

RESOLUTION NUMBER R- 316038
DATE OF FINAL PASSAGE FEB 25 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING A PROCESS TO AUTHORIZE THE OFFICE OF THE CITY ATTORNEY TO PARTICIPATE IN AMICUS BRIEFS, INITIATE AND JOIN LITIGATION, AND PARTICIPATE IN FEDERAL RULE-MAKING ON BEHALF OF THE CITY WHEN BROUGHT TO CHALLENGE FEDERAL LAWS, REGULATIONS, OR POLICIES THAT THREATEN THE CITY'S FISCAL STABILITY OR THE CONSTITUTIONAL OR STATUTORY RIGHTS OF SAN DIEGANS RELATED TO IMMIGRATION, REPRODUCTIVE RIGHTS, LGBTQ+ RIGHTS, CIVIL RIGHTS, ANTI-DISCRIMINATION PROTECTIONS, DIVERSITY PROGRAMS FOR PROTECTED CLASSES, OR THE CITY'S ACCESS TO FEDERAL FUNDS.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The City has a strong interest in building prosperous, healthy, and civically engaged communities. To advance that interest, the City strives to protect and promote the well-being of its residents.

B. For years, the City has participated as an amicus with numerous other cities and counties across the country in lawsuits brought to challenge laws, regulations, and policies that threaten constitutional rights, statutory rights, or the City's fiscal stability. The City's participation as an amicus in litigation has proven to be valuable and informative, often cementing victories in the appellate courts on regulations and protections that impact our residents.

C. Currently, the Office of the City Attorney brings proposed amicus curiae briefs to the Council in closed session for discussion and approval. In many cases, the timeline to submit amicus curiae briefs and join litigation is short and poses a logistical challenge to seeking Council approval.

D. The Council desires to create an expedited process regarding amicus curiae participation, initiating and joining litigation with other local government agencies, and responding to federal rule-making when brought to challenge federal laws, regulations, or policies that threaten the City's fiscal stability or the constitutional or statutory rights of San Diegans related to immigration, reproductive rights, LGBTQ+ rights, civil rights, anti-discrimination protections, or diversity programs for protected classes, or the City's access to federal funds.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. That the Office of the City Attorney is authorized to file or join in amicus curiae briefs in lawsuits; file or join litigation initiated by other local government agencies; and file or join in letters to respond to federal rule-making on behalf of the City of San Diego when the litigation is brought to challenge federal laws, regulations, or policies that threaten the City's fiscal stability or the constitutional or statutory rights of San Diegans related to immigration, reproductive rights, LGBTQ+ rights, civil rights, anti-discrimination protections, or diversity programs for protected classes, or the City's access to federal funds.

2. Before initiating or joining an amicus curiae brief or specific lawsuit, or filing a response letter to a federal rule, the Office of the City Attorney shall first notify each Councilmember by email of its intent to file or join. The notice email will ask the Councilmember to notify the named Deputy City Attorney if they would like to hear and discuss the matter and the amount of time requested to respond.

3. If, after the expiration of the provided time, three or more Councilmembers have requested to hear the matter, the Office of the City Attorney will schedule it for a closed session hearing. If three or more Councilmembers do not request to hear the matter, the Office of the City Attorney will proceed with initiating or joining the subject amicus curiae brief or specific lawsuit or filing the subject response letter.

APPROVED: HEATHER FERBERT, City Attorney

By



Heather Ferbert
City Attorney

HMF:sc
February 7, 2025
February 24, 2025 REV.
Or.Dept: City Attorney
Doc. No. 3953966_2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
FEB 24 2025.

DIANA J.S. FUENTES
City Clerk

By *Kristell Medina*
Deputy City Clerk

Approved: 2/25/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

TODD GLORIA Passed by the Council of The City of San Diego on FEB 24 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 25 2025.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

(Seal)

City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 316038