



KEVIN L. FAULCONER

MAYOR

February 17, 2015

Mr. Dean Spanos
Chairman of the Board and President
San Diego Chargers
4020 Murphy Canyon Road
San Diego, CA 92123

Dear Mr. Spanos:

I am in receipt of a letter from your Special Counsel, Mark Fabiani, dated February 17, 2015.

Last month I announced a group of civic leaders and financial experts who will recommend a location and financing plan for a new venue to replace Qualcomm Stadium. The Citizens' Stadium Advisory Group is a nine-member panel of experts that will complete an analysis, develop plans and make recommendations to me by the fall of this year. The group is comprised of volunteers and is not an official City of San Diego entity. Attached is a letter from the City Attorney that addresses the legal role of the group.

As private individuals and community members, they have the ability to invite experts to their meetings to ask questions and gain the information required to develop their recommendation. As you know, I have committed to putting any final stadium plan on the ballot. The group's recommendation should, therefore, take into account the policy requirements of constructing a stadium as well as the politics of what San Diego voters will approve. To date, the group has invited a representative of the Chargers, a political expert and a communications strategist to their meetings. The group has also invited members of my staff to provide information, all of which has been shared publicly on the City of San Diego's website.

I do not speak for the individuals on the group or others highlighted in Mr. Fabiani's letter. The group is not receiving any funding from the City of San Diego and, as such, any private resources the group chooses to bring to bear to help complete its work is solely the group's decision to make. However, it is my personal opinion that all of our time would be better spent on creating a plan for a new stadium instead of continuing to undermine the work of the advisory group.




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It is with this in mind that I express my disappointment in the ongoing actions and demeanor of Mr. Fabiani. His divisive tone and criticism of this group of volunteers, civic leaders and the City of San Diego as a whole are not conducive to developing a plan for a new stadium. I hope his behavior is not indicative of our ability to find a solution.

San Diegans deserve better than this type of discourse. Whatever animosity Mr. Fabiani feels against this group of volunteers or the City of San Diego is misplaced. Since I came into office 11 months ago I have expressed to you my commitment to creating a stadium plan that would benefit San Diego residents, the Chargers and fans. That remains my intention, and I hope we can work together. I would be happy to discuss this with you one-on-one, without any advisors or staff, to determine how we can best move forward to keep the Chargers in San Diego.

Sincerely,



Kevin L. Faulconer
Mayor

KLF:tl

Office of the City Attorney
February 2, 2015



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CITY ATTORNEY UPDATE

Legal Role of the Mayor's Stadium Task Force

In response to media inquiries, City Attorney Jan Goldsmith today released the following statement concerning the Citizens' Stadium Advisory Group formed by Mayor Kevin Faulconer:

“The Mayor of San Diego has convened nine well-respected members of the community to advise him on a possible Chargers stadium. As I understand it, this group will operate informally. It will not be required to conduct public meetings, submit financial disclosure forms or otherwise publicly identify conflicts of interest.

“Our office has been asked whether this group is legally obligated to follow Brown Act requirements that apply to public bodies. The answer is that as long as the group remains an informal advisory group to the Mayor and nothing more, it does not have to comply with the rules designed for public bodies. In fact, it is common for politicians to receive informal input from members of the community without demanding such compliance.

“The Chargers task force is not a public body or a City of San Diego entity. Their opinions, however helpful, are the opinions of a group of community members. They have no legal significance different than other members of the community. That is the reason the Brown Act requiring public meetings does not apply.

“This group has no authority to represent the City of San Diego or otherwise speak on behalf of the City or make any decisions for the City. And, specifically, they are not authorized to negotiate on behalf of the City. That is the reason members of this group are not required to submit financial disclosures or report conflicts of interest.

“Because this group is not a City entity, our office is not authorized under City Charter section 40 to provide legal advice or legal representation to the group or any of its members.

“Any stadium project the City pursues would follow the normal approval process. A City project proposal must be approved by the City Council and must be signed off by our office; in addition, a public vote has been promised and would probably be required under the law in any event.

“The City remains obligated to comply with the California Environmental Quality Act. Unless exempted by state legislation, that process requires environmental review, consideration of alternatives (including “no project”) and public input. An EIR for a typical project takes about 12-18 months. The City may not commit to a specific project before the CEQA process is completed.

“I hope this Update clarifies the legal role of this group.”

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