



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Direction to the City Clerk to  
Prepare Impartial Analysis for  
Pension Reform Ballot Measure

**DATE:** March 16, 2012

## RECOMMENDATION

Adoption of a Resolution amending Resolution 76158 regarding the Pension Reform Ballot measure to direct the City Clerk to prepare the impartial analysis for the ballot measure instead of the City Attorney as provided under Elections Code Section 9280.

## ANALYSIS

On March 6, 2012, the City Council adopted Resolution 76158 directing the City Clerk to submit to the electors of the City of San José at a Special Municipal Election a ballot measure proposal to amend the San José City Charter to add a new Article XV-A to reform pensions and benefits for current employees, to establish reduced pensions and benefits for new employees and to place other limitations on pensions and benefits. As part of the Resolution, the City Council directed the City Attorney to prepare an impartial analysis.

Elections Code Section 9280 provides that the governing body transmit the ballot measure to the City Attorney to prepare an impartial analysis; however, if a measure affects the organization salaries of the Office of the City Attorney, the governing board may direct the city elections official to prepare the impartial analysis to the City Clerk. Inasmuch as the Pension Reform Ballot measure, if passed, will affect the compensation of the Office of the City Attorney, it is recommended that the City Council amend the previously adopted resolution to direct the City Clerk to prepare the impartial analysis.

RICHARD DOYLE  
City Attorney

By

  
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Ed Moran  
Assistant City Attorney

cc: Debra Figone

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