

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16

Date: April 25, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney

SUBJECT: Designation of Enforcement Authority for the Escondido Campaign Control Ordinance

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-67 designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2012 Municipal Election, as required by Escondido Municipal Code Section 2-115.5(c).

BACKGROUND:

Pursuant to Escondido Municipal Code Section 2-115.5(c), special counsel shall be selected as the enforcement authority for the Campaign Control Ordinance by the City Attorney and appointed by the City Council at least one hundred and eighty (180) days prior to a city election. The next regularly scheduled election will be held November 7, 2012.

Under the California Government Code and the Escondido Municipal Code, the appointed City Attorney acts under the direction of the mayor and four elected councilmembers. In election situations where candidates and incumbents compete against each other for local offices, it is best that matters related to the campaign and campaign contribution ordinance be handled by outside special counsel, and thus the requirements of Escondido Municipal Code Section 2-115(c).

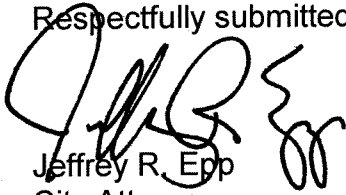
I recommend that the City Council appoint George Eiser III as the City's special counsel for enforcement of the campaign contribution ordinance based on his long time experience and knowledge in the areas of municipal law, election matters, and if necessary, prosecution of municipal offenses. Mr. Eiser began his career with the Thousand Oaks City Attorney's Office in 1975, and with the Modesto City Attorney's Office as the Assistant City Attorney. In 1984, was appointed as the City Attorney for the City of National City where he worked until his retirement in 2010. He is now Senior of Counsel at the law firm of Meyers Nave, which is a law firm of approximately 80 lawyers specializing in public law throughout California. Mr. Eiser has a BA degree in Spanish as well as his Juris Doctorate. He is a past president of the San Diego County City Attorneys' Association.

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Fortunately, while the City has been diligent in appointing special counsel for each election cycle in recent decades, only one election in the 1990's resulted in the need for any investigative activity, and that particular matter was resolved without prosecution.

Based on the above, I recommend the adoption of Resolution 2012-67 authorizing the retention of George Eiser III as special counsel to enforce the provisions of the Escondido Campaign Control Ordinance for the 2012 Municipal Election.

Respectfully submitted,



Jeffrey R. Epp
City Attorney

RESOLUTION NO. 2012-67

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE RETENTION OF
GEORGE EISER III AND THE FIRM OF
MEYERS NAVE FOR SPECIAL COUNSEL
SERVICES TO ENFORCE THE PROVISIONS
OF THE ESCONDIDO CAMPAIGN CONTROL
ORDINANCE FOR THE 2012 MUNICIPAL
ELECTION

WHEREAS, Escondido Municipal Code Section 2-110.5 (c) requires the City of Escondido to retain special counsel at least one hundred and eighty (180) days prior to a City election to enforce the Escondido Municipal Code pertaining to campaign related matters; and

WHEREAS, George Eiser III and the law firm of Meyers Nave have the highest credentials and experience, and would be well suited to serving as the City's enforcement authority; and

WHEREAS, the City Attorney recommends the retention of George Eiser III, Esquire and the firm of Meyers Nave as special counsel to enforce the provisions of the Escondido Campaign Control Ordinance for the 2012 municipal election; and

NOW THEREFORE, the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the City Attorney and authorizes the City Attorney and City Clerk to execute such documents as necessary to retain George Eiser III, Esquire and the firm of Meyers Nave as special counsel to enforce the provisions of the Escondido Campaign Contribution Ordinance.