

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, MAY 11, 2015  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rules for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting**

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code Section 54956.9(d)(4):**

**CS-1 Number of Cases: One**

DCA Assigned: M. Mercer

The City Attorney will discuss the potential to initiate litigation and seek direction.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(d)(1):**

**CS-2 *City of San Diego v. Michael Cohen***

Third District Court of Appeal Case No. C075865

Sacramento Superior Court Case No. 34-2013-80001409-CU-WM-GDS

DCA Assigned: M. Wharton

This case arises from the decision in connection with ROPS 3 by the California Department of Finance (DOF) to refuse to allow the Successor Agency to fund the construction of the NTC Shoreline Improvements with former tax increment funds. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

This item will be discussed with the San Diego City Council in its capacity as: (i) the legislative body of the City of San Diego, and (ii) the board of the local redevelopment successor agency, officially known as the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic (Successor Agency).

**CS-3** *City of San Diego v. Michael Cohen*

Sacramento Superior Court Case No. 34-2014-80001824-CU-WM-GDS

DCA Assigned: M. Wharton

This case arises from the DOF's order in connection with the Non-Housing Funds due diligence review commanding the City to pay the Successor Agency approximately \$6.2 million for transfers made by the former Redevelopment Agency and the Successor Agency to the City between January 1, 2011 and June 30, 2012 that the DOF retroactively disallowed in October 2013. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

This item will be discussed with the San Diego City Council in its capacity as: (i) the legislative body of the City of San Diego, and (ii) the board of the local redevelopment successor agency, officially known as the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic (Successor Agency).