

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JUNE 26 AND 27, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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 June 26 and 27, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, JUNE 26, 2006

Closed Session Items were heard on Tuesday, June 20, 2006.

CLOSED SESSION MEETING FOR TUESDAY, JUNE 27, 2006

ROLL CALL:

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

Absent: Councilmember Maienschein – Dist. 5 (Absent for the meeting)
Councilmember Madaffer – Dist. 7 (Absent for the meeting.)

CLOSED SESSION ITEMS:

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

**CS-1 *City of San Diego v. Orrick Herrington & Sutcliff (attorneys) Calderon, Jahan & Osborn (accountants) Caporicci & Larson (accountants) and Webster & Anderson (attorneys)*
San Diego Superior Court No. GIC 857632**

EACA assigned D. McGrath

Nothing to report

****FOR FURTHER DETAILS REGARDING THIS ITEM (ITEM CS-1) SEE THE REPORT OUT FOR THE CLOSED SESSION MEETING OF OCTOBER 23 AND 24.

**CS-2 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05 CV 1629**

EACA assigned: D. McGrath

Motion: Retain Latham and Watkins as co-counsel in this case only if Latham's work is complete on SDCERS' case unless there is a vote of City Council to allow Latham and Watkins to work further on the SDCERS' case.
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Atkins – Dist. 3
Vote: 6/0 [Passed]
Absent: Councilmember Maienschein – Dist 5
Councilmember Madaffer – Dist. 7

Reported out in Open Session on June 27, 2006, by Karen Heumann, Assistant City Attorney:
Today, the City Council voted in Closed Session on Item 2 – *Marcus R. Abbey, et al. v. City of San Diego* – to retain Latham and Watkins as co-counsel in this case only if Latham's work is complete on the SDCERS' case unless there is a vote of the City council to allow Latham and Watkins to work further on the SDCERS' case. Motion by Council President Peters, second by Councilmember Atkins. The vote was unanimous - 6-0, with Councilmember Maienschein and Councilmember Madaffer absent.

**CS-3 *Building Industry Association of San Diego County, Inc. v City of San Diego*
San Diego Superior Court Case No. GIC 817064**

DCA: D. Karlin

Nothing to report

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-4 Number of Cases: One

EACA assigned: D. McGrath

Nothing to report

Public employment - performance evaluation, pursuant to California Government Code section 54957(b)(1):

CS-5 Title: Independent Budget Analyst

Motion: Waive court reporter and continue to July 10, 2006
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Atkins – Dist. 3
Vote: 6/0 [Passed]
Absent: Councilmember Maienschein – Dist 5
Councilmember Madaffer – Dist. 7

Reported out in Open Session on June 27, 2006, by Karen Heumann, Assistant City Attorney: Also, for Closed Session Items 5 and 6, the performance evaluation of the IBA and City Clerk, the City Counsel voted to waive the court reporter and continued the matters to July 10. The motions were by Council President Peters, the seconds by Atkins, the vote was 6-0 (unanimous), with Councilmember Maienschein and Councilmember Madaffer absent.

CS-6 Title: City Clerk

Motion: Waive court reporter and continue to July 10, 2006
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Atkins – Dist. 3
Vote: 6/0 [Passed]
Absent: Councilmember Maienschein – Dist 5
Councilmember Madaffer – Dist. 7

Reported out in Open Session on June 27, 2006, by Karen Heumann, Assistant City Attorney: Also, for Closed Session Items 5 and 6, the performance evaluation of the IBA and City Clerk, the City Counsel voted to waive the court reporter and continued the matters to July 10. The motions were by Council President Peters, the seconds by Atkins, the vote was 6-0 (unanimous), with Councilmember Maienschein and Councilmember Madaffer absent.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney