

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE SPECIAL CLOSED SESSION MEETING REPORT
FOR WEDNESDAY, OCTOBER 25, 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 Special Closed Session Meeting of October 25, 2006, as follows:

SPECIAL CLOSED SESSION MEETING FOR WEDNESDAY, OCTOBER 25, 2006

ROLL CALL:

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

Absent: Councilmember Atkins – Dist. 3 (Absent for Item CS-2 only.)
Council President Pro Tem Young – Dist. 4 (Absent for the meeting)

SPECIAL CLOSED SESSION ITEMS:

Conference with Legal Counsel – existing litigation pursuant to California Government Code Section 54956.9(a):

**CS-1 San Diego City Employees Retirement System v. San Diego City Attorney Michael J. Aguirre, et al.
San Diego Superior Court Case No. GIC841845 (and related cross-action)**

CA Assigned: City Attorney Michael Aguirre

Motion: Move stipulation between SDCERS, City of San Diego, and City Attorney Michael Aguirre

Moved: Council President Peters – Dist. 1

Seconded: Councilmember Madaffer – Dist. 7

Vote: 7/0 [Passed]

Absent: Council President Pro Tem Young – Dist. 7

Reported out October 25, 2006, by Karen Heumann, Assistant City Attorney:

Today, the City Council voted in Closed Session on Item 1 – San Diego City Employees Retirement System v. San Diego City Attorney Michael J. Aguirre, et al. San Diego Superior Court Case No. GIC841845 (and related cross-action) to move the stipulation between SDCERS, City of San Diego, and City Attorney Michael Aguirre as follows (1) As to the City’s Fifth Amended Cross-Complaint, the City agrees to dismiss the Third Cause of Action for Writ of Mandate with prejudice; and (2) As to the City’s Fifth Amended Cross-Complaint, on the First and Second Causes of Action for declaratory relief, SDCERS agrees to be bound by all orders of the Court, including final judgment, as to the legality of pension benefits at issue. The motion was made by Council President Peters, second by Councilmember Madaffer. The vote was 7-0, with Council President Pro Tem Young absent.

**CS-2 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281**

CDCA assigned: M. Severson

Motion: Defend litigation
Moved: Council President Peters – Dist. 1
Seconded: Councilmember Madaffer – Dist. 7
Vote: 6/0 [Passed]
Absent: Council President Pro Tem Young – Dist. 7
Councilmember Atkins – Dist. 3

Reported out October 25, 2006, by Karen Heumann, Assistant City Attorney:

Today, the City Council voted in Closed Session on Item 2 – *La Jolla Alta Master Council v. City of San Diego*, San Diego Superior Court Case No. GIC 822281 – to defend the litigation with a motion by Council President Peters, second by Councilmember Madaffer. The vote was 6 - 0, with Council President Pro Tem Young and Councilmember Atkins absent.

REPORTED BY: _____

Karen Heumann
Assistant City Attorney