

----- Forwarded message -----

From: "Dietrick, Christine" <cdietrick@slocity.org>

To: Lee Cunningham <lcunningham@co.slo.ca.us>

Cc: Ann Duggan <aduggan@co.slo.ca.us>, Dan Dow <ddow@co.slo.ca.us>

Bcc:

Date: Thu, 27 Jul 2017 22:06:19 +0000

Subject: RE: PRA Request Compliance

That's representative democracy for you.

Christine Dietrick

City Attorney



**CITY OF
SAN LUIS OBISPO**

City Attorney's Office

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From: Lee Cunningham [mailto:lcunningham@co.slo.ca.us]
Sent: Thursday, July 27, 2017 2:41 PM
To: Dietrick, Christine <cdietrick@slocity.org>
Cc: Ann Duggan <aduggan@co.slo.ca.us>; Dan Dow <ddow@co.slo.ca.us>
Subject: RE: PRA Request Compliance

Of course a city has the power to repeal their own ordinances. However, in choosing to do so in this case, it completely changed the question to be put to the voters. Voters wishing to reinstate a rental housing inspection ordinance have two options **as of right now**, as you have stated. But that's because the option they could have exercised through their **repeal and replace** vote in the original initiative was taken from them.

Lee

From: Dietrick, Christine [mailto:cdietrick@slocity.org]
Sent: Thursday, July 27, 2017 2:09 PM
To: Lee Cunningham <lcunningham@co.slo.ca.us>; Ansolabehere, Jon <JAnsolabehere@slocity.org>
Cc: Ann Duggan <aduggan@co.slo.ca.us>; klichtig@slocity.org <klichtig@slocity.org>; Rita L. Neal <rneal@co.slo.ca.us>; Dan Dow <ddow@co.slo.ca.us>
Subject: RE: PRA Request Compliance

Lee, you are fundamentally confusing two unrelated issues. If people want to reinstate rental housing inspection, they have two options as of right now: 1) convince the Council to re-adopt the ordinance they initially adopted and later repealed (legislative action with no relationship to this or any other initiative measure); or 2) begin circulating an initiative petition to enact a rental housing inspection ordinance and get voter approval of that measure. This initiative measure was started to repeal rental housing inspection (now completed by Council action) and replace it something totally different ("non-discrimination" ordinance) and has nothing to do with the Council's underlying legislative authority to adopt a program and then reverse itself. This is a complex issue, not easy to understand. That is why I simply would have appreciated the courtesy of being asked about it before you publicly released an inaccurate legal conclusion based on a misunderstanding of facts and law and set up an unfortunate and unnecessary public debate. That really could have saved us all a lot of unnecessary time and effort and it is certainly a courtesy I would extend to a colleague before offering up a conclusion that packs a lot of power about a matter within their jurisdiction and area of expertise. It is possible that we might still have disagreed on the end conclusion, but at least we would have been working from facts, not misunderstandings and your due diligence in reaching a conclusion would have been completed. Happy to talk further.

Best,

Christine

Christine Dietrick
City Attorney



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From: Lee Cunningham [<mailto:lcunningham@co.slo.ca.us>]
Sent: Thursday, July 27, 2017 1:57 PM
To: Ansolabehere, Jon <JAnsolabehere@slocity.org>
Cc: Ann Duggan <aduggan@co.slo.ca.us>; Dietrick, Christine <cdietrick@slocity.org>; Lichtig, Katie <klichtig@slocity.org>; Rita L. Neal <rneal@co.slo.ca.us>; Dan Dow <ddow@co.slo.ca.us>
Subject: RE: PRA Request Compliance

Suppose I was a San Luis Obispo voter who wanted to **retain** the Rental Housing Inspection Ordinance by voting "No" to the "repeal and replace" question that qualified for the ballot. Since the city took action to themselves repeal that ordinance, my vote would no longer count on that issue no matter how I vote on August 22nd.

It seems to me that would be an example of why the law prohibits alteration of the question.

I will read through what you sent me. As for making this issue more public than it already is, you may recall that I did not make anything public. Mr. Rice gave a

copy of my letter to the New Times, who then called me. This back and forth, if aired publicly, will erode public confidence in both our departments.

Lee

From: Ansolabehere, Jon [<mailto:JAnsolabehere@slocity.org>]
Sent: Thursday, July 27, 2017 1:26 PM
To: Lee Cunningham <lcunningham@co.slo.ca.us>
Cc: Ann Duggan <aduggan@co.slo.ca.us>; Dietrick, Christine <cdietrick@slocity.org>; klichtig@slocity.org <klichtig@slocity.org>; Rita L. Neal <rneal@co.slo.ca.us>; Dan Dow <ddow@co.slo.ca.us>
Subject: RE: PRA Request Compliance

Dear Mr. Cunningham,

Please see attached letter and attachments. Please note that given the recent media attention regarding the assertions in your June 13, 2017 letter, our response will necessarily be provided to those outlets as well. Thank you.
Jon

Jon Ansolabehere
Assistant City Attorney



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From: Lee Cunningham [<mailto:lcunningham@co.slo.ca.us>]
Sent: Wednesday, July 26, 2017 11:19 AM
To: Ansolabehere, Jon <JAnsolabehere@slocity.org>
Cc: Ann Duggan <aduggan@co.slo.ca.us>

Subject: PRA Request Compliance

Dear Mr. Ansolabehere,

In accordance with your PRA request, I am attaching your request, correspondence from Kevin Rice dated 5/25/17, and my letter to Mr. Rice dated 6/13/17.

Please let me know if there is anything else you need.

Lee

--
Peter Johnson
Staff Writer
SLO *New Times* | [805-546-8208](tel:805-546-8208) ex 217

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