

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, APRIL 21, 2020
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, reports the results of the Closed Session meeting of April 21, 2020, as follows:

CLOSED SESSION MEETING FOR TUESDAY, APRIL 21, 2020, AT 11:00 A.M.

ROLL CALL:

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

Absent: Councilmember Kersey, Council District 5, absent for CS-3.
Councilmember Cate, Council District 6, absent for CS-3.

CLOSED SESSION ITEMS:

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

CS-1 *Rebecca Limon v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2017-00043294-CU-WT-CTL
Risk Management Department Claim File No. 20787

DCA Assigned: E. Bryant

Report: Nothing to report.

CS-2 *San Diego Unified Port District v. Monsanto*

United States District Court Case No. 15cv00578 WQH (AGS)

DCA Assigned: M. Ankcorn

Report: Nothing to report.

CS-3 *State of California, et al. v. v. State of Texas, et al.*

United States Supreme Court Case Nos. 19-840 & 19-1019 (consolidated)

ACA Assigned: G. Schaefer

Motion: Approval to participate in the filing of an amicus curiae brief

Moved: Council President Pro Tem Bry, District 1

Seconded: Councilmember Campbell, District 2

Vote: Passed 6 to 1 to 2, 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, April 21, 2020, at 1:07 p.m.

The City Council voted on Closed Session Item Number Three, State of California, et al. versus State of Texas, United States Supreme Court Case Nos. 19-840 and 19-1019, to join in litigation as an amicus participant supporting the Affordable Care Act. On December 18, 2019, a federal appeals court declared a portion of the Affordable Care Act (ACA) invalid and directed a lower court to decide whether the entire ACA was therefore invalid. The United States House of Representatives, the State of California, and other states successfully petitioned the United States Supreme Court to review that decision. On April 14, 2020, Santa Clara County and the City of Chicago solicited the City of San Diego to join in a local government amicus brief to be filed with the Supreme Court. The amicus brief will support the states’ defense of the ACA.

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

CS-4 City Designated Management Team Representatives

ACA Assigned: J. McNeill

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 related to the terms and conditions of successor Memoranda of Understanding with the City’s six recognized employee organizations.

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