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CLERK - SUPERIOR COURT  
SAN DIEGO COUNTY, CA

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6 Attorneys for Defendants and Cross-Complainant  
SAN DIEGO ATTORNEY MICHAEL J. AGUIRRE and CITY OF SAN DIEGO

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

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11 SAN DIEGO CITY EMPLOYEES'  
12 RETIREMENT SYSTEM, by and through its  
Board of Administration,

13 Plaintiff,

14 v.

15 SAN DIEGO CITY ATTORNEY MICHAEL  
16 J. AGUIRRE, THE CITY OF SAN DIEGO  
and DOES 1-100,

17 Defendants.

18  
19 CITY OF SAN DIEGO,

20 Cross-Complainant,

21 v.

22 SAN DIEGO CITY EMPLOYEES'  
23 RETIREMENT SYSTEM, by and through its  
Board of Administration; RON SAATHOFF;  
24 JOHN TORRES; MARY VATTIMO;  
CATHY LEXIN; TERRI WEBSTER;  
25 SHARON WILKINSON; JOHN TORELL in  
his capacity as City Auditor and Comptroller,  
26 AND ROES 1-50, inclusive,

27 Cross-Defendants.

CASE NO. GIC841845

[Consolidated with Cases No. GIC954286 and  
GIC852100]

**DECLARATION OF MAYOR JERRY  
SANDERS IN SUPPORT OF CITY'S  
MEMORANDA OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
PLAINTIFF'S AND CROSS-DEFENDANTS'  
DEMURRERS, MOTION TO STRIKE AND  
MOTION TO DISMISS**

Date: June 23, 2006

Time: 9:00 a.m.

Judge: Hon. Jeffrey B. Barton

Dept: 69

Trial Date: October 6, 2006

Action Filed: January 27, 2005

Unlimited Civil Case

SD6392162

DECLARATION OF MAYOR JERRY SANDERS ISO CITY'S  
OPPOSITION BRIEFS TO DEMURRERS, MOTION TO STRIKE  
AND MOTION TO DISMISS

02101

1 I, Jerry Sanders, declare:

2 1. I am the Mayor of the City of San Diego ("City"), a charter city, which now  
3 operates under a "strong mayor" form of government. As such, I make this declaration of my  
4 own personal knowledge, and if called upon to do so, I could and would testify as set forth  
5 herein.

6 2. Since I took office on December 5, 2005, the City has been operating under the  
7 enormous cloud caused by the crisis in funding of the City's pension system. Without assigning  
8 blame for that crisis (which was fueled in part by an overall decline in financial markets, leading  
9 to a devaluation of the City's invested assets in the pension system), I have devoted an enormous  
10 amount of time and energy towards moving the City past this crisis. My objective as the highest  
11 elected official in the City, and the head of City government, is to ensure the fiscal integrity of  
12 the pension system and thereby restore the City's access to capital markets upon reasonable  
13 financing terms, so that the City can fund a multitude of critical public works projects the City  
14 desperately needs. I also want to restore the integrity of the City pension system (the San Diego  
15 City Employees' Retirement System or "SDCERS") so that past, present and future City  
16 employees are secure in knowing that their rightful benefits will be available when they are  
17 needed. This will allow the City to continue to attract and retain talented police officers,  
18 firefighters and the many other essential personnel who work so hard for the City.

19 3. A major impediment to my objectives as Mayor is the continuing uncertainty as to  
20 the legality of certain benefit increases created under the 1996 and 2002 agreements commonly  
21 known as Manager's Proposals I and II ("MP I" and "MP II"), and additional benefit increases  
22 under the Legislative Officers Retirement Program ("LORP") and the Elected Officers  
23 Retirement Program ("EORP").

24 4. The City was sued in this lawsuit by SDCERS. The City Attorney, Michael J.  
25 Aguirre, has filed multiple cross-complaints seeking a determination of the legality of the  
26 benefits provided under MPI, MP II, LORP and EORP. I have a strong interest in putting this  
27 pension crisis behind the City once and for all through this Court's judicial determination of the  
28 City's rights and duties.

SD5392162

DECLARATION OF MAYOR JERRY SANDERS ISO CITY'S  
OPPOSITION BRIEFS TO DEMURRERS, MOTION TO STRIKE  
AND MOTION TO DISMISS

