



JAN I. GOLDSMITH
SAN DIEGO CITY ATTORNEY

November 16, 2010

**Via U.S. Mail, Electronic Mail
and Facsimile Transmission**

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Re: SB 863

Dear Murray:

Recently, the mayor's office represented that SB 863 "was legally vetted by legal counsel". Upon questioning, we were informed that your office vetted the legal issues pertaining to the legislation. As you know, the mayor excluded our office from this matter.

The city attorney's office serves as general counsel to the Redevelopment Agency, has oversight authority of outside legal counsel under CCDC's bylaws and serves as legal counsel for the City of San Diego. In those capacities, I ask that you respond in writing to the following questions:

ROLE OF LEGAL COUNSEL

1. There are three separate entities involved in this matter with separate interests - the City of San Diego; the Redevelopment Agency; and, CCDC. Which, if any, of these entities did you advise regarding SB 863 before its adoption?
2. If you advised the City of San Diego, did you advise anyone of the potential conflict of interest among the entities involved in adoption of SB 863? If not, why not? If yes, what did you communicate and to whom?
3. If you did not advise the City of San Diego, did you specifically state that you were not doing so? If not, why not? If yes, to whom did you clarify your role as lawyer?
4. Did you advise the City of San Diego to consult with its attorneys, the city attorney's office? If not, why not? If yes, who did you advise and when?

AUTHORITY OF MAYOR

5. Did you advise as to the authority of the mayor to use city resources to promote legislation without city council approval? If not, why not. If so, what was your advice?

6. Did you advise the mayor to seek city council approval before using city resources to promote SB 863? If not, why not? If so, who did you advise?

LEGAL ISSUES CONCERNING SB 863

7. Did you advise as to whether or not the City of San Diego could later decide to reinstate the cap in light of the wording of SB 863? If not, why not? If so, what was your advice?

8. Did you advise regarding state preemption? If not, why not? If so, what was your advice?

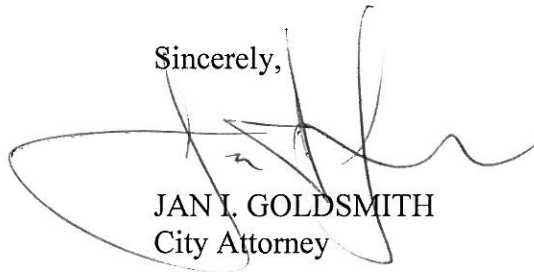
9. Please set forth whatever other legal advice you provided in advance of SB 863's passage.

10. Please set forth separately whatever other legal advice you provided regarding SB 863 following its passage.

11. With regard to your interaction with city and redevelopment staff, please set forth by name and date who you have communicated with regarding SB 863. Please provide us copies of all correspondence, legal opinions and notes regarding SB 863,

Please provide your responses within the next week. Thank you for your anticipated cooperation.

Sincerely,



JANI GOLDSMITH
City Attorney

JG:cbs

cc: Honorable Mayor
Honorable City Council members
Andrea Tevlin, Independent Budget Analyst