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July 24, 2013

Dorian Hargrove
San Diego Reader

Letter via email to: dorianhargrove@gmail.com

Public Records Act Request 2013-535 Hargrove

Dear Mr. Hargrove:

This correspondence is in response to your Public Records Act request dated June 23, 2013 for records related to closed session meeting.

Specifically, this is in response to your requested items:

3(a) Any and all correspondence from Executive Assistant Andrew Jones that mentions altercations or arguments with Bob Filner dated January 1, 2013 to July 16, 2013.

3(b) Any and all correspondence to and from Executive Assistant Andrew Jones requesting that he attend closed session meetings dated February 1, 2013 to July 1, 2013.

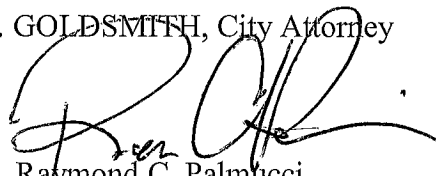
We have attached the document "Declaration of Andrew Jones," which is all the documents we have responsive to your request.

We will consider this matter regarding this PRA request now closed.

Sincerely yours,

JAN I. GOLDSMITH, City Attorney

By


Raymond C. Palmucci
Deputy City Attorney

RCP:ns

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Exempt from fees per Gov. Code § 6103
To the benefit of a Public Officer in his
Official Capacity

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

10 JAN I. GOLDSMITH, in his official capacity as) Case No.
City Attorney for the City of San Diego,)
11 Plaintiff,) **DECLARATION OF ANDREW JONES**
12)
v.)
13) **[IMAGED FILE]**
BOB FILNER, in his official capacity as Mayor)
14 for the City of San Diego; and DOES 1 through) I/C Judge:
50, inclusive,) Department:
15 Defendants.) Cmplt Filed:
16) Trial: Not Set

17 I, Andrew Jones, declare as follows:

18 1. I am the Executive Assistant City Attorney for the City of San Diego. I was
19 appointed by City Attorney Jan Goldsmith to this position in 2011. As the Executive Assistant
20 City Attorney, among other duties, I am responsible for managing all litigated matters filed
21 against and/or by the City of San Diego. I am also the second in command at the Office of the
22 City Attorney, and as such, I am the Acting City Attorney when he is not available. I have
23 personal knowledge of the following facts, and if called as a witness, I could and would
24 competently testify thereto.

25 2. As the Executive Assistant City Attorney in charge of the Civil Litigation
26 Division, I am responsible for assigning cases, assuring that those cases are handled properly,
27 and approving the Closed Session memos upon which the City Council depends in making a
28 decision in Closed Session. I am responsible for making sure the City Council is fully informed

1 by the City Attorney's Office before they make their decisions. I am also one of the individuals
2 responsible for insuring that the Brown Act is not violated in Closed Session.

3 3. On Tuesday, June 18, 2013, I was present at the scheduled Closed Session
4 meeting, acting in my capacity as the Executive Assistant City Attorney in charge of the Civil
5 Litigation Division, as well as standing in the shoes of the City Attorney due to his absence.

6 4. After receiving permission from the Mayor's Acting Chief Operating Officer
7 Scott Chadwick, City Council President Todd Gloria started the meeting at the scheduled time of
8 9:00 AM in the Mayor's absence. Approximately two minutes after the start of the meeting,
9 Mayor Filner arrived at the Closed Session meeting. Mayor Filner immediately verbally
10 attacked Council President Gloria for starting the meeting without him.

11 5. I was standing at the podium waiting for the matter the Council was discussing to
12 be concluded when the Mayor entered the room. I expected that conclusion to occur quickly. It
13 would then be my responsibility to clear the room of anyone who did not have a reason to be
14 involved in the next noticed Closed Session matter. After verbally attacking Council President
15 Gloria, and without hesitation, Mayor Filner began his verbal attack on me. I had not uttered one
16 word before the Mayor proceeded to verbally attack me.

17 6. Mayor Filner asked me to leave the room because it would make him much
18 happier. Mayor Filner accused me of previously violating the confidentiality rules of Closed
19 Session and stated he would take action against me. It was clear to me that Mayor Filner was
20 referring to an incident at a prior Closed Session in roughly late March or early April 2013 when
21 he had ordered me to "go sit in the back of the room" and I had refused to do so.

22 7. Mayor Filner's previous demeaning demand that I "go sit in the back of the room"
23 was not a noticed issue for Closed Session discussion by City Council. There is nothing about
24 that statement that is protected or confidential. Thus, I made a public statement in April 2013 to
25 the press about the incident. Mayor Filner, to my knowledge, has never denied that he made that
26 statement.

27 8. At the Closed Session meeting on June 18, 2013, Mayor Filner ordered me to sit
28 down until I was recognized, repeatedly stated I had violated Closed Session confidentiality

1 rules, and repeatedly asked me to admit that I had violated such rules. Each time the Mayor
2 asked me whether I had violated confidentiality rules, I answered the Mayor's questions by
3 stating that I had not violated the Brown Act. I then sat down and the verbal attacks stopped.

4 9. At the time, I was somewhat in a state of shock at being attacked without
5 provocation and I was making every effort to compose myself. As a result, I did not completely
6 follow the process when the City Council concluded the matter that was previously being
7 discussed.

8 10. As part of my job duties, it is my responsibility to clear the room of people who
9 are not authorized to attend the Closed Session matter that is being heard, and bring in the next
10 set of presenters. I sought clarification from the Mayor, therefore, in order to decide what should
11 happen next.

12 11. I attempted to ask the Mayor for clarification as to what had happened in order to
13 decide whether I should ask the presenters currently in the room to leave and bring in the next
14 group of presenters, or take some other action depending on the response. It is solely my
15 responsibility to make that decision.

16 12. The Mayor ordered me to sit down and announced that I was not responsible for
17 anything. I refused to sit down and continued to seek clarification. The Mayor threatened to
18 remove me from the room if I did not sit down.

19 13. The Mayor then left the room and I was given the clarification that I was seeking.
20 I had the presenters currently in the room exit the room, and I went to retrieve the next group of
21 presenters from an adjoining room. When I came back into the meeting room with the next set
22 of presenters, the Mayor ordered me to leave the room. I refused and he left the room.

23 14. This time, the Mayor came back into the room with Detective Calvert, who I
24 understood had been providing security for the meeting. The Mayor ordered Detective Calvert
25 to remove me from the room.

26 15. I asked Detective Calvert if he was asking me to leave. Detective Calvert said he
27 was. I asked Detective Calvert to state it for the record. Detective Calvert stated on the record
28 the he was asking me to leave. I was escorted out of the room by Detective Calvert.

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16. Detective Calvert was acting under the direction of the Mayor when he asked me to leave the room. I believed that Detective Calvert would have used physical force to remove me if I had not allowed him to escort me from the room. To prevent this confrontation, I chose to leave peacefully.

17. It is my belief that the Mayor had absolutely no authority to remove me from the room. My continued presence was appropriate and I was at all times acting lawfully and in my capacity as the Executive Assistant City Attorney.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to matters stated upon information and belief, and as to such matters, I understand and believe them to be true and correct.

Executed this ___ day of June, 2013, at San Diego, California.

ANDREW JONES