

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR TUESDAY, MAY 15, 2018
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. Mary Nuesca, Assistant City Attorney for Special Projects, reports the results of the Closed Session meeting of May 15, 2018, as follows:

CLOSED SESSION MEETING FOR TUESDAY, MAY 15, 2018, AT 11:00 A.M.

ROLL CALL:

Present: Mayor Faulconer, Council President Cole, Council President Pro Tem Bry, and Councilmembers Zapf, Ward, Kersey, Cate, Alvarez, and Gomez.

Absent: Council President Cole, Council District 4, absent for Items CS-1 and CS-3
Councilmember Cate, Council District 6, absent for Item CS-2
Councilmember Sherman, Council District 7, 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 *Dana Hoover v. City of San Diego, et al.*

San Diego Superior Court Case No. 37-2014-00013755-CU-OE-CTL
Risk Management Department Claim File No. 8891

DCA Assigned: M. McGowan

Report: Nothing to report.

CS-2 *United States v. State of California, et al.*

No. 2:18-cv-490-JAM-KJN (E.D. Cal.) (Mar. 14, 2018)

DCA Assigned: M. Ankorn

Motion: To seek amicus participation

Moved: Councilmember Bry, District 1

Seconded: Councilmember Gomez, District 9

Vote: Passed 5 to 2 with Councilmembers Zapf and Kersey voting “No” and Councilmembers Cate and Sherman absent.

Report: This item was reported out by Assistant City Attorney Sanna Singer on Tuesday, May 15, 2018, at 3:44 p.m.

The City Council voted on Closed Session Item Number Two, United States versus State of California, et al., Court Case Number 2:18-cv-490-JAM-KJN (Eastern District of California) (March 14, 2018), to seek amicus participation. Last year, California adopted legislation to restrict state and local law enforcement agencies and private employers from sharing information about undocumented immigrants with federal agencies. The United States Department of Justice filed suit in March against the State of California, alleging that the state laws are preempted by federal law and the United States Constitution. Several cities and counties are preparing an amicus brief in support of the state legislation.

CS-3 *People of the State of California v. ConAgra Grocery Products Co.*
H040880 (Cal. Ct. App. 6th Dist. Nov. 14, 2017)
Santa Clara Superior Court Case No. 1-00-CV-788657

DCA Assigned: M. Ankcorn

Report: Nothing to report.

REPORTED BY: /s/ Mary T. Nuesca
Mary T. Nuesca
Assistant City Attorney for Special
Projects