

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, MAY 1 AND 2, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING RESULTS OF THE 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 1 and 2, 2006, as follows:

CLOSED SESSION MEETING OF MONDAY, MAY 1, 2006

ROLL CALL:

Present (Monday): Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young, and Councilmembers Faulconer, Atkins, Frye, Madaffer, and Hueso

Absent (Monday): Councilmember Maienschein - Dist. 5 (Absent for the meeting)

CLOSED SESSION ITEMS:

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-1 Agency negotiator: Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Val VanDeweghe, Jessica Falk Michelli, William Gersten, and Regina Silva

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association

DCA assigned: J. Falk Michelli

Reported out in Open Session on May 1, 2006, at 4:00 p.m.: Mayor declared still at impasse.

Reported out in Open Session on May 1, 2006, at 5:30 p.m.: Mayor declared still at impasse.

Item continued to Tuesday, May 2, 2006.

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

CS-2 *San Diego Unified Port District v. ExxonMobil Corporation, et al.*
United States District Court Case No. 03-cv-1053

CDCA: Severson

ITEM HEARD TUESDAY, MAY 2, 2006

CS-3 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845

CA: M. Aguirre

ITEM HEARD TUESDAY, MAY 2, 2006

CLOSED SESSION MEETING OF TUESDAY, MAY 2, 2006

ROLL CALL:

Present (Tuesday): Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young (arrived at 9:15 a.m.), and Councilmembers Faulconer, Atkins, Frye, Madaffer (arrived at 9:15 a.m.), and Hueso

Absent (Tuesday): Councilmember Maienschein - Dist. 5 (Absent for the meeting)

CLOSED SESSION ITEMS:

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-1 Agency negotiator: Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Val VanDeweghe, Jessica Falk Michelli, William Gersten, and Regina Silva

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association

DCA assigned: J. Falk Michelli

Item continued from Monday, May 1, 2006.

Nothing to report

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

CS-2 *San Diego Unified Port District v. ExxonMobil Corporation, et al.*
United States District Court Case No. 03-cv-1053

CDCA: Severson

Nothing to report

CS-3 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845

CA: M. Aguirre

Reported out in Open Session on May 2, 2006, at 2:00 p.m. by Karen Heumann, Assistant City Attorney:

The City Council met today in Closed Session, over the objections of the City Attorney regarding Closed Session Item 3 – SDCERS v. San Diego City Attorney Michael J. Aguirre. I was present throughout the item discussion only for purposes of keeping a written record of attendees, motions, and votes taken.

- The City Council voted to waive attorney-client privilege and authorize and direct the City Attorney to release transcripts from closed sessions July 25 and August 2, 2005, only as to those portions of the transcripts related to this case (Not under other unrelated closed session agenda items), and only to the court for in camera review.
 - The motion was by Council President Peters and second by Councilmember Madaffer.
 - The vote was 6 to 1 with Councilmember Frye voting no.
 - Councilmember Maienschein was absent.
- The City Council discussed this item over the objections of the City Attorney.
- The City Attorney was not present for the discussion.
- Executive City Attorney Don McGrath left and I stayed only for record keeping purposes.
- Council President Peters did not recuse and leave the Committee Room to allow the City Attorney to have the discussion. Council President Peters has a conflict of interest in this case.

- The action taken today was not noticed and the City Attorney is of the opinion that this was a Brown Act violation as to noticing - only said that there would be an update on the status of the matter.

REPORTED BY: _____
Karen Heumann
Assistant City Attorney