

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, OCTOBER 12, 2021
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. David J. Karlin, Senior Deputy City Attorney, reports the results of the Closed Session meeting of October 12, 2021, as follows:

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 12, 2021, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Gloria, Council President Campbell, Council President Pro Tem Whitburn, and Councilmembers LaCava, Montgomery Steppe, von Wilpert, Cate, Campillo, Moreno, and Elo-Rivera.

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

CLOSED SESSION ITEMS:

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

CS-1 *Dorothy Chavez-Cartwright v. City of San Diego, et al.*
San Diego Superior Court Case No. 37-2020-00003690-CU-PO-CTL
Risk Management Department Claim File No. 22467

SCDCA Assigned: C. Richardson

Report: Nothing to report.

CS-2 *Alex Montoya, et al. v. City of San Diego*
United States District Court Case No. 19cv0054 JM (BGS)
Risk Management Department Claim File No. 21553

DCA Assigned: D. Nicholas

Report: Nothing to report.

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

CS-3 Number of Cases: One

DCA Assigned: D. Nicholas

Motion: To initiate or intervene in litigation
Moved: Council President Campbell, District 2
Seconded: Councilmember Marni von Wilpert, District 5
Vote: Passed unanimously 9 to 0.
Report: This item was reported out by Assistant City Attorney Jean Jordan on Tuesday, October 12, 2021, at 2:03 p.m.

The City Council voted on Closed Session Item Number Three to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

CS-4 *Patz, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2015-00023413-CU-MC-CTL
Risk Management Department Claim File No. 12386

SDCA Assigned: M. Wharton

Report: Nothing to report.

CS-5 *Arizona, et al. v. U.S. Department of Homeland Security, et al.*

No. 21-16118 (9th Cir. 2021)

DCA Assigned: J. Rau

Motion: To initiate or intervene in litigation
Moved: Councilmember Whitburn, District 3
Seconded: Councilmember Elo-Rivera, District 9
Vote: Passed 8 to 0 with Councilmember Cate absent.
Report: This item was reported out by Assistant City Attorney Jean Jordan on Tuesday, October 12, 2021, at 2:03 p.m.

The City Council also voted on Closed Session Item Number Five, *Arizona, et al. versus U.S. Department of Homeland Security, et al.*, Number 21-16118 (Ninth Circuit 2021), to join in litigation as an amicus participant in support of the federal government's defense of Department of Homeland Security's guidance on discretionary immigration enforcement decisions.

REPORTED BY: */s/ David J. Karlin*

David J. Karlin
Senior Deputy City Attorney