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CM JOHNSON - LEGAL COUNSEL - AMENDMENT 2

This amendment would amend CB 118969 to add a requirement that when the City Attorney declines to provide legal representation to an oversight entity due to a conflict of interest, the City Attorney’s Office will select and retain private counsel. The City will fund the legal services separate from the oversight entity’s operational budget and the funding shall be reviewed and approved in advance by the City Budget Office.

3.29.480 Protection of civilian oversight entities

A. Retaliation by adverse employment action or harassment against OPA and OIG employees, against employees of the Office of the CPC or CPC Commissioners, or against employees of other City departments or offices who provide information to OPA, OIG, or CPC undermines the effectiveness of civilian oversight efforts by threatening the continued flow of information. No City official or employee shall retaliate against, punish, or penalize any other person for complaining to, cooperating with or assisting OPA, OIG, or CPC in the performance of their duties. Any OPA or OIG employee, CPC employee or Commissioner, or employee of other City departments or offices who believes he or she has been retaliated against for making such complaint to, disclosing information to, or responding to such queries from OPA, OIG, or CPC may report such action to the Inspector General. If retaliation is suspected, the Inspector General is authorized to open an investigation into the matter and refer a complaint to the appropriate authority. Any City official or employee who violates these provisions may be subject to dismissal, discipline, or censure consistent with City and state laws. These protections shall not apply when the contact was made or the information was disclosed with knowledge that it was false or with willful disregard for its truth or falsity.

B. When, due to a conflict of interest, lack of technical expertise, or capacity

1 reasons, the City Attorney’s Office declines to provide legal representation to an oversight entity
2 in any legal matter, enforcement action, or court proceeding, that oversight entity shall be
3 entitled to representation by private legal counsel. Private legal counsel shall be selected and
4 retained by the City Attorney’s Office, in consultation with the oversight entity. The City shall
5 provide sufficient funding for the legal services separate from the oversight entity’s operational
6 budget, which shall be reviewed and approved in advance by the City Budget Office.

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