

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, NOVEMBER 5, 2019
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. Prescilla Dugard, Senior Chief Deputy City Attorney, Civil Advisory Operations, reports the results of the Closed Session meeting of November 5, 2019, as follows:

CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 5, 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: Councilmember Sherman, Council District 7, absent for Item CS-1.

CLOSED SESSION ITEMS:

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

CS-1 *California Capital Insurance Company v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00045690-CU-NP-CTL
Risk Management Department Claim File No. 14713

DCA Assigned: T. Ramirez

Report: Nothing to report.

CS-2 *Davy Samrith Kiesow v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2017-00021422-CU-PA-CTL
Risk Management Department Claim File No. 13872

DCA Assigned: C. Sweda

Report: Nothing to report.

CS-3 *Sturtevant Farms and State Compensation Insurance Fund v. Workers' Compensation Appeals Board, et al.*

California Supreme Court Case No. S258513

CDCA Assigned: D. Adams

Motion: To join in litigation as an amicus participant

Moved: Councilmember Ward, District 3

Seconded: Councilmember Kersey, District 5

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Prescilla Dugard, Senior Chief Deputy City Attorney, Civil Advisory Operations, on Tuesday, November 5, 2019, at 3:55 p.m.

The City Council voted on Closed Session Item Number Three, *Sturtevant Farms and State Compensation Insurance Fund vs. Workers' Compensation Appeals Board, et al.*, California Supreme Court Case Number S258513, to join as an amicus participant supporting the State Compensation Insurance Fund. The State Compensation Insurance Fund is requesting California Supreme Court review of a decision from the Workers' Compensation Appeals Board regarding the proper interpretation of California Labor Code section 4664(c)(1).

CS-4 *Otay Water District v City of San Diego*

Riverside Superior Court Case No. RIC1804278

Risk Management Department Claim File No. 12593

DCA Assigned: M. Wharton

Report: Nothing to report.

REPORTED BY: /s/ Prescilla Dugard
Prescilla Dugard
Senior Chief Deputy City Attorney
Civil Advisory Operations