

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

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: October 4, 2023
TO: Rules Committee Chair Elo-Rivera
FROM: City Attorney Mara W. Elliott
SUBJECT: Rules Committee Meeting on October 4, 2023

I am disappointed that today's hearing to discuss the proposed measure to divide the City Attorney's Office by replacing the elected City Attorney with Council-appointed legal counsel, while allowing voters to elect a City Prosecutor, did not proceed. You stated in your request for a continuance that the report and memorandum my Office issued last month at the direction of the Rules Committee gave "the committee and public a lot to chew on." You also said it would be best to "hit pause" because the memorandum suggesting reforms intended to fortify City governance was "unrelated" to the proposed measure and would lead to "an unfocused discussion."

I am equally disappointed that I was not provided with advance notice of your intention to continue this matter, while the ballot measure's proponents knew not to appear. Today's hearing was scheduled two months ago without confirming that I could be available, yet I rescheduled my commitments to attend.

To ensure Rules Committee members were prepared for a robust discussion, my Office issued its report and memorandum weeks in advance of today's hearing. We received no response or questions from you or any other Rules Committee member. Furthermore, despite the Committee's direction at the Rules Committee on July 26, 2023, and my Office's requests, the measure's proponents have not provided my Office with any information about their proposal. Their July 26, 2023, PowerPoint presentation was not provided to us, nor is it online. We resorted to taking screenshots of the PowerPoint presentation from the archived video so that we could conduct our analysis.

As I stated on the record, I am the only person in my Office who holistically understands the current operations of every Division of my Office. My participation at the next Rules Committee meeting is critical to deliberations, and the public expects to hear from me on this issue.

I also explained on the record that I am not available during the month of November. With the courtesy of advance notice, I can be available in December should the Rules Committee wish to docket this matter for further discussion.

Sincerely,

MARA W. ELLIOTT, CITY ATTORNEY

By: /s/ Mara W. Elliott
Mara W. Elliott
City Attorney

MWE:sm

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Doc. No. 3436714

Cc: Honorable Members of the Rules Committee
Charles Modica, Independent Budget Analyst