in September 2009, the IBA issued report number 09-86 which recommended a course of action in response to the April 2009 Audit of Accounts; and

WHEREAS, the IBA recommended that the FY 2011 Salary Ordinance include a section to specifically set forth the City Attorney's salary in the annual salary ordinance, remove the City Attorney position from Unclassified Executive V Group, and remove the Management Administrative Leave benefit for the City Attorney; and

WHEREAS, the IBA further recommended that the City Council consider the elimination of the Annual Leave benefit for the position of City Attorney at the beginning of the next term of office (December 2012) when the City Council considers the adoption of the Salary Ordinance for FY 2013; and

WHEREAS, the IBA further recommended that Council Policy 300-04 be amended to more clearly outline a salary setting process for those positions with salaries established by the City Council; and

WHEREAS, on November 19, 2009, the Rules Committee voted unanimously to forward the IBA recommendations to the City Council and to seek outside legal advice relating to modifications to the City Attorney's salary; and

WHEREAS, on February 8, 2010, San Diego County Counsel opined that the City could remove Management Administrative Leave benefits at any time during the City Attorney's current term but that elimination of Annual Leave cannot occur until the end of the City Attorney's current term (2012); NOW, THEREFORE,

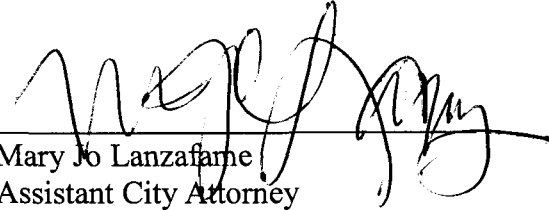
BE IT RESOLVED, by the Council of the City of San Diego, that Council Policy 300-04, entitled "Annual Salary Review of Positions with Salaries Established by Council" as set forth in Document No. RR- 305686 filed in the Office of the City Clerk is hereby revised.

BE IT FURTHER RESOLVED, that the City Clerk is instructed to update the Council Policy Manual to include the revised Council Policy 300-04.

BE IT FURTHER RESOLVED, that the City Council accepts the IBA's ✓ recommendations to consider revisions to the FY 2011 Salary Ordinance to specifically set forth the City Attorney's salary in the annual salary ordinance and remove the Management Administrative Leave benefit for the City Attorney.

BE IT FURTHER RESOLVED, that the City Council will terminate the Annual Leave benefit for the position of City Attorney with the term of office ending December 2012. ✓

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mary Jo Lanzafame
Assistant City Attorney

MJL:jab
03/04/10
03/18/10 REV.
Or.Dept:City Atty.
R-2010-634

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 16 2010

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-26-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor