

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, JULY 26, 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 July 26, 2022, as follows:

CLOSED SESSION MEETING FOR TUESDAY, JULY 26, 2022, AT 11:00 A.M.

ROLL CALL:

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

Absent: Councilmember LaCava, Council District 1, absent for the meeting.
Councilmember Cate, Council District 6, absent for CS-5 and CS-6.

CLOSED SESSION ITEMS:

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

CS-1 City Designated Management Team Representatives

ACA Assigned: J. McNeill

Report: Nothing to report.

CS-2 City Designated Management Team Representatives

ACA Assigned: J. McNeill

Report: Nothing to report.

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

CS-3 *Jose Valdez v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2021-00015617-CU-PA-CTL
Risk Management Department Claim File No. 25760

DCA Assigned: J. Cadieux

Report: Nothing to report.

CS-4 *Miller Marks v. City of San Diego*

San Diego Superior Court Case No. 37-2018-00014112-CU-MC-CTL
Risk Management Department Claim File No. 18598

SDCA Assigned: M. Wharton

Report: Nothing to report.

CS-5 *City of South Miami v. Ron DeSantis*

United States District Court Case No. 3:21-13657

DCA Assigned: T. Krentz

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

Moved: Council President Elo Rivera, District 9

Seconded: Councilmember Campbell, District 2

Vote: Passed 7 to 2 with Councilmembers LaCava and Cate absent.

Report: This item was reported out by Assistant City Attorney Jean Jordan on
Tuesday, July 26, 2022, at 4:47 p.m.

The City Council voted on Closed Session Item Number Five, City of South Miami versus Ron DeSantis, United States District Court Case Number 3:21-13657, to join in litigation as an amicus participant, provided the brief does not undermine the California Values Act, in support of plaintiffs' lawsuit challenging a Florida law banning local governments from adopting sanctuary policies of any kind, as a violation of the Equal Protection Clause of the Fourteenth Amendment.

CS-6 *Louisiana v. Centers for Disease Control and Prevention*
United States District Court Case No. 3:22-30303

DCA Assigned: T. Krentz

Motion: To seek approval to participate in an amicus curiae filing
Moved: Councilmember Campbell, District 2
Seconded: Councilmember von Wilpert, District 5
Vote: Passed 7 to 0 with Councilmembers LaCava and Cate absent.
Report: This item was reported out by Assistant City Attorney Jean Jordan on
Tuesday, July 26, 2022, at 4:47 p.m.

The City Council also voted on Closed Session Item Number Six, Louisiana versus Centers for Disease Control and Prevention, United States District Court Case Number 3:22-30303, to join in litigation as an amicus participant supporting the federal government in a lawsuit challenging a decision to lift health-related immigration restrictions by the Centers for Disease Control and Prevention..

CS-7 *City of San Diego v. Burke, Williams & Sorensen, LLP et al.*
San Diego Superior Court Case No. 37-2022-00027553-CU-PN-CTL

ACA Assigned: M. T. Phelps

Motion: To ratify the initiation of litigation
Moved: Councilmember von Wilpert, District 5
Seconded: Councilmember Campbell, District 2
Vote: Passed 6 to 2 with Council President Pro Tem Montgomery Steppe and Councilmember Moreno voting "No" and Councilmember LaCava absent.
Report: This item was reported out by Assistant City Attorney Jean Jordan on
Tuesday, July 26, 2022, at 4:47 p.m.

The City Council voted on Closed Session Item Number Seven to ratify the initiation of litigation in the matter of City of San Diego versus Burke, Williams & Sorensen, LLP, San Diego Superior Court Case Number 37-2022-00027553-CU-PN-CTL. This lawsuit alleges professional negligence/legal malpractice, breach of contract, and breach of fiduciary duty related to the representation of the City in a previous legal matter.

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

David J. Karlin
Senior Deputy City Attorney