



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Judge Says City Attorney's Office Correctly Handled All Aspects of Measure I

A Superior Court judge this morning found the City Attorney's Office's correctly handled Measure I, a charter amendment on the November ballot, saying it was properly placed before voters and that it was given a fair and impartial analysis.

David E. Lundin, who opposes the measure to allow San Diego High School to remain in Balboa Park, challenged Measure I on several grounds, including:

- That the City Council violated state law by placing the charter amendment on the ballot without the required public hearings,
- That the City Attorney's impartial analysis and the Independent Budget Analyst's fiscal analysis excluded details and speculation that would have been helpful to the opposition, and
- That the title ("Charter Amendment Involving Balboa Park and San Diego High School") failed to characterize the measure with such non-prejudicial terms as "emasculate," "illegal" and "unlawful."

Judge Frederic Link found none of these arguments persuasive and denied the plaintiff's petition for a writ of mandate.

"Unfortunately, the plaintiff won a lot of attention in the media by making claims that were ridiculous on their face and were quickly dispatched by the court," City Attorney Jan Goldsmith said. **"Our election lawyers are among the best in the state and their work on all of the ballot measures was conducted with the highest degree of impartiality and professionalism."**

Following oral argument, Judge Link ruled that the City Council properly followed the public-meeting requirements for charter amendments; he said Lundin incorrectly cited a law limited to new charters. "I find the City has not violated the law in bringing this matter before the voters," he said.

Judge Link also noted that the impartial analysis by the City Attorney's Office fulfilled its obligation to describe the measure objectively and neutrally. He told the courtroom he had read the analysis and "This is a fair analysis of what it is."

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Finally he said that the plaintiffs had failed to show that any aspect of the ballot material was either false or misleading, much less present the “clear and convincing proof” needed to compel court action.

The case was argued for the City by Deputy City Attorney Walter C. Chung.

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