

## **Sec. 503. City Attorney: Election, Powers and Duties.**

(A) *Designation as Officer; Election.* The City Attorney shall be an Officer of the City and the department head of the City Attorney's Office. The City Attorney shall be elected to said position by the voters of the City as set forth in Charter Section [503\(C\)](#). Except as otherwise provided by this Charter, it is the intent of the voters that the City Attorney shall be sufficiently independent of the City Council and other City officials to advise the City while also acting in the best interests of the public.

(B) *Powers and Duties.* The City Attorney shall:

- (1) represent and advise the City Council and all City Officers in all matters of law pertaining to their offices and advise all boards, commissions, and other agencies of the City on legal matters referred to the City Attorney, and render written legal opinions when the same are requested in writing by the City Council or the City Manager, the City Clerk, or any board or commission of the City with decision making authority;
- (2) represent, defend, and appear for the City, and any City Officer or employee, or former City Officer or employee as may be required by law or in accordance with City policy in any or all legal actions and proceedings in which the City or any such Officer or employee in or by reasons of the City Attorney's official capacity, is concerned or is a named party;
- (3) attend and advise at all regular and special meetings of the City Council;
- (4) oversee the preparation of all contracts made by and all bonds given to the City, and approve the form of same in writing;
- (5) oversee the preparation of any and all proposed ordinances or resolutions for the City, and approve the form of same in writing;
- (6) prosecute, in the City Attorney's professional discretion, all offenses against the ordinances of the City and such offenses against the laws of the State as may be authorized or required by law; the City Attorney shall also have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting criminal misdemeanors or infractions;
- (7) exercise discretion as to when to commence or maintain legal proceedings whenever a civil cause of action exists in favor of the City, and when the basis for such action is within the knowledge of the City Attorney, subject to the approval or ratification by the City Council;
- (8) consistent with all applicable ethical rules and guidance, commence or maintain legal proceedings as directed by the City Council; and
- (9) surrender to the City Attorney's successor all books, papers, files and documents pertaining to the City's legal affairs.

In order to assist with such responsibilities, the City Attorney may appoint Assistant or Deputy City Attorneys, who shall be in the Unclassified Service, and other employees, subject to City Council approval as to number of positions and funding therefor.

The City Attorney may also employ special legal counsel and appraisers, engineers or other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter as the City Attorney deems necessary or appropriate, to assist with performance of the above-described duties, subject to available funds and the City's procurement policies. Upon the City Attorney's recommendation and the approval of the Council, when the City Attorney has a conflict of interest in litigation involving another Officer or employee of the City acting in their official capacity, such other Officer or employee may be authorized to retain special legal counsel at City expense. Nothing in Charter Section [503](#) shall be construed to prevent the City Attorney from giving confidential advice to the City when otherwise allowed by law.

(C) *Election; Compensation.* The City Attorney shall be nominated and elected in the same manner and at the same election as the Mayor, except as otherwise provided in this Charter Section [503](#). The annual salary of the elected City Attorney shall be equivalent to the salary of a Judge of the Superior Court of the State. The City Attorney shall also receive reimbursement for budgeted travel and other expenses when on official duty out of the City consistent with City policies. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for additional demands and expenses made upon and incurred by the City Attorney. In addition, the City Attorney shall be entitled to such benefits as are granted to other department heads of the City, as established by the City Council.

(D) *Residency Requirements.* To be eligible to seek election to the office of City Attorney, a person must be a Resident and registered voter of the City at the time they are issued their nomination papers for such office. To be eligible to hold the office of City Attorney, a person must be a Resident and registered voter of the City and maintain such status throughout their term.

(E) *Qualifications Requirements.* The City Attorney shall be licensed to practice law in all courts of the State, and be so licensed for at least ten years preceding their assumption of office following election under this Charter.

(F) *Term of Office.* The City Attorney shall be elected to a term of four years, which term shall commence upon the taking of the oath of office and shall continue until a qualified successor takes the oath of office, or until the City Attorney vacates the seat, whichever occurs first. The oath of the office shall be administered at, or immediately prior to, the first City Council meeting held following the Friday after which the official election results are certified. The City Attorney shall be subject to the same limits on terms of service as are applicable to the Mayor and the City Council under Charter Section [300\(D\)](#).

(G) *Vacancy, Filling of.* Upon a declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the City Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office becomes vacant, or if the unexpired term of the City Attorney shall exceed twenty-four months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, as provided in Charter Section [303\(C\)\(2\)](#). An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next regularly scheduled election for the Office of the City Attorney.

(H) *Vacancy, What Constitutes.* The Office of City Attorney shall be declared vacant by the Council under any of the circumstances described in Charter Section [303\(A\)\(1\)-\(10\)](#) with respect to City Councilmembers and the Mayor. Additionally, the Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto either (1) is absent continuously from the State for a period of more than thirty days without permission from the Council, or (2) is no longer licensed as an attorney in the State.

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**Latest amendments were approved by the electorate on November 8, 2022.**

Recommended by Charter Committee 1949. Approved by a special election, November 8, 1949, with a vote of 2068 YES to 1101 NO, presented to the House by Assemblyman Ralph R. Cloyd and to the Senate by Senator Fred H. Kraft. Ratified by the Legislature of the State of California on December 15, 1949.

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