

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, JULY 12, 2022
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 Tuesday, July 12, 2022, as follows:

CLOSED SESSION MEETING FOR TUESDAY, JULY 12, 2022, AT 11:00 A.M.

ROLL CALL:

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

Absent: Councilmember Cate, Council District 8, absent for the meeting.

CLOSED SESSION ITEMS:

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

CS-1 *Catherine Borinstein v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00038024-CU-PO-CTL
Risk Management Department Claim File No. 19166

DCA Assigned: E. Kilcoyne

Report: Nothing to report.

CS-2 *Division 80 LLC v. Merrick Garland, et al.*

United States District Court Case No. 3:22-CV-00148

DCA Assigned: J. Rau

Motion: To seek approval to participate in an amicus curiae filing

Moved: Councilmember von Wilpert, District 5

Seconded: Councilmember Campillo, District 7

Vote: Passed 8 to 0 with Councilmember Cate absent.

Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Tuesday, July 12, 2022, at 3:16 p.m.

The City Council voted on Closed Session Item No. Two, *Division 80 LLC vs. Merrick Garland, et al.*, United States District Court Case No. 3:22-CV-00148, to join in litigation as an amicus participant supporting the federal government in a lawsuit challenging new ghost gun regulations.

CS-3 *303 Creative LLC v. Elenis*
United States Supreme Court Case No. 19-1413

DCA Assigned: J. Rau

Motion: To seek approval to participate in an amicus curiae filing
Moved: Councilmember von Wilpert, District 5
Seconded: Councilmember Whitburn, District 3
Vote: Passed 8 to 0 with Councilmember Cate absent.
Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Tuesday, July 12, 2022, at 3:16 p.m.

The City Council also voted on Closed Session Item No. Three, *303 Creative LLC vs. Elenis*, United States Supreme Court Case No. 19-1413, to join in litigation as an amicus participant supporting the State of Colorado in a challenge to Colorado's Anti-Discrimination Act, a law requiring public accommodations without regard to sexual orientation.

CS-4 *Merrill v. Milligan*
United States Supreme Court Case Nos. 21-1086 and 21-1087

DCA Assigned: K. King

Motion: To seek approval to participate in an amicus curiae filing
Moved: Council President Pro Tem Montgomery Steppe, District 4
Seconded: Councilmember Campbell, District 2
Vote: Passed 8 to 0 with Councilmember Cate absent.
Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on Tuesday, July 12, 2022, at 3:16 p.m.

Lastly, the City Council voted on Closed Session Item No. Four, *Merrill vs. Milligan*, United States Supreme Court Case Nos. 21-1086 and 21-1087, to join in litigation as an amicus participant supporting Respondents Milligan, et al., in this case brought under the Voting Rights Act of 1965. Respondents sued the State of Alabama, arguing its new congressional district plan should have included two districts with a majority of African American voters instead of one since the 2020 Census Data showed an increase in the African America population.

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

David J. Karlin
Senior Deputy City Attorney