

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, MAY 22 AND 23, 2006  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING RESULTS OF CLOSED SESSION MEETINGS**

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. Assistant City Attorney Karen Heumann reports the results of the Closed Session Meetings of May 22 and 23, 2006, as follows:

**CLOSED SESSION MEETING FOR MONDAY, MAY 22, 2006**

Closed Session Items were heard on Tuesday, May 23, 2006.

**CLOSED SESSION MEETING FOR TUESDAY, MAY 23, 2006**

**ROLL CALL:**

Present: Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young, Councilmembers Faulconer, Atkins, Maienschein, Frye, and Hueso

Absent: Councilmember Madaffer – Dist. 7 (Absent Item CS-1 only.)

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):**

**CS-1 Legality of Superstore Ordinance to Preserve the General Welfare**

DCA: J. Garmo

Nothing to report

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-2 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*  
San Diego Superior Court Case No. GIC841845**

CA: M. Aguirre

Motion: Continue matter to after Summary Judgment arguments on June 26, 2006, with report on progress.

Moved: Councilmember Faulconer - Dist. 2

Seconded: Councilmember Frye – Dist. 6

Vote: 7/1 (Councilmember Madaffer – Dist. 7 (Nay)) [Passed]

Absent: All present

Reported out in Open Session on Tuesday, May 23, 2006, around 7:15 p.m. by Karen Heumann, Assistant City Attorney: Today in Closed Session, the Closed Session matter *SDCERS v. San Diego City Attorney, et al.*, the City Council voted 7-1 to delay any further discussion of whether or not to waive attorney client privilege to provide Closed Session transcripts until after the judge rules on the City's Summary Judgment motion. The judge will make a tentative ruling on June 22, 2006. Oral argument in this case will be June 26, 2006, with a final ruling to follow. The motion to delay consideration of a waiver was made by Councilmember Faulconer and second by Councilmember Frye. The vote was 7-1 with Councilmember Madaffer voting no.

REPORTED BY: \_\_\_\_\_

Karen Heumann  
Assistant City Attorney