

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** January 31, 2020  
**TO:** Council President Georgette Gómez  
Councilmember Monica Montgomery  
**FROM:** City Attorney  
**SUBJECT:** Response Request to Retain Outside Legal Counsel

---

I am in receipt of your January 30, 2020, memo seeking permission to retain outside counsel to assist in developing an ordinance concerning surveillance devices.

Your request does not address the Charter's clear criteria for retaining outside counsel, but instead responds to statements I made outlining the public safety benefits of an ongoing city program the Council unanimously approved.

As the City's independently elected chief legal advisor and prosecutor, I spoke out to inform the public about Smart Streetlight technology by explaining its importance from law enforcement's perspective, correcting false information, and offering to assist in the furtherance of an important conversation about our city's safety.

Smart Streetlight technology has proven to be a powerful tool that has helped the San Diego Police Department solve almost 250 crimes, including homicides, sexual assaults, kidnappings, carjackings, and hate crimes.

I believe we can protect San Diego residents from crime without infringing on their privacy rights and that elected officials have an obligation to keep the public informed.

As you are aware, the City Charter establishes clear criteria for retaining outside counsel and public statements supporting existing Council policies is not one of them.

My office is prepared to provide fair and impartial guidance to the Council on any and all of these critical matters related to public safety, surveillance and privacy rights.

Council President Georgette Gómez  
Councilmember Monica Montgomery  
January 31, 2020  
Page 2

I look forward to any further information about how this situation potentially meets the criteria in the Charter.

MARA W. ELLIOTT, CITY ATTORNEY

By /s/ Mara W. Elliott

MWE:jdf  
MS-2020-2  
Doc. No.: 2305448  
cc: Honorable Mayor Kevin Faulconer  
Kris Michell, Chief Operating Officer  
Andrea Tevlin, Independent Budget Analyst