

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY, FEBRUARY 27, 2017
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 'C' STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk's minutes for Open Session for more information. Assistant City Attorney Paul Cooper reports the results of the Closed Session meeting of February 27, 2017, as follows:

CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 27, 2017, AT 11:00 A.M.

ROLL CALL:

- Present: Mayor Faulconer, Council President Cole, Council President Pro Tem Kersey, and Councilmembers Bry, Ward, Sherman, Alvarez, and Gomez.
- Absent: Councilmember Zapf, Council District 2, absent for the meeting.
Councilmember Kersey, Council District 5, absent for CS-4.
Councilmember Cate, Council District 6, absent for the meeting.

CLOSED SESSION ITEMS:

Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):

CS-1 *Scottsdale Insurance Company v. Everest Indemnity Insurance Company and Columbia Casualty Company*

San Diego Superior Court Case No. 2012-00094815-CU-IC-CTL
Risk Management Department Claim File No. 12297

DCA Assigned: J. Riley

Outside Counsel: Cecilia Miller, Procopio, Cory, Hargreaves & Savitch LLP

Report: Nothing to report.

Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(d)(4):

CS-2 Number of Cases: One

DCA Assigned: K. So

Motion: To initiate or intervene in litigation

Moved: Councilmember Alvarez, District 8

Seconded: Councilmember Ward, District 3
Vote: Passed 7 to 0, with Councilmembers Zapf and Cate absent.
Report: This item was reported out by Assistant City Attorney Mary Nuesca on Monday, February 27, 2017, at 4:44 p.m.

The City Council voted on Closed Session Item Number Two to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

CS-3 Number of Cases: One

DCA Assigned: R. Palmucci

Motion: To initiate or intervene in litigation
Moved: Councilmember Alvarez, District 8
Seconded: Councilmember Gomez, District 9
Vote: Passed 7 to 0, with Councilmembers Zapf and Cate absent.
Report: This item was reported out by Assistant City Attorney Mary Nuesca on Monday, February 27, 2017, at 4:44 p.m.

The City Council voted on Closed Session Item Number Three to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

CS-4 *Gloucester County School Board v. G.G.*

United States Supreme Court Case No. 16-273

CDCA Assigned: M. Wharton

Motion: To initiate or intervene in litigation
Moved: Councilmember Ward, District 3
Seconded: Council President Cole, District 4
Vote: Passed 5 to 1, with Councilmember Sherman voting "No," and Councilmembers Zapf, Kersey, and Cate absent.
Report: This item was reported out by Assistant City Attorney Mary Nuesca on Monday, February 27, 2017, at 4:44 p.m.

The City Council voted on Closed Session Item Number Four to authorize the City Attorney's Office to sign an amicus curiae in support of Respondent in Gloucester County School Board versus G.G., a minor, currently before the United States Supreme Court.

REPORTED BY:



Paul E. Cooper
Assistant City Attorney