



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

FOR IMMEDIATE RELEASE

October 23, 2012

Contact: Gina Coburn, Communications Director: gcoburn@sandiego.gov, (619) 533-6181

PERB Dismisses Superior Court case against City of San Diego

San Diego, CA: The Public Employment Retirement Board (PERB) has quietly dismissed (see attached) its Superior Court lawsuit which it filed against the City of San Diego on February 14, 2012. PERB's dismissal brings to an end at least temporarily a string of legal maneuvers by PERB in which the City prevailed.

PERB lost three injunction motions aimed at the City of San Diego:

(1) PERB's complaint initially sought an injunction barring the City from placing Proposition B (pension reform) on the June, 2012 ballot. PERB lost.

(2) After Proposition B was adopted by voters in June, 2012, PERB sought an injunction barring the City from implementing Proposition B. PERB lost that one, too.

(3) Thereafter, when the City imposed a hiring freeze until Proposition B's terms were implemented through bargaining required by state law, PERB sought an injunction lifting the hiring freeze. PERB lost again.

PERB's dismissal means that it will not, again, seek an injunction against the City at this point, but reserves the right to do so in a new lawsuit at a later time.

The dismissal does not affect PERB's pending administrative proceedings in which it plans to, again, seek to thwart implementation of Proposition B. The administrative proceeding will likely reach the courts in the future. The City tried to bypass the administrative proceedings and go directly to the court of appeal, but was unsuccessful.

"The Superior Court lawsuit was a wasteful effort by this politically-charged agency to deter pension reform initiatives in California," said San Diego City Attorney Jan Goldsmith. "PERB lost its motions because we demonstrated it had no legal justification."

Notwithstanding PERB's effort to deter future citizen-based pension reform initiatives, a group in Los Angeles headed by former Mayor Richard Reardon is organizing to do just that. "PERB will not stop folks from pursuing legitimate pension reform," said Goldsmith.

###