

COUNTY OF SAN DIEGO
VOTER INFORMATION PAMPHLET AND SAMPLE BALLOT

Presidential Primary Election

Tuesday, March 5, 2024



All Voters Are Mailed A Ballot
Look inside for voting options and details.

Vote Centers Open
February 24 - March 5



Scan to check the status
of your mail ballot, registration
and voting location



MAIL IT. DROP IT. VISIT.

Main: (858) 565-5800 | Toll Free (800) 696-0136 | sdvote.com | [@sdvote](https://twitter.com/sdvote)

CITY OF SAN DIEGO
Mayor



JANE L. GLASSON

Priorities:

- Support homeowners and renters.
- Restore public safety to numbers needed to protect neighborhoods.
- Support businesses.
- Fix streets and potholes.
- Maintain parks.
- Protect beaches.
- Assist the homeless.

Jane is a leader with experience and commitment.

- Graduated with distinction in the major at a university
- Graduated with honors at a community college
- Bachelor's degree in Child Development
- Associate degree in Foreign Languages
- Associate degree in General Studies
- Homeowner and resident since 1998
- Young Lady of the Year at a club for youth
- Volunteered as a chapter officer while in college
- Volunteered as treasurer of a community association

"I will give my best with much care to earn your trust." – Jane

(619) 847-9204



TODD GLORIA
Mayor

As the son of a maid and a gardener, I understand the struggles San Diegans are facing right now. My parents taught me to leave things better than I found them. That's why I'm working hard to help us tackle our biggest problems.

Make San Diego more affordable.

We need to create economic opportunity and financial security for all San Diegans. Under my leadership we have:

- Eliminated barriers to building homes.
- Built more housing to drive down prices for middle-class and working people.
- Worked to put more money in people's pockets so they can pay rent, mortgage, and grocery bills.
- Fought to lower utility and insurance bills.
- Created good-paying jobs with benefits so people can build careers.

House the homeless.

There's far more work to be done, but we are finally moving in the right direction. I have:

- Increased shelter capacity by over 70%.
- Expanded substance abuse and mental health services.
- Banned homeless tent encampments citywide near parks and schools.

Let's continue to renounce extreme policies that divide us and focus on what's best for San Diego, like keeping crime rates low, housing the homeless, and paving more streets. Vote Todd Gloria for Mayor.

www.ToddGloria.com

**CITY OF SAN DIEGO
Mayor**



GENEVIÈVE JONES-WRIGHT
Attorney/Professor/Nonprofit
Executive

I understand the challenges facing San Diegans and am committed to creating a city everyone can afford and thrive in at every stage of life — where people can envision a future for themselves, grow their business, raise a family, and retire in dignity.

Born and raised in San Diego, in low-income housing, I overcame adversity to become the first in my family to graduate from college. After law school I returned home to build a career and a family. I have served San Diego for two decades both inside and outside of government as a public interest attorney. As a City Commissioner on Gang Prevention and Intervention, I worked alongside community and law enforcement leaders. As a former public defender, I understand the need to reimagine justice and public safety.

I now serve as executive director of a non-profit organization holding government accountable. I understand the impacts of poverty, failed economic development, corruption, and empty political promises. As mayor, I will prioritize integrity, transparency, and pathways to prosperity to lead a city that is affordable, safe, and expands opportunities. San Diego works best when it works for all San Diegans!

www.wright4sd.com



DAN SMIECHOWSKI
Real Estate Professional
Age 69

Elect the first Million Mile Mayor!

CBS NEWS Documentary

Dan Smiechowski has been in real estate for 48 years. Dan has a vision predicated on 34 trips around the world. He knows firsthand what world class cities have for infrastructure and transportation.

Dan is an age group athletic champion, running for Mayor.

Increase funding for law enforcement

Stop SB10, over development.

Dan is going to reform the political corruption that is responsible for the staggering debt and failed real estate deals that have cost San Diego billions of dollars.

During the first year of his administration, he will: Insure all new hires are enrolling in social security.

Prohibit San Diego from selling its real estate. All future rezones will require the applicant to sell the land being rezoned to San Diego at fair market value under the existing zoning.

He will work with officials to take back Horton Plaza from the developers who are currently in violation of their covenant.

Dan Smiechowski being politically independent will end favoritism, special interests and political corruption. His administration will include all political parties.

Education: SDSU, Alliant University, Sorbonne.

Clairemont Planning Group

Clairemont Town Council, Public Safety Chair

858 308 7992

smiechowskid@aol.com

**CITY OF SAN DIEGO
Mayor**



LARRY TURNER
Retired Marine Lieutenant
Colonel
San Diego Police Officer

San Diego deserves a strong leader who genuinely cares for our city.

As a Marine Officer, I spent 23 years guiding our nation's finest through combat and humanitarian relief missions. I learned that taking accountability and delivering on promises is necessary to lead.

Once retired, I continued my lifelong dedication to others, and serve our community in law enforcement to this day.

I found that we must treat all our citizens with dignity and respect, especially those experiencing difficult times. I realized listening to our communities and enabling their voice is the best way to serve them. I know better policy, not more policing is needed to solve pressing issues, and soft on crime extremists only hurt our communities.

I'm not a career politician and never desired to run for office, but I can't ignore cries for help coming from our homeless, our struggling small businesses, and families desperate for change.

As Mayor, I will skip divisive partisan politics and unify our government to deliver solutions that actually work. I will quickly create a safe and progressive city, give communities their voice back, and always follow through on my promises.

www.Turner24.com

**CITY OF SAN DIEGO
City Attorney**



**HEATHER FERBERT
Chief Deputy City Attorney**

"Most Qualified To Be City Attorney"

Chief Deputy City Attorney Heather Ferbert delivers for San Diego by putting the law first, never politics.

While city politics are mired in dysfunction, Heather Ferbert upholds the law and moves San Diego forward – breaking through gridlock to open emergency homeless shelters, holding corrupt contractors accountable, cracking down on waste and fraud.

Heather Ferbert is the City Attorney we need: an experienced, independent attorney who enforces the law and solves problems – not a politician who creates them.

Heather Ferbert Delivers:

- Stopped multi-million dollar real estate/fraud scams defrauding taxpayers.
- Wrote the laws to start cleaning up homeless encampments, add family shelters.
- Defended San Diego women's abortion rights after Roe was reversed.

Heather Ferbert's Priorities:

- Protect children, seniors from domestic abusers.
- Get illegal guns off the street. Strengthen San Diego's Red Flag Gun Law.
- Watchdog for taxpayers. No inside political deals.

Endorsed by San Diego's Legal Community:
City Attorney Mara Elliott

Johanna Schiavonni, Past President, San Diego County Bar Association

La Raza Lawyers Association

Pan Asian Lawyers of San Diego

Filipino American Lawyers of San Diego

California Women's List

San Diego Municipal Employees Association

"Heather Ferbert: proven, principled, puts the law first."
-Outgoing City Attorney Mara Elliott

HeatherFerbert.com



**BRIAN MAIENSCHIN
Legislator/Law Professor**

The Planned Parenthood Action Fund of the Pacific Southwest has announced their endorsement of my candidacy for City Attorney.

Even before I became Chair of the Assembly Judiciary Committee, the city turned to me for help on "legislation that impacts the rights and safety of San Diegans."

I took the lead on many laws related to domestic violence, sexual predators, illegal guns, environmental and consumer protections.

In 2023, we won tougher prison sentences for sex trafficking crimes against children. San Diego's Deputy District Attorneys and San Diego Police Officers Association endorse me.

I have been named a "Clean Money Champion." And championed a new and successful program for first-time home buyers. I was a leader in taking the federal government to court to protect California's clean air laws.

I voted to protect marriage equality in our State Constitution, just like when we protected a woman's right to choose. Californians now have the "right to delete" private information collected and sold by data brokers.

As City Attorney, I will enforce the laws to keep people safe, defend our environment, and preserve the integrity of the public treasury.

San Diego City Firefighters endorse me. I appreciate your consideration.

CITY OF SAN DIEGO
Member of the City Council District No. 1



JOE LACAVAL
San Diego City
Councilmember, District 1

I have been honored to represent the residents of District 1, working as your advocate:

- Opposing SB10, supporting sensible housing policies
- Improving traffic safety in Carmel Valley, Pacific Highlands Ranch, and Del Mar Heights
- Managing street vendors
- Improving safety at our parks and beaches
- Repaving La Jolla Parkway, fixing potholes, resurfacing streets
- Repairing District 1 streetlights
- Adopting the Unauthorized Camping Ordinance, working towards homelessness solutions
- Supporting Smart Street Lights while protecting our privacy
- Holding SDG&E accountable, delivering lower rates via San Diego Community Power
- Chairing the city's Environment Committee, vice chair of the Land Use and Housing and Infrastructure Committees, member of the Rules and Budget and Government Efficiency Committees
- Ensuring your phone calls and emails are answered

Looking ahead, goals include:

- Improve maintenance of our parks and restrooms
- Relieve property owners of sidewalk maintenance
- Deliver major infrastructure improvements in District 1
- Preserve recreational uses in Mission Bay and expand wetlands
- Construct the North Pacific Beach Lifeguard Station
- Protect La Jolla Cove

I am proud to be endorsed by groups as diverse as the Sierra Club San Diego and the San Diego Regional Chamber of Commerce. I will continue to focus on District 1 neighborhoods and provide leadership and accountability at the city.

www.JoeLaCava.com

CITY OF SAN DIEGO
Member of the City Council District No. 3



KATE CALLEN
Community Activist

I am a second-generation District 3 community activist. I have worked for decades to strengthen neighborhoods. Like my mother, I was elected to the North Park Planning Committee, and I fought to represent community interests in land use policy decisions.

As a journalist, I dug deep for facts and used them to speak truth to power. My recent commentaries have openly questioned our "strong mayor" form of government.

As a co-founder of a D3 neighborhood non-profit, I kept residents and small business owners informed about how city government operates.

If elected, I will strive to:

- Restore representative democracy in D3. I will seek out my constituents' views and respond promptly to their requests.
- Challenge developers to work directly with communities on the scale and design of D3 projects.
- Exercise due diligence over fiscal management of tax dollars. I will scrutinize city budgets and contracts for dubious expenditures.
- Call for sensible limits on multi-unit ADUs with no-onsite parking.
- Push to provide stable housing for homeless families with children.
- Build public-private partnerships that deliver truly affordable housing.

We can do better, District 3. Help me make that happen.

www.katecallen.com



COLEEN CUSACK
**Trial Attorney &
K12 Educator**

Coleen Cusack is running for District 3 because, despite throwing millions at the homeless crisis, we have only seen an increase in homelessness and unaffordable housing.

Coleen is a trial attorney, educator, and advocate for underserved and marginalized populations. Coleen moved from Valley Forge to San Diego to attend law school in 1989 and never left after convincing her sister and parents also to relocate here. A resident of District 3 for over 25 years, Coleen raised her son in North Park and had offices Downtown, in Bankers Hill and Golden Hill.

In 2001, Coleen challenged the Red Light Camera Photo Enforcement Program protecting San Diegans from unfair practices. Coleen's efforts helped prove the technology was incorrectly programmed to report false and unreliable results in select locations and, instead of improving safety, had led to increased collisions.

Coleen, a college and law school educator, responded to a critical shortage and stepped up to substitute teach at San Diego Unified, where she inspires K12 students.

Coleen has the creativity, compassion, and courage to address our housing and homelessness crisis. She seeks to make San Diego the most livable city and will be the leader that San Diego deserves.

www.coleen4sd.com
#ProtectHouseEducate

CITY OF SAN DIEGO
Member of the City Council District No. 3



**ELLIS T. "CALIFORNIA"
JONES III**
Inspector/Advocate

A Kid from City Heights

Born in Balboa Hospital, my parents, a 20-year military veteran and a nurse, instilled a mixture of discipline and compassion. Graduating from Hoover High, I learned to navigate the complexities of our diverse community.

From State University to State Prison

Earning a football scholarship to Cal-State SJSU, I was the first in my family to attend college. At 20, I was confronted with the criminal justice system, I stood trial as my own attorney, gaining a deep appreciation for our Constitution and laws. While incarcerated, I focused on mentorship, turning adversity into growth.

A Strong but Helping Hand

Returning home, I started from scratch, finding my niche in field management. During the pandemic, I started a business in the middle of the 2020 lockdowns and protests, providing transportation for thousands of essential workers in Downtown. During this time, I developed my firm but fair approach to the homeless situation.

A Fresh Voice for a Better San Diego!

My life's experiences equips me to tolerate the broad diversity of thought in today's political climate. I will work for you.

www.Jones3ForDistrict3.com



STEPHEN WHITBURN
City Councilmember, City of
San Diego

Dear Neighbor,

As your city councilmember, I have made significant progress in addressing homelessness by passing the Unsafe Camping Ordinance, leading the effort to establish Safe Sleeping Sites, and championing affordable housing initiatives.

I've secured funding to create more affordable housing units and increased resources for people experiencing homelessness to access vital support systems. I am committed to continuing these efforts to ensure that all members of our community have a safe and stable place to call home.

I've also worked tirelessly to improve our neighborhood infrastructure, advocating for safer streets, efficient public transportation, and well-maintained parks and public spaces. By prioritizing infrastructure investment, I aim to create healthier and more connected neighborhoods where residents can thrive.

We cannot afford to go backward. That's why I am asking for your support in this election. Together, we can continue to move forward, tackling homelessness, expanding affordable housing, and enhancing our neighborhood infrastructure. Let's keep our city on the path of progress.

I would be honored to earn your vote on March 5th.

Sincerely,

Stephen Whitburn

Endorsed By
San Diego City Firefighters
Congressman Scott Peters
Senate President Pro Tem Toni Atkins
Assemblymember Chris Ward

CITY OF SAN DIEGO
Member of the City Council District No. 5



MARNI VON WILPERT
City Councilmember

Marni von Wilpert – People Over Politics

In challenging times, Marni von Wilpert is making a difference by being a different kind of leader. She doesn't push extreme partisanship. Marni brings people together and gets things done:

- Making San Diego Safer... Marni passed San Diego's Ghost Gun Law to crack down on untraceable illegal guns.
- Tackling the Cost of Living... Marni fought against the city's 20% water rate hike, added 176 affordable homes for at-risk seniors.
- Protecting Families... Marni led the fight to fix San Diego's deteriorating ambulance service: faster 911 response times, more ambulances on call.
- Fighting Homelessness... Marni pushed for the Unsafe Camping Ordinance to clean up encampments. She's adding hundreds of outreach workers to treat addiction.
- Improving Our Neighborhood... Marni secured \$3.6 million to renovate Jerabek Park, \$15 million for Black Mountain Ranch's new Fire Station.

We know Marni will keep putting people over politics on the homelessness crisis, crime, rising costs. Her commitment to service is lifelong: Marni grew up in Scripps Ranch, served in the Peace Corps, as a city prosecutor and now, our Councilwoman.

Endorsements:

San Diego City Firefighters
San Diego Police Officers Association
San Diego Labor Council
San Diegans for Gun Violence Prevention
San Diego Chamber of Commerce
MarniforSanDiego.com

CITY OF SAN DIEGO
Member of the City Council District No. 7



RAUL CAMPILLO
San Diego City
Councilmember
Former Prosecutor and
Public School Teacher

Endorsements include:

San Diego City Firefighters Local 145
San Diego Police Officers Association
San Diego Lifeguards Local 911
State Senator Toni Atkins

- **Public Safety:** In his first term, Raul secured the opening of the first new law enforcement storefront in over a decade and fought for improvements in pay and benefits that public safety officers long deserved. He also championed clearing brush, buying more fire helicopters, and better planning to prevent wildfires.
- **Economic Leadership:** Raul led on economic issues to help small businesses with contracts and grants, worked to expand access to childcare for families, promoted tourism to bring dollars to our region, and prioritized expansion of mental health beds and substance abuse services needed to reduce homelessness.
- **Infrastructure:** Raul fought to implement smarter infrastructure policies, creating good paying jobs and sufficient funding for improvements. As a result, over 220 individual streets in the district were repaved, and there is more to come.

"My wife Nadia, my son Rafael, and I are your neighbors in the District, and I work to ensure that we all enjoy a safe, clean, and thriving community together. I humbly ask for your vote."

www.RunWithRaul.com

CITY OF SAN DIEGO
Member of the City Council District No. 9



SEAN ELO-RIVERA
City Council President

I am a father, husband, son, and brother building my family in District 9. I lead with my values — honesty, integrity, hard work, respect, and love. I began my term in 2020 at the height of COVID-19. We overcame those challenges together and improved life for District 9 residents by:

Protecting against homelessness:

- Created a fund to protect seniors and families who are at risk of homelessness
- Passed a law to protect against unfair evictions

Cleaning up our community and environment:

- Built community partnerships to clean up over 150 tons of trash and plant hundreds of trees
- Secured more than \$50,000,000 for safer streets, parks and infrastructure
- Strengthened rules against pollution

Improving safety, services, and economic opportunity:

- Invested in public safety initiatives and community maintenance teams
- Kept San Diego amongst America's safest big cities, decreasing violent crime
- Supported small businesses and youth employment programs

If re-elected, I will continue fighting for District 9. Together, we can achieve great things: reduce cost of living, adopt smart solutions to our homelessness crisis, neighborhood health and safety, and economic opportunity.

Sincerely,
Sean

Endorsed by:
Planned Parenthood Action Fund
Environmental Health and Justice Coalition
619.908.0148 - www.seanelorivera.com



FERNANDO GARCIA
**Business Owner/
Husband/Father**

San Diego is at a crossroads.

We need a leader who is willing to fight for neighborhoods, small businesses, and the safety of its citizens.

As a small business owner, I understand the risks and rewards of turning an idea into reality. I plan to serve my community by:

- Saying no to bad housing policies like SB10. We can build responsibly and reasonably by targeting development on our transit corridors. Let's create thriving boulevards by putting neighborhoods first and including community voices in the process.
- Lowering housing costs for renters with property tax incentives for homeowners who create neighborhood-compatible affordable housing.
- Stop enabling homelessness and let's start empowering people to get off the streets. Camping on our streets is not an option.
- Fully supporting and funding Law Enforcement to protect our citizens and small businesses.
- Advocating for clean, renewable energy and lower energy costs by replacing SDGE with our own San Diego Utility Company.

Join me in making San Diego live up to everything we know it can be.

Fernando Garcia
www.garciaforsandiego.com

CITY OF SAN DIEGO
Member of the City Council District No. 9



TERRY HOSKINS, D.P.A.
Retired Marine and
Retired SDPD Officer

I will bring professional and respectful leadership to the office.

As a retired Community Relations Officer, I know the serious issues we face, from homelessness, housing, growing our local economy and bringing our communities together.

- **Understanding Communities:** I will preserve the culture, neighborhoods, and heritage of District 9. Assigned to the Mid-City Division, serving approximately 15 years in District 9 and nine years as a CRO, focusing on enhancing everyone's equitable quality of life. I brought communities and businesses together, addressing issues of homelessness in District 9, and ensured responsiveness from the city. I participated in community clean-ups, often on my own time. I am environmentally friendly and support common sense density.
- **Decisive leadership:** Served in the USMC for approximately 26 years in various locations, including leading Marines in combat. I am a Purple Heart recipient, having been decorated twice for bravery.
- **Public Administration:** A doctor of public administration, I will apply ethical concepts and culturally sensitive public administration research to meet the needs of our diverse communities, contributing to positive social change.

ENDORSED BY

Former City Councilmember Marti Emerald

www.hoskins4citycouncil2024.com

CITY OF SAN DIEGO

MEASURE A

(This Measure will appear on the ballot in the following form.)

MEASURE A

MEASURE A. CHARTER AMENDMENT AUTHORIZING THE CITY AUDITOR AND AUDIT COMMITTEE TO USE OUTSIDE LEGAL COUNSEL INSTEAD OF THE ELECTED CITY ATTORNEY. Shall Charter section 40 be amended and section 40.2 be added to authorize the City Auditor and Audit Committee to use outside legal counsel instead of the elected City Attorney, subject to certain conditions, when the Audit Committee determines such use is in the public interest? **Supporters:** Councilmember Vivian Moreno; Assemblymember David Alvarez; Andy Hanau; Elaine Howle; Assoc. of Local Government Auditors. **Opponents:** Clifford Weiler.

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.

Full text of this measure follows the arguments.

OFFICIAL TITLE AND BALLOT SUMMARY

BALLOT TITLE

Amendments to the San Diego City Charter section 40 and the addition of a new section 40.2, authorizing the City Auditor and Audit Committee to use outside legal counsel instead of the elected City Attorney.

BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to authorize the City Auditor and the Audit Committee to use outside legal counsel instead of using the elected City Attorney, subject to certain conditions, when the Audit Committee determines the use is in the public's interest.

If approved by a majority vote of those qualified to vote on the measure, the Charter amendments would become effective after they are chartered by the California Secretary of State.

CITY ATTORNEY IMPARTIAL ANALYSIS

On April 7, 1931, the voters of the City of San Diego (City) added an elected City Attorney position to the San Diego City Charter (Charter). Under Charter section 40, the City Attorney, who is elected by qualified voters citywide, serves as the chief legal adviser of, and attorney for the City and all Departments and offices. City departments must use the elected City Attorney unless the City Attorney has a legal conflict, as defined by the California Rules of Professional Conduct, or lacks the specialized skill or resources necessary to complete the assigned work.

In 2004, City voters amended the Charter to authorize the Ethics Commission to retain its own outside legal counsel, and in 2020, City voters amended the Charter to authorize the Commission on Police Practices to retain its own outside legal counsel. This measure would again amend Charter section 40 and add a new section 40.2 to authorize the City Auditor and the City's Audit Committee to retain and use outside legal counsel to assist those officials with their responsibilities. The City Auditor, who is appointed by the City Council, conducts audits and may investigate any material claim of financial fraud, waste, or impropriety within the City Auditor's purview under Charter section 39.2. The City's Audit Committee, comprised of two members of the San Diego City Council and three members of the public, directs and reviews the City Auditor's work and has oversight responsibility regarding the City's financial and business practices under Charter section 39.1.

For the City Auditor or the City's Audit Committee to use outside legal counsel, the Audit Committee must determine that such use is in the public's interest. It would not be necessary to show that the City Attorney has a

conflict of interest or lacks the specialized skill or resources necessary to complete the assigned work.

The City Council must approve the contract used to retain outside legal counsel and determine funding each fiscal year. Legal counsel may be hired only after complying with applicable laws, including the City's required competitive procurement processes. The City Council may, by ordinance, create additional rules related to the outside legal counsel consistent with the Charter language.

Any attorney-client relationship between outside legal counsel and the City Auditor, the City Auditor's subordinates, and the Audit Committee must be formed in a manner consistent with California law and the Rules of Professional Conduct of the State Bar of California.

This measure was placed on the ballot by the City Council, following a proposal by the City Auditor. If approved by a majority of the qualified voters voting on the measure, the Charter amendment would become effective when the California Secretary of State officially chapters it.

FISCAL IMPACT STATEMENT

CHARTER AMENDMENT REGARDING INDEPENDENT LEGAL COUNSEL FOR THE OFFICE OF THE CITY AUDITOR AND AUDIT COMMITTEE

This measure would allow the Office of the City Auditor and the City's Audit Committee to contract for outside legal counsel, independent from the Office of the City Attorney, for legal support and advice in certain audits, investigations, and related activities. Any contract would be subject to approval from the City Council, and each use of that contract would be on an as-needed basis and subject to approval from the Audit Committee.

Actual costs for independent legal counsel would vary annually, depending on how frequently independent legal counsel is used, the complexity of the issues involved, and the hourly rate charged for services. Based on past experience, the City Auditor considers requesting independent legal counsel once or twice a year, potentially requiring up to 300 hours of legal services depending on the complexity of the issues, to be a reasonable estimate. **The City Auditor anticipates requesting approximately \$180,000 each year for independent legal services, which is estimated to provide the City Auditor's Office with up to 300 hours of legal services consistent with the City Auditor's past experience, as well as an additional 100 to 200 hours for the Audit Committee, if required.**

Any unused funds budgeted for independent counsel at the end of any given year would not be expended or carried forward to the following fiscal year, but instead revert back to the City's General Fund. For instance, if no independent legal services are used during a year, no funds would be expended.

ARGUMENT IN FAVOR OF MEASURE A

Your YES vote protects and strengthens the INDEPENDENCE of San Diego's City Auditor!

Currently, the City Attorney advises BOTH the Office of the City Auditor and the City Officials the City Auditor is responsible for auditing and investigating, which includes the Office of the City Attorney itself. This structure can present conflicts under Government Auditing Standards, which the City Charter requires the City Auditor to follow.

Voters created the Office of the City Auditor in 2008 on the heels of financial scandals that brought the City to the edge of bankruptcy and established it as an **INDEPENDENT** office to serve the public interest and hold all City departments, offices, and agencies accountable to the public through objective, accurate, and transparent audits and investigations.

Your YES vote on Measure A will amend the City Charter to permit the City Auditor and the Audit Committee to obtain independent legal counsel in certain circumstances to better protect the public interest.

Federal government auditors, the California State Auditor, and all California county auditors currently have access to independent legal counsel. Voters previously have overwhelmingly granted both the City's Ethics Commission and Commission on Police Practices authority to retain independent legal counsel to carry out their investigative responsibilities. Measure A seeks to grant the City Auditor similar authority, and provides guardrails to ensure that the authority is used effectively.

This measure is **supported by the Association of Local Government Auditors and the Institute of Internal Auditors**—two internationally-recognized authorities on the auditing profession. Elaine Howle, California State Auditor from 2000-2021, stated that during her tenure:

"having [independent] legal counsel...strengthened the audit function, benefited the agencies and programs we audited, and most importantly, allowed us to fully serve the taxpayers. San Diego voters deserve the opportunity to secure these same benefits."

Vote YES on Measure A!

VIVIAN MORENO
San Diego City Councilmember

ELAINE HOWLE
California State Auditor (Retired)

EDUARDO LUNA
Former San Diego City Auditor

ANDY HANAU
San Diego City Auditor

DAVID ALVAREZ
Assemblymember and former Chair of the California Joint Legislative Audit Committee

ARGUMENT AGAINST MEASURE A

Why ask to use an outside attorney unless you want a more favorable opinion from the advocate you select instead of the free neutral analysis of the city's elected legal counsel? This proposed charter amendment epitomizes today's unfortunate polarization - "You are for me or against me." "You are my friend, or are my enemy." "It's my way or the highway." "I hired you, can fire you, or can seek another more favorable advocate in the future; now, what is your legal opinion about this issue I want you to analyze? And if this gets on TV, will you agree with me or say I was wrong?" The elected official city attorney is not impacted by those perils.

The auditor, who conducts performance audits (not just money audits), is appointed per the city charter by the audit committee, which is chaired by a politician (a city council member; city charter, section 39.1). The legal advisor for the auditor should continue to answer directly to the electors, not the individual or committee that hires and fires that lawyer.

Predictions of limited use or costs of a private attorney are meaningless political smoke and mirrors. Use of a private attorney when in "the public interest" is a subjective open door and without oversight. As for any cost estimate, how often has a governmental cost estimate reflected reality, especially involving legal fees? The proposal has no meaningful restrictions on the number of times a private attorney would be hired or the total lawyers' fees per case or annually.

Why authorize a blank check when the service is already being provided without extra costs, and by an elected neutral? Vote no.

CLIFFORD WEILER

A retired public sector attorney with over 40 years of experience

FULL TEXT OF MEASURE A

ARTICLE V

EXECUTIVE AND ADMINISTRATIVE SERVICE

SECTION 40: City Attorney

A City Attorney shall be elected for a term of four years in the manner prescribed by Section 10 of this Charter. The City Attorney shall hold office for the term prescribed from and after 10 a.m. on the tenth day of December next succeeding the election and until a successor is elected and qualified. If the tenth day of December falls on a weekend or holiday, the term shall begin at 10 a.m. on the next calendar day that is not a weekend or a holiday.

No person shall serve more than two consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two years, that partial term shall be considered a full term for purposes of this term limit provision.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties, except in the case of the Ethics Commission and the Commission on Police Practices, which each shall have its own legal counsel independent of the City Attorney, and in the case of the Office of the City Auditor, which may retain and use independent legal counsel for the City Auditor, the City Auditor's subordinates, and the Audit Committee on the conditions set forth in Charter section 40.2. The attorney and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office. The City Attorney must be licensed to practice law in the State of California and must have been so licensed for at least ten years at the time he or she submits nominating petitions.

The City Attorney shall appoint such deputies, assistants, and employees to serve him or her, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter. The City Attorney may appoint no more than six Assistant City Attorneys and four other assistants, who shall serve at the pleasure of the City Attorney and may be removed by the City Attorney at any time.

No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for one year or more shall be terminated or suspended without good cause, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in the Office of the City Attorney.

To ensure that Deputy City Attorneys conduct their legal work with the highest level of integrity, honesty, and professionalism, good cause for purposes of termination or suspension includes, but is not limited to, failure to comply with the California Rules of Professional Conduct.

It shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each approval of the form or correctness thereof; to preserve in the City Attorney's office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in the City Attorney's office copies of all written opinions he or she has furnished to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his or her successor in office.

The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of the office.

FULL TEXT OF MEASURE A (CONTINUED)

The City Attorney shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption.

The City Attorney shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

Effective December 10, 2020, the salary paid to the City Attorney will be equal to the salary prescribed by law and as adjusted by law for judges of the Superior Court for the State of California, provided that the salary of the City Attorney may not be decreased during a term of office.

Whenever a vacancy exists in the office of the City Attorney, an Assistant City Attorney, previously designated by the City Attorney to fulfill duties in the event of a vacancy and whose name has been recorded with the City Clerk as the Interim City Attorney in the event of a vacancy, shall fulfill the duties of the City Attorney as the Interim City Attorney until a replacement can be appointed or elected as provided by this Charter. The Interim City Attorney shall have the full authority of the Office.

SECTION 40.1 [NO CHANGE IN TEXT.]

SECTION 40.2: Legal Counsel for the Office of the City Auditor and Audit Committee

The Office of the City Auditor, acting through the City Auditor, may retain and use legal counsel, independent of the City Attorney, for legal support and advice in audits, investigations, and related activities within the authority and duties of the Office of the City Auditor, subject to the limitations set forth in this section.

The Office of the City Auditor must retain independent legal counsel by contract approved by the City Council in a manner consistent with the Charter, including the City's required competitive procurement processes and other applicable laws. The City Council has discretion to determine and appropriate funding for the Office of the City Auditor's independent legal counsel. The City Council is not mandated to provide any minimum level of funding for the independent legal counsel on an annual or regular basis and must determine funding consistent with the City Council's budgetary authority under the Charter. The City Council may, by ordinance, establish additional rules and procedures to implement this section.

Before the Office of the City Auditor may use the independent legal counsel who is under contract, the Audit Committee must determine that the use on an audit, investigation, or related activity is within the "public interest," as that term is defined by generally accepted government auditing standards promulgated by the United States Government Accountability Office or successor agency.

The Audit Committee may use retained independent legal counsel under the conditions set forth in this section for legal support and advice related to the Audit Committee's oversight responsibilities.

Independent legal counsel retained and used under this section will only be responsible for legal support and advice related to those activities within the authority of the Office of the City Auditor, acting through the City Auditor, and the Audit Committee's oversight responsibilities. Any attorney-client relationship between independent legal counsel and the City Auditor, the City Auditor's subordinates, and the Audit Committee must be formed in a manner consistent with California law and the Rules of Professional Conduct of the State Bar of California.