



RECEIVED

SEP 03 2008

JERRY SANDERS
MAYOR

RECEIVED

SEP 5 2008

SAN DIEGO-*Enicks*
COUNTY GRAND JURY

August 27, 2008

Honorable Kenneth So
Presiding Judge
San Diego County Superior Court
Main Courthouse, Third Floor
220 West Broadway
San Diego, CA 92101

Dear Judge So:

Subject: 2007-2008 San Diego County Grand Jury Report entitled "San Diego City Attorney's Office".

Pursuant to California Penal Code Section 933.05(a), (b), and (c), The City of San Diego provides the following responses to the findings and recommendations in the above-entitled Grand Jury Report:

FACTS & FINDINGS:

***Finding #01** Article V, §40 of the San Diego City Charter no longer reflects the generally held viewpoint concerning the role an elected City Attorney should play as general counsel of a modern Municipal Corporation and should be amended.*

Mayor's Response: The Mayor agrees with this finding.

***Fact:** All of the approximately 135 San Diego Deputy City Attorneys are in the Unclassified Civil Service.*

***Finding #02:** San Diego Deputy City Attorneys serve at the pleasure of the City Attorney and are subject to dismissal, with or without cause, provided only that notice is given.*

Mayor's Response: The Mayor agrees with this finding.

***Finding #03:** San Diego Deputy City Attorneys enjoy significantly less job security than their counterparts in the offices of the District Attorney and County Counsel.*

Mayor's Response: The Mayor agrees with this finding.

Finding #04: *The departure of so many experienced Deputy City Attorneys has had a negative effect on conduct of the city's business.*

Mayor's Response: The Mayor agrees with this finding.

RECOMMENDATIONS:

08-122: *Draft an amendment to Article V, §40 of the San Diego City Charter, specifying more clearly the qualifications, duties and responsibilities of the City Attorney, and submit it to the electorate at an appropriate future date.*

Mayor's Response: The recommendation requires further analysis. The Grand Jury should be commended on their thoughtful and concise suggested changes with regard to Charter Section 40; however, these issues require greater exploration and should be more fully considered by a future charter committee.

08-123: *Explore moving Deputy City Attorneys who have completed an appropriate probationary period from the Unclassified to the Classified Civil Service, in order to provide greater stability in the City Attorney's Office. If this is found to be feasible, amend the city charter as necessary.*

Mayor's Response: The recommendation requires further analysis. As stated previously, the Grand Jury's thorough analysis and discussion of this matter is greatly appreciated; however as with Recommendation 08-122 the issues surrounding the Deputy City Attorney's should be taken up in a future study of the San Diego City Charter, particularly Section 40.

Please contact Ed Plank, Council Liaison at (619) 236-6330 if you have additional questions.

Sincerely,



JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
San Diego City Council
Deputy Chief Operating Officer, Community and Legislative Services
City Clerk
Administration Department Director