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Assembly
California Legislature



GEORGE A. PLESCIA
SEVENTY-FIFTH DISTRICT

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August 20, 2007

The Honorable Edmund G. Brown, Jr.
Attorney General of California
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

Dear Attorney General Brown,

On July 30, 2007, the San Diego City Council voted to request your analysis of San Diego City Attorney Michael Aguirre's memorandum of law regarding the "Legality of Proposal to Require the City Attorney to Obtain City Council Approval Before Filing Cases," dated July 20, 2007.

In particular, the City Council requested your legal opinion on the issue of whether the Appropriations Ordinance, as passed by the City Council, properly invokes City Council budgetary authority without improperly restricting the City Attorney's powers under state law.

As a State Assemblyman who represents a portion of the City of San Diego, I think it is important that the request of the San Diego City Council be fulfilled. Thank you for your prompt attention to this matter. I look forward to continuing to work with you.

Sincerely,

A handwritten signature in cursive script that reads "George A. Plescia".

GEORGE A. PLESCIA
Assemblyman, 75th District

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 30, 2007

George A. Plescia
Assemblymember, 75th District
California Legislature
P.O. Box 942849
Sacramento, CA 94249-0075

RE: Opinion Request No. 07-811

Dear Assemblymember Plescia:

By letter dated August 20, 2007, you requested on behalf of the San Diego City Council an opinion of the Attorney General concerning whether the Appropriations Ordinance, as passed by the San Diego City Council, properly invokes the council's budgetary authority without improperly restricting the city attorney's powers under state law.

Our authority to issue opinions to public agencies and officials is governed by section 12519 of the Government Code. It has long been our practice that "the Attorney General declines opinion requests calling for the interpretation of local charters, ordinances, resolutions, regulations or rules." (See 66 Ops.Cal.Atty.Gen. Foreword (1983); www.ag.ca.gov/opinions.) For this reason, your request is respectfully declined.

If you have any questions regarding our policies or would like to discuss this matter further, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Rodney O. Lilyquist".

RODNEY O. LILYQUIST
Senior Assistant Attorney General

For EDMUND G. BROWN JR.
Attorney General

ROL:kb

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September 27, 2007

Honorable Jim Madaffer
City of San Diego
202 C Street
San Diego, CA 92101

RE: Opinion Request

Dear Councilman Madaffer:

Per your request, I submitted a written request on behalf of the City of San Diego seeking a legal opinion from Attorney General Edmund G. Brown's office regarding the issue of whether the City Appropriation Ordinance, as passed by the City Council, properly invokes City Council budgetary authority without improperly restricting the City Attorney's powers under state law.

I regret to inform you the request was denied. As specified in the attached letter, "it has long been our practice that the Attorney General declines opinion requests calling for interpretation of local charters, ordinances, resolutions, regulations or rules."

My office contacted the local San Diego office of the Attorney General to discuss this matter further. Unfortunately, the office did not have a recommendation on how to further proceed with this request.

If there is anything our office can do to further assist the City of San Diego, please do not hesitate to call my office.

Sincerely,

A handwritten signature in cursive script that reads "George A. Plescia".

GEORGE A. PLESCIA
Assemblyman, 75th District