

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE SPECIAL CLOSED SESSION MEETING REPORT  
FOR MONDAY, JUNE 10, 2019  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 ‘C’ STREET  
SAN DIEGO, CA 92101**

**REPORTING THE RESULTS OF THE SPECIAL 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 Special Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Mary T. Nuesca, Assistant City Attorney for Special Projects, reports the results of the Special Closed Session meeting of June 10, 2019, as follows:

**SPECIAL CLOSED SESSION MEETING FOR MONDAY, JUNE 10, 2019, AT 11:00 A.M.**

**ROLL CALL:**

Present: Mayor Faulconer, Council President Gomez, and Councilmembers Bry, Campbell, Ward, Montgomery, Kersey, Cate, Sherman, and Moreno.

Absent: None; all present.

**SPECIAL CLOSED SESSION ITEM:**

**Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code section 54956.9(d)(1):**

**SCS-1 *Catherine A. Boling, et al. v. Public Employment Relations Board (City of San Diego)***

California Supreme Court Case No. S242034, consolidated with Court of Appeal Case Nos. D069626 and D069630

Public Employment Relations Board Dec. No. 2464-M

Risk Management Department Claim File No. 6215

CDCA Assigned: M. T. Phelps

Report: Nothing to report.

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

**SCS-2 City Designated Management Team Representatives:**

ACA Assigned: J. McNeill

Report: The City Council reviewed the City of San Diego's position and instructed the City's designated representatives regarding meet and confer under the Meyers-Milias-Brown Act in compliance with the court's order in *Boling v. Public Employment Relations Board*, 33 Cal. App. 5th 376 (2019).

**Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation, pursuant to California Government Code section 54956.9(d)(2):**

**SCS-3 Number of Cases: One**

CDCA Assigned: M. T. Phelps

Report: Nothing to report.

**Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code section 54956.9(d)(4):**

**SCS-4 Number of Cases: One**

CDCA Assigned: M. T. Phelps

Motion: To initiate or intervene in litigation

Moved: Councilmember Ward, District 3

Seconded: Councilmember Moreno, District 8

Vote: Passed 6 to 3, with Councilmembers Kersey, Cate, and Sherman voting "no."

Report: This item was reported out by City Attorney Mara Elliott on Monday, June 10, 2019, at approximately 12:45 p.m.

The Council voted to file a request with the Attorney General to allow a *quo warranto* action brought by four of the City of San Diego's recognized employee organizations, who previously sued the City over the adoption of the 2012 pension reform measure, Proposition B. The City will express its agreement with allowing the action. In addition, the City Council authorizes the City Attorney's Office to take – and City staff to take – appropriate action and affirmative action to invalidate Prop. B, which would include working with the unions and reporting back to the Council as appropriate.

REPORTED BY: /s/ Mary T. Nuesca  
Mary T. Nuesca  
Assistant City Attorney for Special  
Projects