




**COUNCIL PRESIDENT SCOTT PETERS
FIRST DISTRICT
MEMORANDUM**

DATE: June 20, 2007
TO: Honorable City Attorney Michael Aguirre
FROM: Council President Scott Peters 
SUBJECT: Charter Section 40 Requests

Over the past several months, I have received numerous so-called "Charter Section 40 requests for documents" from various attorneys in your office. While I am always prepared to comply with the law, and have promptly replied to requests from the media, courts, independent agencies and the public, your requests are outside the scope of Charter Section 40 and violate the Rules of Professional Responsibility for attorneys. I object to your continued threats and purported investigations of the very city departments that you are required by charter to represent, including the City Council.

Moreover, some of these document requests are from attorneys in the criminal division. As explained in Judge Wellington's recent ruling disqualifying you and your office from a recent attempted prosecution, the City Attorney has a clear conflict of interest when he, as chief legal advisor to city departments, is at the same time investigating or even prosecuting those very same departments and their staff.

Therefore, I continue to object to the City Attorney taking positions adverse to his clients, including the City Council and its members. If you intend to maintain this practice and fail to discharge your clear duty to provide legal services and advice in accordance with the Charter, the Mayor and City Council will unfortunately again be forced to hire outside counsel to respond to your conduct and to obtain the basic legal advice necessary for the operation of the city.

SHP:bbk

cc: Honorable City Councilmembers
Jay Goldstone, Acting COO
Andrea Tevlin, IBA
Elizabeth Maland, City Clerk