



WENDY GREUEL
CITY CONTROLLER
CITY OF LOS ANGELES

July 14, 2009

Carmen Trutanich
City Attorney
City of Los Angeles
200 N. Main St. Suite #800
Los Angeles, CA 90012

Dear City ~~Attorney~~ Trutanich:

I am pleased that we were able to agree to a 30 day stay in the matter of "The City of Los Angeles v. The Los Angeles City Controller" so that we can attempt to resolve the matters in this case; specifically to recognize that the City Charter allows the City Controller the right to conduct performance audits of any taxpayer funded City program even if it is housed in the office of an elected official.

My primary goals have always been to limit the amount of taxpayer dollars being spent on this lawsuit and to ensure that a flawed decision by the court is not allowed to stand, as it would set a dangerous precedent by limiting the authority of the City Controller.

During your campaign, you took the position that the City Charter allowed the City Controller to conduct performance audits of all city programs and were quoted as saying that "one of your first acts would be to send out a new opinion reversing the position of City Attorney Rocky Delgadillo that limited the power of the Controller to conduct performance audits of programs within the offices of elected officials".

That is why I am asking you to once again keep your word and join me in asking the Judge to dismiss the matter and issue a new Formal Opinion confirming the City Controller's authority to audit City programs under the City Charter.

Shortly after you were elected, I asked you to join me in attempting to stay the proceedings before the case was heard by the judge, both to save taxpayer dollars and to prevent the possibility of an adverse ruling. You chose not to join me, a hearing was held, and the court issued a decision against our publicly stated positions.

On June 29, 2009, I again asked you to move to dismiss the case, so that I could avoid having to file objections to the judge's decision and again you chose not to join me. After being forced to file objections in the case, we met in my office last Wednesday where you indicated that you would finally be willing to stay the matter to give us time to reach a resolution of the issue and for you to brief the City Council.

And yet, during the course of all of these discussions, you never mentioned that you believed that I, as the current City Controller, was not a party to this lawsuit and had no standing in a case that could potentially limit the authority of the Controller's Office. That is why I was dismayed to receive a copy of a letter from your office this past Friday at 4:30 p.m. addressed to Frederic Woocher, the attorney for the City Controller, before a Monday morning hearing. This letter stated that, not only was I not a party to this lawsuit as the current City Controller, but that in my capacity as City Controller, I had no standing to direct Mr. Woocher on how to proceed and that I had no right to independent counsel whatsoever.

Your office asserted that only former Controller Laura Chick is a defendant in this lawsuit even though she no longer holds City office. As you are well aware, Ms. Chick was not sued personally. Your predecessor expressly sued the Los Angeles City Controller, Laura Chick "in her official capacity" as City Controller for actions she took as City Controller. It is ridiculous to suggest otherwise and I will challenge any effort to diminish the Controller's authority and right to decide how to move forward in this matter.

Although you have stated that you would welcome an audit from the City Controller's office there is a larger issue at stake. What must be made clear is that the City Controller has the right to conduct performance audits of any taxpayer funded city program even if it is housed in the office of another elected official and that the City Controller does not need to be invited to conduct such an audit. That would provide real transparency for the people of Los Angeles.

As I have publicly stated on numerous occasions, I will not hesitate to take this issue to the voters. However, taking this issue to the voters does not preclude you from keeping your campaign pledge to dismiss this lawsuit and to issue a new opinion. This will ensure that no further taxpayer dollars are spent on this case and that the Controller maintains the authority – granted by the people of Los Angeles – to provide transparency and oversight of how taxpayer dollars are spent.

Sincerely,



Wendy Greuel
City Controller
City of Los Angeles