CITY COUNCIL OF THE CITY OF SAN DIEGO THE CLOSED SESSION MEETING REPORT FOR TUESDAY, OCTOBER 17, 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. Mary Nuesca, Assistant City Attorney for Special Projects, reports the results of the Closed Session meeting of October 17, 2017, as follows:

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 17, 2017, AT 11:00 A.M.

ROLL CALL:

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

CLOSED SESSION ITEMS:

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

CS-1 College Area Students, Tenants, & Landlords Association v. City of San Diego San Diego Superior Court Case No. 37-2017-00009715-CU-MC-CTL Risk Management Department Claim File No. 15919

DCA Assigned: C. Brock

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 Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, et al. No. 16-111 (U.S. filed July 22, 2016)

CDCA Assigned: M. Wharton

Motion:	To initiate litigation
Moved:	Councilmember Ward, District 3
Seconded:	Councilmember Gomez, District 9
Vote:	Passed 6 to 1 with Councilmember Sherman voting "no" and Councilmembers
	Kersey and Cate absent.
Report:	This item was reported out by Assistant City Attorney Sanna Singer on
	Tuesday, October 17, 2017, at 2:51 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item Number Two, *Masterpiece Cakeshop, Limited vs. Colorado Civil Rights Commission, et al.*, Number 16-111 (U.S. filed July 22, 2016), to participate in the filing of an amicus curiae brief. In this case, a bakery owner argued that the Colorado Civil Rights Commission violated his First Amendment rights on free exercise of religion and free speech grounds when it found that the cake shop violated Colorado's anti-discrimination law by categorically refusing to sell wedding cakes to a same-sex couples.

Conference with Labor Negotiators pursuant to California Government Code section 54957.6:

CS-3 City Designated Management Team Representatives

DCA Assigned: Not assigned

Report: Nothing to report.

REPORTED BY: <u>/s/ Mary T. Nuesca</u>

Mary T. Nuesca Assistant City Attorney for Special Projects