

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE SPECIAL CLOSED SESSION MEETING REPORT  
FOR FRIDAY, DECEMBER 20, 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 Special 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. Prescilla Dugard, Senior Chief Deputy City Attorney, Civil Advisory Operations, reports the results of the Special Closed Session meeting of December 20, 2019, as follows:

**SPECIAL CLOSED SESSION MEETING FOR FRIDAY, DECEMBER 20, 2019, AT 10:30 A.M.**

**ROLL CALL:**

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

Absent: Councilmember Ward, Council District 3, absent for the meeting.

**SPECIAL CLOSED SESSION ITEMS:**

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

**SCS-1a** *San Diegans for Open Government, et al. v. Elizabeth Maland, in her capacity as the City Clerk of the City of San Diego, et al.*

San Diego Superior Court Case No. 37-2019-0002614-CU-MC-CTL

CDCA Assigned: M. Wharton

Motion: To file an appeal, if needed, to correct factual errors

Moved: Councilmember Sherman, District 7

Seconded: Councilmember Cate, District 6

Vote: Passed 7 to 1, with Councilmember Moreno voting “no” and Councilmember Ward absent.

Report: This item was reported out by Senior Chief Deputy City Attorney Prescilla Dugard on Friday, December 20, 2019, at 2:30 p.m.

The City Council voted on Special Closed Session Items Numbered SCS-1a, *San Diegans for Open Government, et al. versus Elizabeth Maland, et al.*, San Diego Superior Court Case Number 37-2019-00062614-CU-MC-CTL, and SCS-1b, *Michael McConnell, et al. v. Elizabeth Maland, et al.*, San Diego Superior Court Case Number 37-2019-00065808-CU-WM-CTL, to authorize the City Attorney to file an

appeal, if necessary, to correct any factual errors in the Court's order. These cases are challenges to the City's ballot question and ballot materials related to Proposition C, the citizen's initiative titled "For a Better San Diego," which seeks to increase the City's transient occupancy tax and dedicate the revenue from the tax increase to three City priorities: homelessness programs, street repairs, and San Diego Convention Center expansion and expenses.

**SCS-1b** *Michael McConnell, et al. v. Elizabeth Maland, in her official capacity as the City Clerk of the City of San Diego, et al.*

San Diego Superior Court Case No. 37-2019-00065808-CU-WM-CTL

CDCA Assigned: M. Wharton

Motion: To file an appeal, if needed, to correct factual errors

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