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16 Attorneys for Plaintiff

17
18
19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 COUNTY OF LOS ANGELES

21 PRISON LEGAL NEWS,

22 Plaintiff,

23 v.

24 LOS ANGELES COUNTY; LOS ANGELES
25 COUNTY SHERIFF'S DEPARTMENT;
26 LEROY BACA, Sheriff, County of Los
27 Angeles; LOS ANGELES COUNTY OFFICE
28 OF COUNTY COUNSEL; RAYMOND
FORTNER, JR., County Counsel, County of
Los Angeles,

Defendants.

Case No.

**VERIFIED PETITION FOR INJUNCTIVE
RELIEF AND DECLARATORY RELIEF**

California Public Records Act,
Government Code §§ 6250, *et seq.*

Judge:
Department:

1 For its petition pursuant to the California Public Records Act (Government Code §§ 6250,
2 *et seq.*), Plaintiff hereby alleges:

3 **PARTIES**

4 1. Plaintiff PRISON LEGAL NEWS (“PLN”) is a non-profit organization,
5 responsible for the publication of a serious legal and political journal that reports on news and
6 litigation involving detention facilities. It is a “person” and a “member of the public” within the
7 meaning of Government Code §§ 6252(c) and 6259(a).

8 2. Defendant COUNTY OF LOS ANGELES is a “local agency” within the meaning
9 of the California Public Records Act, Government Code § 6252(a).

10 3. Defendant LEROY BACA is the Sheriff of Los Angeles County. Defendant Baca
11 is sued in his official capacity.

12 4. Defendant LOS ANGELES COUNTY SHERIFF’S DEPARTMENT is a “local
13 agency” within the meaning of the California Public Records Act, Government Code § 6252(a).

14 5. Defendant RAYMOND FORTNER, JR. is County Counsel for the County of Los
15 Angeles. Defendant Fortner is sued in his official capacity.

16 6. Defendant LOS ANGELES COUNTY OFFICE OF COUNTY COUNSEL is a
17 “local agency” within the meaning of the California Public Records Act, Government Code §
18 6252(a).

19 **JURISDICTION AND VENUE**

20 7. Venue is appropriate in this Court, because Plaintiff may “institute proceedings for
21 injunctive or declaratory relief or writ of mandate in any court of competent jurisdiction to
22 enforce his or her right to inspect or to receive a copy of any public record or class of public
23 records.” Government Code § 6258.

24 **FACTS**

25 8. PLN publishes a monthly magazine, “Prison Legal News,” and also distributes
26 books and other materials pertaining to the legal rights of prisoners and the conditions affecting
27 them. “Prison Legal News” is comprised of writings from legal scholars, attorneys, inmates and
28 news wire services. PLN has approximately 7,000 subscribers in the United States and abroad,

1 including subscribers in jails and prisons across the country. The purpose of PLN, as stated in its
2 Articles of Incorporation, Article III, Part 6 is “to educate prisoners and the public about the
3 destructive nature of racism, sexism, and the economic and social costs of prisons to society.”

4 9. On January 29, 2008, Plaintiff, through its attorneys, sent a Public Records Act
5 request pursuant to California Government Code §§ 6250, *et seq.*, to Defendant Baca and
6 Defendant Fortner. The letters, attached hereto as **Exhibits A and B**, included two requests for
7 specific documents relating to tort, overdetention, and civil rights claims filed against Los
8 Angeles County. The documents requested are “public records” within the meaning of
9 Government Code §§ 6252(e). The request stated that the Public Records Act required a
10 response within 10 days of the request.

11 10. On February 11, 2008, Plaintiff received a letter from Defendant Baca requesting
12 an extension of the deadline for its response as provided for in Government Code § 6253. That
13 letter is attached hereto as **Exhibit C**.

14 11. On February 14, 2008, Plaintiff received another letter from Defendant Baca
15 indicating that Defendant Office of County Counsel would be responding on behalf of the
16 County, including Defendants Baca and the Sheriff’s Department. That letter is attached hereto
17 as **Exhibit D**.

18 12. Also on February 14, 2008, Plaintiff received a letter from Defendant Fortner
19 asserting “that it is not reasonably possible for [Defendants] to search for, locate, review and
20 copy [the records requested] within any reasonable amount of time” and suggesting methods by
21 which Plaintiff might narrow its request. The letter also broadly stated the belief that some
22 documents responsive to Plaintiff’s request might be exempt from disclosure pursuant to
23 Government Code § 6254. That letter is attached hereto as **Exhibit E**.

24 13. On November 26, 2008, Plaintiff sent a letter to Defendant Office of County
25 Counsel offering multiple options for producing the documents requested in a less burdensome
26 fashion. That letter is attached hereto as **Exhibit F**.

27 14. To date, Plaintiff has received no response of any kind to its November 26, 2008
28 request.

1 **FIRST CLAIM FOR RELIEF (California Public Records Act)**

2 15. Plaintiff re-alleges and incorporates herein by reference each and every allegation
3 of paragraphs 1 through 14.

4 16. The requested documents and information consist of “public records” within the
5 meaning of Government Code § 6252(e), and such records are within the possession, custody or
6 control of the Defendants.

7 17. The documents and information requested are not exempt from public disclosure.
8 Indeed, up until 2007, memoranda from the Defendant County Counsel to the County Claims
9 Board summarizing the information requested were regularly posted on the websites of the
10 County Claims Board and the County Board of Supervisors. The Board of Supervisors still posts
11 a small portion of these memoranda as attachments to their meeting agendas. A sample agenda
12 with a supporting memorandum is attached hereto as **Exhibit G**.

13 18. Plaintiff has the right to inspect and obtain copies of the information and
14 documents requested. Government Code §§ 6253(a) and (b).

15 19. “Public records are open to inspection at all times during the office hours of the
16 state or local agency and every person has a right to inspect any public record,” except those
17 within the Act’s specifically enumerated exceptions. Government Code § 6253(a).

18 20. Upon receipt of a Public Records Act Request, an official such as Defendant Los
19 Angeles County, “shall, within 10 days from receipt of the request, determine whether the
20 request, in whole or in part, seeks copies of disclosable public records in the possession of the
21 agency and shall promptly notify the person making the request of the determination and the
22 reasons therefore.” Government Code § 6253(c).

23 21. Defendants were obligated “upon a request for a copy of records that reasonably
24 describes an identifiable record or records, [to] make the records promptly available to any
25 person....” Government Code § 6253(b).

26 22. Defendants have failed to comply with Government Code § 6253(c). Defendants
27 did not make a meaningful determination within 10 days of whether Plaintiff’s request “seeks
28

1 copies of disclosable public records in the possession of the agency” as required by Government
2 Code § 6253(c).

3 23. Defendants have failed to make the records “promptly available” as required by
4 Government Code § 6253(b).

5 24. The records requested, as set forth in **Exhibits A and B**, are being withheld from
6 Plaintiff by Defendants in violation of the California Public Records Act, Government Code
7 § 6250, *et seq.*

8 **PRAYER FOR RELIEF**

9 Wherefore Plaintiff respectfully prays, pursuant to Government Code § 6259:

10 1. For an order requiring Defendants to disclose the records requested, or an order to
11 show cause why they should not be required to do so.

12 2. For a declaratory relief judgment declaring that the requested records are public
13 records within the meaning of the provisions of the California Public Records Act, and are not
14 exempt from public disclosure.

15 3. For an injunction requiring that Defendants immediately permit the inspection and
16 to provide electronic copies of the requested records and document to the Plaintiff, with costs of
17 production to be borne by Defendants.

18 4. For an order awarding Plaintiff its costs of suit and reasonable attorneys’ fees
19 pursuant to Government Code § 6259(d) and Code of Civil Procedure § 1021.5.

20 5. For such further relief at this Court deems proper.

21 Dated: March 3, 2009

ROSEN, BIEN & GALVAN, LLP

Attorneys for Plaintiff

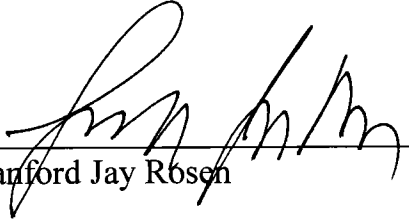
22
23
24
25 By: 
26 Sanford Jay Rosen

EXHIBIT A

SANFORD JAY ROSEN¹
MICHAEL W. BIEN
ERNEST GALVAN
GAY C. GRUNFELD

ROSEN, BIEN & GALVAN, LLP

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315 MONTGOMERY STREET, TENTH FLOOR
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THOMAS NOLAN
LORI RIFKIN⁵
LOREN STEWART
KENNETH WALCZAK⁶
AMY WHELAN
SARAH OLSON ZIMMERMAN⁶

January 29, 2008

VIA FACSIMILE AND U.S. MAIL

Raymond Fortner, Jr.
Office of the County Counsel
County of Los Angeles
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Fax : (213)626-7446

Re: Public Records Act Request, pursuant to Cal. Gov't Code §§ 6250, *et seq.*
Our File No. 979-7

Dear Mr. Fortner:

This is a request on behalf of our client, Prison Legal News ("PLN"), pursuant to the California Public Records Act (California Government Code §§ 6250, *et seq.*) for copies of public records in the possession of Los Angeles County.

Our request encompasses all the documents within the definition of the term "writing" as used in Cal. Gov't Code § 6252(g), including but not limited to all the specific documents listed below.

Specifically, we request:

1. All documents relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails. This includes payments to claimants in the above cases and/or their attorney(s) pursuant to judgments and/or settlements by Los Angeles County on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, during the time period from January 1, 2002 to present. Such documents include but are not limited to:
 - a. documents stating or pertaining to the legal claim that forms the basis for each judgment and/or settlement;

¹MEMBER OF THE CONNECTICUT AND THE CALIFORNIA BAR
²OF COUNSEL

³MEMBER OF THE WASHINGTON, D.C. AND THE CALIFORNIA BAR

⁴MEMBER OF THE NEW YORK AND THE CALIFORNIA BAR

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⁶MEMBER OF THE ILLINOIS AND THE CALIFORNIA BAR

January 29, 2008

Page 2

- b. for each judgment and/or settlement, the most recent complaint detailing the legal demand;
 - c. for each judgment and/or settlement, any case management order detailing the legal demand;
 - d. all settlement agreements, and documents related to disbursement;
 - e. any record of the imposition of sanctions by a court, and payment thereof;
 - f. if payment was made pursuant to a judgment, the jury verdict and/or findings of fact and conclusions of law forming the basis for the judgment; and
 - g. any and all records of payment to plaintiffs, counsel, court officers, experts, Receivers, and/or Special Masters.
2. All documents relating to the costs Los Angeles County has incurred on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, in defense against tort, overdetention, and civil rights claims by claimants or litigants during the time period from January 1, 2002 to present.

The California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request. It also requires that Los Angeles County promptly notify us of this determination, and of the estimated date and time when the records will be produced. In accordance with Cal. Gov't Code § 6253(c), we expect your response no later than February 9, 2008.

PLN is a 501[c](3) non-profit organization, responsible for the publication of a serious legal and political journal that reports on news and litigation involving detention facilities. We request production of these documents in electronic format whenever available, pursuant to Cal. Gov't Code § 6253.9. Wherever copying costs must be incurred, we request a waiver of these costs pursuant to the discretion conferred by Cal. Gov't Code § 6253.1. *See North County Parents Org. v. Dept. of Education*, 23 Cal.App.4th 144, 148 (1994) (ability to reduce fees inherent in power to "allow greater access to records"); *cf. Prison Legal News v. Lappin*, 436 F.Supp.2d 17 (D. D.C. 2006) (granting fee waiver for records request under Freedom of Information Act).

If you have any questions regarding this request, please feel free to contact me at 415-433-6830. Thank you in advance for your cooperation.

Sincerely yours,

ROSEN, BIEN & GALVAN, LLP



By: Lori Rifkin

cc: Paul Wright (via e-mail)

EXHIBIT B

SANFORD JAY ROSEN¹
MICHAEL W. BIEN
ERNEST GALVAN
GAY C. GRUNFELD

JANE KAHN²

ROSEN, BIEN & GALVAN, LLP

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LOREN STEWART
KENNETH WALCZAK⁶
AMY WHELAN
SARAH OLSON ZIMMERMAN⁶

January 29, 2008

VIA FACSIMILE AND U.S. MAIL

Sheriff Leroy Baca
Los Angeles County Sheriff's Department
4700 Ramona Blvd.
Monterey Park, CA 91754-2169
Fax : (323)267-6600

Re: Public Records Act Request, pursuant to Cal. Gov't Code §§ 6250, *et seq.*
Our File No. 979-7

Dear Sheriff Baca:

This is a request on behalf of our client, Prison Legal News ("PLN"), pursuant to the California Public Records Act (California Government Code §§ 6250, *et seq.*) for copies of public records in the possession of Los Angeles County.

Our request encompasses all the documents within the definition of the term "writing" as used in Cal. Gov't Code § 6252(g), including but not limited to all the specific documents listed below.

Specifically, we request:

1. All documents relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails. This includes payments to claimants in the above cases and/or their attorney(s) pursuant to judgments and/or settlements by Los Angeles County on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, during the time period from January 1, 2002 to present. Such documents include but are not limited to:
 - a. documents stating or pertaining to the legal claim that forms the basis for each judgment and/or settlement;
 - b. for each judgment and/or settlement, the most recent complaint detailing the legal demand;

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⁶MEMBER OF THE ILLINOIS AND THE CALIFORNIA BAR

January 29, 2008

Page 2

- c. for each judgment and/or settlement, any case management order detailing the legal demand;
 - d. all settlement agreements, and documents related to disbursement;
 - e. any record of the imposition of sanctions by a court, and payment thereof;
 - f. if payment was made pursuant to a judgment, the jury verdict and/or findings of fact and conclusions of law forming the basis for the judgment; and
 - g. any and all records of payment to plaintiffs, counsel, court officers, experts, Receivers, and/or Special Masters.
2. All documents relating to the costs Los Angeles County has incurred on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, in defense against tort, overdetention, and civil rights claims by claimants or litigants during the time period from January 1, 2002 to present.

The California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request. It also requires that Los Angeles County promptly notify us of this determination, and of the estimated date and time when the records will be produced. In accordance with Cal. Gov't Code § 6253(c), we expect your response no later than February 9, 2008.

PLN is a 501[c](3) non-profit organization, responsible for the publication of a serious legal and political journal that reports on news and litigation involving detention facilities. We request production of these documents in electronic format whenever available, pursuant to Cal. Gov't Code § 6253.9. Wherever copying costs must be incurred, we request a waiver of these costs pursuant to the discretion conferred by Cal. Gov't Code § 6253.1. *See North County Parents Org. v. Dept. of Education*, 23 Cal.App.4th 144, 148 (1994) (ability to reduce fees inherent in power to "allow greater access to records"); cf. *Prison Legal News v. Lappin*, 436 F.Supp.2d 17 (D. D.C. 2006) (granting fee waiver for records request under Freedom of Information Act).

If you have any questions regarding this request, please feel free to contact me at 415-433-6830. Thank you in advance for your cooperation.

Sincerely yours,

ROSEN, BIEN & GALVAN, LLP



By: Lori Rifkin

cc: Paul Wright (via e-mail)

EXHIBIT C



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 8, 2008

Lori Rifkin
Rosen, Bien & Galvan, LLP
315 Montgomery Street, Tenth Floor
San Francisco, California 94104

Dear Ms. Rifkin:

Your request for records pursuant to the California Public Records Act, dated January 29, 2008, was received by the Los Angeles County Sheriff's Department, Office of the Sheriff on the same day and forwarded to the Discovery Unit for processing.

Although the Sheriff's Department is obligated to respond within ten (10) days of receipt of the request, this time limit is subject to an extension for up to fourteen (14) days under the following circumstances as defined in Government Code § 6253(c)(3):

The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter therein.

If you have any questions, please contact Suon Saem of the Discovery Unit at (323) 890-5023.

Sincerely,

LEROY D. BACA, SHERIFF

Judy A. Gerhardt, Lieutenant
Risk Management Bureau

RECEIVED

FEB 11 2008

Rosen, Bien & Galvan

EXHIBIT D



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



RECEIVED

FEB 14 2008

February 12, 2008

Rosen, Bien & Galvan

Lori Rifkin
Rosen, Bien & Galvan, LLP
315 Montgomery Street, Tenth Floor
San Francisco, California 94104

Re: Public Records Act Request, Your File No. 979-7

Dear Ms. Rifkin:

On February 8, 2008, we sent you a letter requesting an extension on your California Public Records Act request. However, since that time, we have become aware that you sent a duplicate letter to the Los Angeles County Office of the County Counsel.

Please be informed that the Office of the County Counsel will be responding on behalf of the County, including the Sheriff's Department.

If you have any questions, please contact Suon Saem of the Discovery Unit at (323) 890-5023.

Sincerely,

LEROY D. BACA, SHERIFF

Judy A. Gerhardt, Lieutenant
Risk Management Bureau

EXHIBIT E



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RECEIVED

FEB 14 2008

Rosen, Bien & Galvai

TELEPHONE
(213) 974-1908
FACSIMILE
(213) 626-2105
TDD
(213) 633-0901

RAYMOND G. FORTNER, JR.
County Counsel

February 12, 2008

Lori Rifkin, Esquire
Rosen, Bien & Galvai, LLP
315 Montgomery Street, 10th Floor
San Francisco, CA 94104

Re: Public Records Act Request, Your File No. 979-7

Dear Ms. Rifkin:

This is in response to your letter dated January 29, 2008, requesting copies of all documents in possession of the County of Los Angeles relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails during the time period of January 1, 2002, to the present. You also requested copies of all documents relating to the costs incurred by the County of Los Angeles on behalf of all branches, divisions, units, offices and institutions under its control, or their agents, in defense against tort, overdetention and civil rights claims during the time period of January 1, 2002 to the present.

In response to your request, please note that it is not reasonably possible for us to search for, locate, review and copy such records within any reasonable amount of time, as these types of records are not categorized or indexed in the manner you describe. Identification of possible responsive records would require a manual search and review, an onerous and labor-intensive process that would take many weeks to perform, given the broad scope of your request and the volume of claims and lawsuits filed against the numerous County departments and agencies.

You may consider narrowing the focus of your request for records of settlements of civil cases involving the Sheriff to a much shorter time period and/or to specific cases. One method of identifying specific cases is to search the Statement of Proceedings of the Board of Supervisors, which is available on-line

Lori Rifkin, Esquire
Rosen, Bien & Galvan, LLP
February 12, 2008
Page 2

at <http://bos.co.la.ca.us/Categories/Sop/SOPHome.htm>. The Statement of Proceedings reflects every action taken by the Board at its meetings, including the approval of settlements of civil cases.

With regard to claims filed against the Sheriff's Department, we are able to identify such claims generally and invite you to make an appointment with our office to view the claims and request copies of any claims of interest to you. Please be advised that multiple visits may be necessary, as we anticipate that, due to the volume of claims, approximately three months' worth of claims will be available at a time. In addition, please note that we will need approximately 5-10 business days prior to each appointment in order to have the claims available for your inspection.

Finally, we note that your request seeks all documents "relating" to payments resulting from tort, overdetention, and civil rights claims. Given the broad nature of this request, we must inform you that certain documents and information potentially responsive to your request are exempt from disclosure pursuant to Government Code section 6254 under the following exemptions:

- (a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure (Govt. Code § 6254(a).);
- (b) Records pertaining to pending litigation or claims (Government Code § 6254(b).);
- (c) Records containing personnel, medical, and/or private information (Government Code § 6254(c).);
- (f) Investigation records of local police agency, and information which would endanger the successful completion of an investigation (Government Code § 6254(f).); and,

Lori Rifkin, Esquire
Rosen, Bien & Galvan, LLP
February 12, 2008
Page 3

(k) Records protected by federal and state law, including but not limited to, provisions of the Evidence Code, relating to privilege and common law privileges (Government Code § 6254(k).)¹

If you have any questions or require further assistance, please feel free to contact me.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By



JENNIFER A.D. LEHMAN
Senior Deputy County Counsel
Law Enforcement Services Division

APPROVED AND RELEASED:



LEELA A. KAPUR
Chief Deputy County Counsel

JADL:db

¹These include, but are not limited to, the privilege for official information, attorney-client/work product privileges, deliberative process privilege, as well as federal and state law peace officer personnel privileges.

EXHIBIT F

SANFORD JAY ROSEN¹
MICHAEL W. BIEN
ERNEST GALVAN
GAY C. GRUNFELD

JANE KAHN²

ROSEN, BIEN & GALVAN, LLP

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LOREN STEWART
KENNETH WALCZAK⁵
AMY WHELAN
SARAH O. ZIMMERMAN⁵

November 26, 2008

VIA FACSIMILE AND U.S. MAIL

Jennifer A.D. Lehman
Senior Deputy County Counsel
Office of the County Counsel
500 West Temple Street
Los Angeles, CA 90012
Fax: (213) 626-2105

Re: Public Records Act Request, pursuant to Cal. Gov't Code §§ 6250, *et seq.*
Our File No. 0979-7

Dear Ms. Lehman:

I am writing with regard to a public records request made on behalf of our client, Prison Legal News, pursuant to the California Public Records Act (California Government Code §§ 6250, *et seq.*) for copies of public records in the possession of Los Angeles County. The request was originally made in a letter dated January 29, 2008 (attached hereto as **Exhibit A**). We have received your response dated February 12, 2008 (attached hereto as **Exhibit B**).

In your letter, you assert “that it is not reasonably possible for [you] to search for, locate, review and copy [the records requested] within any reasonable amount of time” and describe the process of locating such records as “an onerous and labor-intensive process that would take many weeks to perform.” In addition, you suggest that we “may consider narrowing the focus of [our] request for records of settlements of civil cases involving the Sheriff to a much shorter time period and/or to specific case” and invite us to come to your office to view generally the claims filed against the Sheriff’s Department. However, the Public Records Act does not excuse production of documents based solely on the amount of effort required to produce them.

Moreover, to the extent that specific documents that are responsive to our request potentially may be exempt from production, any such exemptions do not excuse your obligation to search for responsive materials and to produce all other responsive materials.

¹MEMBER OF THE CONNECTICUT AND THE CALIFORNIA BAR
²OF COUNSEL

³MEMBER OF THE WASHINGTON, D.C. AND THE CALIFORNIA BAR

⁴MEMBER OF THE NEW YORK AND THE CALIFORNIA BAR

⁵MEMBER OF THE ILLINOIS AND THE CALIFORNIA BAR

Accordingly, we renew our request for:

1. All documents relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails. This includes payments to claimants in the above cases and/or their attorney(s) pursuant to judgments and/or settlements by Los Angeles County on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, during the time period from January 1, 2002 to present. Such documents include but are not limited to:
 - a. documents stating or pertaining to the legal claim that forms the basis for each judgment and/or settlement;
 - b. for each judgment and/or settlement, the most recent complaint detailing the legal demand;
 - c. for each judgment and/or settlement, any case management order detailing the legal demand;
 - d. all settlement agreements, and documents related to disbursement;
 - e. any record of the imposition of sanctions by a court, and payment thereof;
 - f. if payment was made pursuant to a judgment, the jury verdict and/or findings of fact and conclusions of law forming the basis for the judgment; and
 - g. any and all records of payment to plaintiffs, counsel, court officers, experts, Receivers, and/or Special Masters.
2. All documents relating to the costs Los Angeles County has incurred on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, in defense against tort, overdetention, and civil rights claims by claimants or litigants during the time period from January 1, 2002 to present.

Please let us know the date by which you will be able to begin to produce the documents requested. To facilitate your compliance with this request, we would be willing to discuss staggering production of the documents. For example, we would be willing to set a schedule by which you would produce certain categories of documents or documents from a certain time period immediately and others at later dates.

In the alternative, we would also be willing to accept, as an initial step, a document containing the dollar amounts paid out in connection to judgments, settlements, and/or fees referenced by our request, rather than production of the underlying documents. Such a document could take the form of a spreadsheet, database printout, or

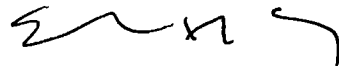
Jennifer A.D. Lehman
November 26, 2008
Page 3

other chart, but it must include all payments made and complete information as to the claims made that resulted in such payments, the dates of such payments, and the case names, if applicable, connected to such payments. We are similarly willing to accept a comparable spreadsheet or other document including the dollar amounts the County has spent defending or litigating against such claims, regardless of outcome. Our client would then review such spreadsheets to determine which, if any, of the documents described in our January 29, 2008 PRA request we continue to seek. We do not waive our initial request for these documents, but hope that this proposal will serve the interest of efficiency for all parties.

If we do not receive an appropriate response by December 12, 2008, followed by prompt full compliance by Los Angeles County with its obligations under the California Public Records Act, we will file an appropriate lawsuit in Superior Court.

Sincerely yours,

ROSEN, BIEN & GALVAN, LLP



By: Elizabeth H. Eng

Enclosures: Exhibits A & B

cc: Paul Wright (via e-mail)

EXHIBIT A

SANFORD JAY ROSEN¹
MICHAEL W. BIEN
ERNEST GALVAN
GAY C. GRUNFELD

ROSEN, BIEN & GALVAN, LLP

ATTORNEYS AT LAW
315 MONTGOMERY STREET, TENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE: (415) 433-6830
FAX: (415) 433-7104
EMAIL: rbg@rbg-law.com

JANE KAHN²

HOLLY BALDWIN
LISA ELLS
SHIRLEY HUEY³
MEGHAN LANG
SARAH LAUBACH
ANNE MANIA
NURA MAZNAVI
MARIA MORRIS⁴
THOMAS NOLAN
LORI RIFKIN⁵
LOREN STEWART
KENNETH WALCZAK⁶
AMY WHELAN
SARAH OLSON ZIMMERMAN⁶

January 29, 2008

VIA FACSIMILE AND U.S. MAIL

Sheriff Leroy Baca
Los Angeles County Sheriff's Department
4700 Ramona Blvd.
Monterey Park, CA 91754-2169
Fax : (323)267-6600

Re: Public Records Act Request, pursuant to Cal. Gov't Code §§ 6250, *et seq.*
Our File No. 979-7

Dear Sheriff Baca:

This is a request on behalf of our client, Prison Legal News ("PLN"), pursuant to the California Public Records Act (California Government Code §§ 6250, *et seq.*) for copies of public records in the possession of Los Angeles County.

Our request encompasses all the documents within the definition of the term "writing" as used in Cal. Gov't Code § 6252(g), including but not limited to all the specific documents listed below.

Specifically, we request:

1. All documents relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails. This includes payments to claimants in the above cases and/or their attorney(s) pursuant to judgments and/or settlements by Los Angeles County on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, during the time period from January 1, 2002 to present. Such documents include but are not limited to:
 - a. documents stating or pertaining to the legal claim that forms the basis for each judgment and/or settlement;
 - b. for each judgment and/or settlement, the most recent complaint detailing the legal demand;

¹MEMBER OF THE CONNECTICUT AND THE CALIFORNIA BAR
²OF COUNSEL

³MEMBER OF THE WASHINGTON, D.C. AND THE CALIFORNIA BAR

⁴MEMBER OF THE NEW YORK AND THE CALIFORNIA BAR

⁵MEMBER OF THE CONNECTICUT, NEW YORK AND THE CALIFORNIA BAR

⁶MEMBER OF THE ILLINOIS AND THE CALIFORNIA BAR

January 29, 2008

Page 2

- c. for each judgment and/or settlement, any case management order detailing the legal demand;
 - d. all settlement agreements, and documents related to disbursement;
 - e. any record of the imposition of sanctions by a court, and payment thereof;
 - f. if payment was made pursuant to a judgment, the jury verdict and/or findings of fact and conclusions of law forming the basis for the judgment; and
 - g. any and all records of payment to plaintiffs, counsel, court officers, experts, Receivers, and/or Special Masters.
2. All documents relating to the costs Los Angeles County has incurred on behalf of itself and all of the branches, divisions, units, offices, and institutions under its control, or their agents, in defense against tort, overdetection, and civil rights claims by claimants or litigants during the time period from January 1, 2002 to present.

The California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request. It also requires that Los Angeles County promptly notify us of this determination, and of the estimated date and time when the records will be produced. In accordance with Cal. Gov't Code § 6253(c), we expect your response no later than February 9, 2008.

PLN is a 501[c](3) non-profit organization, responsible for the publication of a serious legal and political journal that reports on news and litigation involving detention facilities. We request production of these documents in electronic format whenever available, pursuant to Cal. Gov't Code § 6253.9. Wherever copying costs must be incurred, we request a waiver of these costs pursuant to the discretion conferred by Cal. Gov't Code § 6253.1. *See North County Parents Org. v. Dept. of Education*, 23 Cal.App.4th 144, 148 (1994) (ability to reduce fees inherent in power to "allow greater access to records"); *cf. Prison Legal News v. Lappin*, 436 F.Supp.2d 17 (D. D.C. 2006) (granting fee waiver for records request under Freedom of Information Act).

If you have any questions regarding this request, please feel free to contact me at 415-433-6830. Thank you in advance for your cooperation.

Sincerely yours,

ROSEN, BIEN & GALVAN, LLP



By: Lori Rifkin

cc: Paul Wright (via e-mail)

EXHIBIT B



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RECEIVED

FEB 14 2008

Rosen, Bien & Galvan

TELEPHONE

(213) 974-1908

FACSIMILE

(213) 626-2105

TDD

(213) 633-0901

RAYMOND G. FORTNER, JR.
County Counsel

February 12, 2008

Lori Rifkin, Esquire
Rosen, Bien & Galvan, LLP
315 Montgomery Street, 10th Floor
San Francisco, CA 94104

Re: Public Records Act Request, Your File No. 979-7

Dear Ms. Rifkin:

This is in response to your letter dated January 29, 2008, requesting copies of all documents in possession of the County of Los Angeles relating to payments resulting from tort, overdetention, and civil rights claims by prisoners, contractors, employees, and/or visitors at Los Angeles County jails during the time period of January 1, 2002, to the present. You also requested copies of all documents relating to the costs incurred by the County of Los Angeles on behalf of all branches, divisions, units, offices and institutions under its control, or their agents, in defense against tort, overdetention and civil rights claims during the time period of January 1, 2002 to the present.

In response to your request, please note that it is not reasonably possible for us to search for, locate, review and copy such records within any reasonable amount of time, as these types of records are not categorized or indexed in the manner you describe. Identification of possible responsive records would require a manual search and review, an onerous and labor-intensive process that would take many weeks to perform, given the broad scope of your request and the volume of claims and lawsuits filed against the numerous County departments and agencies.

You may consider narrowing the focus of your request for records of settlements of civil cases involving the Sheriff to a much shorter time period and/or to specific cases. One method of identifying specific cases is to search the Statement of Proceedings of the Board of Supervisors, which is available on-line

Lori Rifkin, Esquire
Rosen, Bien & Galvan, LLP
February 12, 2008
Page 2

at <http://bos.co.la.ca.us/Categories/Sop/SOPHome.htm>. The Statement of Proceedings reflects every action taken by the Board at its meetings, including the approval of settlements of civil cases.

With regard to claims filed against the Sheriff's Department, we are able to identify such claims generally and invite you to make an appointment with our office to view the claims and request copies of any claims of interest to you. Please be advised that multiple visits may be necessary, as we anticipate that, due to the volume of claims, approximately three months' worth of claims will be available at a time. In addition, please note that we will need approximately 5-10 business days prior to each appointment in order to have the claims available for your inspection.

Finally, we note that your request seeks all documents "relating" to payments resulting from tort, overdetention, and civil rights claims. Given the broad nature of this request, we must inform you that certain documents and information potentially responsive to your request are exempt from disclosure pursuant to Government Code section 6254 under the following exemptions:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure (Govt. Code § 6254(a).);

(b) Records pertaining to pending litigation or claims (Government Code § 6254(b).);

(c) Records containing personnel, medical, and/or private information (Government Code § 6254(c).);

(f) Investigation records of local police agency, and information which would endanger the successful completion of an investigation (Government Code § 6254(f).); and,

Lori Rifkin, Esquire
Rosen, Bien & Galvan, LLP
February 12, 2008
Page 3

(k) Records protected by federal and state law, including but not limited to, provisions of the Evidence Code, relating to privilege and common law privileges (Government Code § 6254(k).)¹

If you have any questions or require further assistance, please feel free to contact me.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By



JENNIFER A.D. LEHMAN
Senior Deputy County Counsel
Law Enforcement Services Division

APPROVED AND RELEASED:



LEELA A. KAPUR
Chief Deputy County Counsel

JADL:db

¹These include, but are not limited to, the privilege for official information, attorney-client/work product privileges, deliberative process privilege, as well as federal and state law peace officer personnel privileges.

EXHIBIT G

AGENDA FOR THE REGULAR MEETING OF THE
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, CALIFORNIA
TUESDAY, FEBRUARY 17, 2009, 1:00 P.M.

BOARD HEARING ROOM 381B

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

Don Knabe
Chairman
Fourth District

Gloria Molina
Chair Pro Tem
First District

Zev Yaroslavsky
Supervisor
Third District



Mark Ridley-Thomas
Supervisor
Second District

Michael D. Antonovich
Supervisor
Fifth District

Executive Officer
Sachi A. Hamai

AGENDA POSTED: FEBRUARY 12, 2009

MEETING TELEVISED: Wednesday, February 18, 2009 at 10:00 p.m. on KLCS

Assistive listening devices, agenda in Braille and/or alternate formats are available upon request. American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable modifications to Board meeting policies and/or procedures, such as to assist members of the disability community who would like to request a disability-related accommodation in addressing the Board, are available if requested at least three business days prior to the Board meeting. Later requests will be accommodated to the extent feasible. Please telephone the Executive Office of the Board at (213) 974-1431 (voice) or (213) 974-1707 (TTY), from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Supporting documentation is available at the Executive Office of the Board located at the Kenneth Hahn Hall of Administration, 500 W. Temple Street, Room 383, Los Angeles, California 90012, and may also be accessible on the Board of Supervisors' website at <http://bos.co.la.ca.us/>

Máquinas de traducción disponibles a petición. Intérpretes para las juntas de los supervisores del Condado de Los Angeles, favor de llamar al (213) 974-1405 entre las horas de 8:00 a.m. a 5:00 p.m., lunes a viernes, con tres días de anticipación.

Invocation led by Rabbi Moshe Bryski, Conejo Chabad, Agoura Hills (3).

Pledge of Allegiance led by Joe Juarez, Commander, Post No. 2, Culver City, AM-VETS (2).

I. PRESENTATIONS/SET MATTERS

1:00 p.m.

Presentation of plaque to The Honorable Landage Ananda Wickramasinghe, commemorating his appointment as the new Consul General of Sri Lanka in Los Angeles, as arranged by the Chairman.

Presentation of scroll to Gillian Zucker, president of the Auto Club Speedway, to proclaim Thursday, February 19, 2009 as "Auto Club Speedway Day" throughout Los Angeles County, as arranged by Supervisor Yaroslavsky.

Presentation of scroll to Gabrielino High School and Chaminade Middle School as the "2008 Champions" for the 31st Annual Los Angeles County Mock Trial Competition, as arranged by Supervisor Yaroslavsky.

Presentation of scroll to the Northrop Grumman Corporation, commending the Corporation on its efforts in joining with the Los Angeles County Commission for Women in providing educational scholarships for girls at risk; also presentation of certificates to the scholarship recipients, as arranged by Supervisor Knabe.

Presentation of scrolls to Jerry Epstein, Rusty Doms, and Nick Patsaouras in recognition of their dedication and valuable oversight while serving on the LAC+USC Medical Center Replacement Facility Project Oversight Committee, as arranged by Supervisors Antonovich and Molina.

Special presentation by the California National Guard, as arranged by Supervisor Antonovich.

Presentation of pets to the television audience for the County's Pet Adoption Program, as arranged by Supervisor Antonovich. (08-3608)

S-1. 1:30 p.m.

Report by the Chief Executive Officer on the status of the State's budget situation and the proposal to defer or delay payments to the County and recommended actions to prevent or mitigate such impacts, as requested at the meeting of January 27, 2009. (09-0202)

Attachments: Report for February 17, 2009

II. SPECIAL DISTRICT AGENDAS

AGENDA FOR THE MEETING OF
THE COMMUNITY DEVELOPMENT COMMISSION
OF THE COUNTY OF LOS ANGELES
TUESDAY, FEBRUARY 17, 2009
1:00 P.M.

- 1-D. Recommendation: Award and authorize the Acting Executive Director to execute a construction contract with Cal-City Construction Corporation, using a total of \$1,989,000 in Capital Project Funds from the First and Second Supervisorial Districts, to complete the Rehabilitation Project for the Florence Firestone Service Center, located at 7807 S. Compton Ave., in unincorporated Los Angeles; also authorize the Acting Executive Director to approve contract change orders not to exceed \$198,900 for unforeseen project costs, using the same source of funds; and find that construction work is exempt from the California Environmental Quality Act. APPROVE (09-0269)

Attachments: See Supporting Document

- 2-D. Recommendation: Award and authorize the Acting Executive Director to execute three construction contracts and all related documents with Sam Boo Construction, S&L Specialty Contracting, and Professional Building Contractors to provide sound rated mitigation improvements that reduce the exterior noise impact for 75 dwelling units on 20 properties in the unincorporated Lennox area (2); also authorize the Acting Executive Director to use a total of \$1,524,917 in Federal Aviation Administration, \$381,229 in Los Angeles World Airports and \$41,349 of Community Development Block Grant funds allocated to the Second Supervisorial District for the contracts; also authorize the Acting Executive Director to approve contract change orders not to exceed \$389,499 for any unforeseen project costs, using the same source of funds, and to execute time extensions to the contracts, as necessary to complete the project, without increasing the compensation amount; and find that actions are exempt from the California Environmental Quality Act. (09-0270)

Attachments: See Supporting Document

- 3-D. Recommendation: Approve and authorize the Acting Executive Director to execute amendment to agreement with Sun MicroSolutions, Inc., to increase the total compensation by \$62,500 in Community Development Block Grant (CDBG) funds for a total contract amount of \$112,499, and to increase the time of performance by two months to August 30, 2009, for additional ASP.net Web Based Application services to support the Commission's CDBG Online System, effective upon execution by all parties. APPROVE (*NOTE: The Acting Chief Information Officer recommends approval of this item.*) (09-0267)

Attachments: See Supporting Document

- 4-D. Recommendation: Acting as a Responsible Agency for the Canyon Creek senior housing project, certify that the Community Development Commission has independently considered the Initial Study/Mitigated Negative Declaration prepared by the City of Calabasas as Lead Agency, and reached its own conclusions regarding the environmental effects of the project; find that the mitigation measures identified are adequate to avoid or reduce potential environmental impacts to below significant levels; also approve a loan up to \$2,500,000 in HOME Investment Partnerships Program funds to Thomas Safran & Associates (Developer) for the development of Canyon Creek, a 75-unit senior housing development, which has been selected through a Notice of Funding Availability jointly issued by the Housing Authority and the Community Development Commission on April 9, 2008; and authorize the Acting Executive Director to take the following related actions: APPROVE

Negotiate and execute a Loan Agreement with the Developer and all related documents, including documents to subordinate the loan to permitted construction and permanent financing and any intergovernmental, interagency, or inter-creditor agreements necessary for the implementation of the development;

Execute amendments to the Loan Agreement and all related documents, as may be necessary for the implementation of the project; and

Incorporate, as needed, up to \$2,500,000 in HOME funds into the Commission's approved Fiscal Year 2008-2009 budget. (09-0268)

Attachments: See Supporting Document

AGENDA FOR THE MEETING OF
THE HOUSING AUTHORITY
OF THE COUNTY OF LOS ANGELES
TUESDAY, FEBRUARY 17, 2009
1:00 P.M.

- 1-H. Recommendation: Approve introduction of ordinance to expand the membership of the Los Angeles County Housing Commission from nine to twelve, by adding two tenant members and one homeless or formerly homeless member, in order to comply with Federal law and the U.S. Department of Housing and Urban Development requirements; and to establish terms of two years from the date of appointment for all tenant members and for the homeless or formerly homeless member. APPROVE (Relates to Agenda No. 44) (09-0285)

Attachments: See Supporting Document

AGENDA FOR THE MEETING OF
THE REGIONAL PARK AND OPEN SPACE DISTRICT
OF THE COUNTY OF LOS ANGELES
TUESDAY, FEBRUARY 17, 2009
1:00 P.M.

- 1-P. Recommendation: Approve and authorize the Director of Parks and Recreation, in his capacity as Director of the Regional Park and Open Space District, to award a grant agreement to the City of Calabasas in amount of \$140,000 in Cities Excess Funds, available to the Third Supervisorial District, for the City's Las Virgenes Creek Restoration Project (3); authorize the Director to reimburse the City for costs incurred prior to the execution of the grant project agreement for the Las Virgenes Creek Restoration Project; and find that actions are exempt from the California Environmental Quality Act. APPROVE (09-0260)

Attachments: See Supporting Document

III. BOARD OF SUPERVISORS 1 - 7

1. Recommendations for appointments/reappointments to Commissions/Committees/Special Districts (+ denotes reappointment):
Documents on file in Executive Office.

Supervisor Molina

Bobby Eugene Chase+, Aviation Commission; also waive limitation of length of service requirement pursuant to County Code Section 3.08.030B

Supervisor Yaroslavsky

Bryce Anderson, Independent Citizens' Oversight Committee
Proposition E Special Tax
Wayne Avrashow+, Los Angeles Convention and Exhibition Center Authority Commission; also waive limitation of length of service requirement pursuant to County Code Section 3.100.030A

Supervisor Antonovich

Peter Amundson, Aviation Commission
Ying Tung Chen, Ph.D.+, Information Systems Commission; also waive limitation of length of service requirement pursuant to County Code Section 3.47.040B
Anita Marie Lopez, Assessment Appeals Board (Alternate)

Los Angeles County Workforce Investment Board

Tom Gutierrez+, Los Angeles County Workforce Investment Board

In Lieu of Election

Shirlee Smith, Altadena Library District (09-0294)

2. Recommendation as submitted by Supervisor Ridley-Thomas: Waive facility and staff fees totaling \$10,500, excluding the cost liability insurance, for use of the Museum of Natural History for the State of the Black Union's 10th Anniversary opening reception, to be held February 26, 2009. (09-0318)

Attachments: See Supporting Document

3. Recommendation as submitted by Supervisor Yaroslavsky: Proclaim February 19, 2009 as "Auto Club Speedway Day" throughout Los Angeles County; and extend a warm welcome to all auto racing enthusiasts, and encourage their attendance at the NASCAR Auto Club 500 on Sunday, February 22, 2009. (09-0317)

Attachments: See Supporting Document

4. Recommendation as submitted by Supervisor Knabe: Proclaim April 25, 2009 as "Reaching Out to Save Babies" throughout Los Angeles County in support of the annual walk-a-thon; also proclaim May 27 and 28, 2009 as "Blue Jeans for Babies Days" throughout Los Angeles County, to support the "Reaching Out to Save Babies" campaign; and approve the following:

Waive parking fees for 50 cars totaling \$850, excluding the cost of liability insurance, at the Music Center Garage for department coordinators attending the annual training session on February 25, 2009, at the Kenneth Hahn Hall of Administration;

Waive parking fees for 35 cars totaling \$595, excluding the cost of liability insurance, at the Music Center Garage for Department Heads and coordinators attending the annual Executive Kick-off Breakfast on March 3, 2009;

Waive Countywide vendor fees in total amount of \$10,000, excluding the cost of liability insurance, for fundraising activities in support of the 2009 Reaching Out to Save Babies campaign;

Request that the Chief Executive Officer's Office of Workplace Programs, and the Internal Services Department to provide the necessary support services; and

Encourage all County employees and Department Heads to voluntarily participate in the County's 2009 "Reaching Out to Save Babies" event to be held April 25, 2009 at Exposition Park, to support the campaign to wipe out premature births and infant mortality. (09-0313)

Attachments: See Supporting Document

5. Recommendation as submitted by Supervisor Knabe: Reduce the parking fee to \$8 per vehicle, excluding the cost of liability insurance, for participants attending the Los Angeles Chapter Construction Specifications Institutes' Annual "CSI Nite" event, to be held at the Dorothy Chandler Pavilion on February 26, 2009. (09-0306)

Attachments: See Supporting Document

6. Recommendation as submitted by Supervisor Antonovich: Direct the Director of Public Health to amend the Los Angeles County Food Policy nutrition guidelines to conform to the State nutrition guidelines as defined in SB 12 and SB 965 and report back to the Board within 30 days on the revisions. (09-0304)

Attachments: See Supporting Document

7. Recommendation as submitted by Supervisor Antonovich: Waive 50% of the \$500 rental fee in amount of \$250, excluding the cost of liability insurance, for use of Hart Hall at William S. Hart Park Cub Scout Pack 583's annual Blue and Gold Dinner to celebrate the birthday of Cub Scouting, to be held February 22, 2009. (09-0305)

Attachments: See Supporting Document

IV. CONSENT CALENDAR 8 - 43

All matters are approved by one motion unless held by a Board Member or member(s) of the public for discussion or separate action.

Chief Executive Office

8. Recommendation: Approve and instruct the Chairman to sign a five-year lease amendment with the California State Association of Counties for continued use of 3,264 sq ft of office space for the Chief Executive Office's Sacramento Advocacy Office, located at 1100 "K" Street, Sacramento, at a first year cost of \$91,320; and find that lease amendment is exempt from the California Environmental Quality Act. (09-0261)

Attachments: See Supporting Document

9. Recommendation: Approve and instruct the Chairman to sign amendment to the existing Communication Site License (CSL) with the State of California for the Castro Peak Communication Site (Castro Peak), located at 928 Latigo Canyon Rd., Malibu (3), to reduce the State's size of the licensed area from approximately 3,800 sq ft to approximately 1,335 sq ft, to accommodate a proposal for the installation of new communication facilities by the County of Ventura (Ventura); also instruct the Chairman to sign a new communication site license with Ventura for the sole use of approximately 228 sq ft of land to install a communication shelter, no larger than 100 sq ft in size, for a term to run concurrent with the CSL License, which is scheduled to expire on August 17, 2018; approve and authorize the Chief Executive Officer to execute the County's consent to the Communication Tower Sublicense agreement between the State and Ventura, wherein the Sublicense is intended to fulfill those parties' fully executed Memorandum of Understanding allowing the State and Ventura to jointly operate communication equipment on approximately 1,000 sq ft of land at Castro Peak, with said Sublicense to be subject to the terms of and to concurrently expire with the amendment to the CSL on August 17, 2018; and find that actions are exempt from the California Environmental Quality Act. (09-0264)

Attachments: See Supporting Document

County Operations

10. Recommendation: Adopt resolution approving an amendment to the certified Marina del Rey Local Coastal Program (LCP) consisting of revisions to the Marina del Rey Land use Plan [Amendment No. 200600011-(4)] and the Marina del Rey Specific Plan contained in Part 3 of Chapter 22.46 of Title 22 of the Los Angeles County Code [Zone Case No. T200600013-(4)], to address the roles and responsibilities of the Small Craft Harbors Design Control Board and the Los Angeles County Regional Planning Commission; also approve related ordinance. **(County Counsel)** (Relates to Agenda No. 43) (09-0299)

Attachments: See Supporting Document

Children and Families' Well-Being

11. Recommendation: Award and instruct the Chairman to sign a three-year contract with WeTip, Inc., at a maximum three-year cost of \$201,876, to provide a Welfare Fraud Reporting and Informant Reward Program, funded by Federal and State revenue, with an estimated County cost of \$22,111.75 for Fiscal Year 2008-09; authorize the Director of Public Social Services to prepare and sign amendments to the contract for any increases of no more than 10% of the contract amount when the change is necessitated by additional and necessary services that are required in order for the contractor to comply with changes in Federal, State or County requirements. **APPROVE (Department of Public Social Services) (09-0288)**

Attachments: See Supporting Document

12. Recommendation: Approve and authorize the Acting Chief Information Officer, at the request of the Director of Public Social Services, to execute a series of Work Orders for consulting services under the County's Master Services Agreement with Oracle Corporation at a cost not to exceed \$1,435,542, for the migration of the existing Lotus Notes Migration to a scalable web-based platform. **APPROVE (NOTE: The Acting Chief Information Officer recommends approval of this item.) (Department of Public Social Services) (09-0287)**

Attachments: See Supporting Document

Health and Mental Health Services

13. Recommendation: Approve and authorize the Interim Director of Health Services to execute two agreements with the following contractors for revenue recovery services for the Department of Health Services' facilities; authorize the Interim Director to extend the term of each agreement for up to six one-month extensions, and amend each agreement to add account services that are substantially similar to those revenue recovery services offered in each agreement, with contingent fees equal to or less than the contingent fees in each agreement, effective April 1, 2009 through March 31, 2015: **APPROVE (Department of Health Services)**

Clark, Mascaro and Aziz, PC, for the provision of non-contracted Health Care Plan and Commercial Insurance Safety Net Services, with contractor to be compensated on a contingency fee basis of 14% for years one and two on estimated annual gross collections of \$1,600,000, for an estimated annual contractor fee of \$244,000, and a 15% contingency fee for year three and following which would result in an estimated annual contractor fee of \$240,000; and

Great Lakes Billing Services Out-of-State Medicaid Billing Services and Out-of-Country Billing Services, with contractor to be compensated on a contingency fee basis of 12.5% on estimated annual gross collections of \$203,000, which would result in an estimated annual contractor fee of \$25,375. (09-0257)

Attachments: See Supporting Document

14. Recommendation: Approve appropriation adjustment in amount of \$2,582,000 to reallocate appropriation to the LAC+USC Medical Center Post Occupancy Remodeling Phase II Project, C.P. 87011, from the LAC+USC Medical Center Transition Refurbishment Project, C.P. 86936 (1), to fully fund the proposed project; approve the LAC+USC Medical Center Post Occupancy Remodeling Phase II Project C.P. 87011, consisting of three individual elements with an aggregate project budget in amount of \$2,582,000, funded by the Department of Health Services' prior year Tobacco Settlement Designation; authorize the Director of Public Works to carry out the project using the Public Works Job Order Contract program; and find that C.P. 87011 is exempt from the California Environmental Quality Act because the proposed work involves the remodeling of an existing facility with negligible or no expansion of current use. **APPROVE (Department of Health Services) (09-0284)**
- Attachments: See Supporting Document
15. Recommendation: Approve and instruct the Director of Mental Health (DMH) to prepare and execute amendment to legal entity agreement with Maryvale to increase the maximum contract amount for Fiscal Year 2007-08 by \$170,000, from \$2,839,200 to \$3,009,200, for services to children who may be dually diagnosed as emotionally disturbed and/or neurologically damaged and are dependents of the court placed by the Department of Children and Family Services and/or the Probation Department from Los Angeles County and other counties in California, effective upon Board approval. The increased amount will be funded by Federal Financial Participation Medi-Cal revenue, Early and Periodic Screening, Diagnosis and Treatment State general funds and matching County general funds in amount of \$12,444. Authorize the Director of Mental Health to prepare and execute future amendments to the agreement to reflect any additional amounts owed as a result of the Federal Certified Public Expenditure regulations, and/or Cost Report and State Audit Settlement processes. **APPROVE (Department of Mental Health) (09-0247)**

Attachments: See Supporting Document

16. Recommendation: Approve and authorize the Director of Public Health to execute a Grant Award from First 5 LA to support the Maternal, Child, & Adolescent Health Program's Los Angeles Mommy and Baby Project survey, effective upon Board approval through June 30, 2009, with provisions for up to four one-year automatic renewals through June 30, 2013, in an amount not to exceed \$999,968; approve appropriation adjustment in the amount of \$259,000 to reflect grant funding for Fiscal Year 2008-09; and authorize the Director to: (Continued from meetings of 12-16-08 and 1-27-09) **(Department of Public Health) 4-VOTES APPROVE**

Execute amendments to the Grant Award that permit the rollover of unspent funds, and/or increase or decrease funding up to 25% of the total annual amount of the Grant Award, contingent upon the availability of First 5 LA funds; and

Fill two part-time Student Professional Worker II items in excess of what is provided for in the Department's staffing ordinance and subject to allocation, 100% offset by First 5 LA grant funds.
(08-3549)

Attachments: See Supporting Document

17. Recommendation: Authorize the Director of Public Health to accept standard agreement from the California Department of Public Health (CDPH) to provide grant funding in the amount of \$79,121,610, for Fiscal Years 2008-09 through 2010-11, to support the Department's licensing inspection and certification compliance activities for local health facilities, clinics, and agencies/centers for which licensure is required under the California Health and Safety Code, fully offset by CDPH grant funds, at no Net County Cost; approve appropriation adjustment in the amount of \$2,065,000 for Fiscal Year 2008-09 to reflect grant funding for the activities to be carried out by the Department's Health Facilities Inspection Division; and authorize the Director to: (Continued from meetings of 1-13-09, 1-27-09 and 2-10-09) **(Department of Public Health) 4-VOTES APPROVE NOTE: The Director of Public Health requests that this item be referred back to the Department.**

Accept and execute any subsequent amendments to the standard agreement that permits the rollover of prior Fiscal Year unused funds, that increases or decreases funds up to 25% of the base annual amount and/or that internally redirects funds; and

Fill 18 positions in excess of what is currently authorized in the Department's staffing ordinance to implement the activities required to support Department's verification of licensure and certification compliance, upon review and approval by the Chief Executive Officer. (09-0078)

Attachments: See Supporting Document

18. Recommendation: Approve and authorize the Director of Public Health to accept and execute a standard agreement with the California Department of Public Health (CDPH) in amount not to exceed \$9,000,000, for three one-year periods to support the Department's Public Health Laboratory (PHL) Viral Load Testing (VLT) Program, effective July 1, 2008 through June 30, 2011; adopt resolution, as required by CDPH, to accept the standard agreement to support the PHL VLT program; approve appropriation adjustment in amount of \$559,000 to reflect grant funding to support the Department's VLT Program for Fiscal Year 2008-09; and authorize the Director to: **(Department of Public Health) ADOPT 4-VOTES**

Execute amendments and/or supplements to the standard agreement that rollover unspent funds and/or increase or decrease funding up to 25% of each fiscal year's total award for the period of July 1, 2008 through June 30, 2011; and

Fill seven full-time equivalent positions consisting of one Clinical Microbiologist II, two Public Health Microbiologist I positions, one Senior Laboratory Assistant, and three Laboratory Assistants in excess of what is provided in the Department's staffing ordinance and subject to allocation, 100% offset by CDPH funds. (09-0280)

Attachments: [See Supporting Document](#)

19. Recommendation: Ratify the Department of Public Health (DPH), Alcohol and Drug Program Administration's prior acceptance of Notice of Grant Award (NGA) from the U.S. Department of Justice in amount of \$200,000, for the Enhancement of the Second Chance Women's Reentry Court Program, to support alcohol and drug outpatient services for the period of July 1, 2008 through June 30, 2011; authorize the Director of Public Health to accept and execute amendments that are consistent with the requirements of NGA during the term of the agreement, to roll over unspent funds and/or to increase or decrease funding up to 25% of the year's base award, and to extend the term of the agreement for a period of 12 months through June 30, 2012. **APPROVE (Department of Public Health) (09-0278)**

Attachments: [See Supporting Document](#)

Community and Municipal Services

20. Recommendation: Approve and authorize the Director of Parks and Recreation to execute an agreement with the San Gabriel Valley Conservation and Service Corps, for as-needed services utilizing At-Risk Youth for landscaping, maintenance, and improvement projects at various parks for an initial two-year term, in amount not to exceed \$1,000,000 with two one-year extensions in amount not to exceed \$500,000 per year for each additional term; and authorize the Director to execute amendments for contract assignments resulting from acquisitions, mergers or other changes in ownership; also find the project categorically exempt from the California Environmental Quality Act. **APPROVE (Department of Parks and Recreation) (09-0275)**

Attachments: [See Supporting Document](#)

21. Recommendation: Approve a monthly payment of \$1,000 to Tim Phillips, Superintendent, Arboretum (5), by the California Arboretum Foundation, as a supplement to his County salary as a result of his acting appointment as Executive Officer, Arboretum, effective upon Board approval. **APPROVE (Department of Parks and Recreation) (09-0273)**

Attachments: [See Supporting Document](#)

22. Recommendation: Accept a multi-year grant award up to \$1,011,000 from First 5 LA to expand the Family Place Libraries program in at least 10 and up to 20 County libraries at an estimated cost of \$855,000 over a period of five fiscal years; refurbish the Carson Library meeting room in Fiscal Year 2008-09 at an estimated cost of \$156,000, for use as a Statewide Family Place training center; authorize the County Librarian for the full duration of the grant project for Fiscal Year 2008-09 through Fiscal Year 2012-13, to execute any documents and agreements related to the acceptance and use of the grant funds, to expend the grant funds as necessary for the completion of the project, and to meet the conditions of the grant award; establish the Carson Library Meeting Room Refurbishment project, C.P. 87054, at a total budget of \$156,000; approve appropriation adjustment using \$156,000 of the grant award to fund C.P. 98054; and authorize the County Librarian and Director of Internal Services to proceed with the completion of the refurbishment project; and find the actions are exempt from the California Environmental Quality Act. **APPROVE (Public Library) 4-VOTES (09-0279)**

Attachments: [See Supporting Document](#)

23. Recommendation: Ratify changes and accept completed contract work for Project ID No. SMDACO0111 - Amalia Avenue, et al., Sanitary Sewers, to clean, video inspect and line sanitary sewers, in the unincorporated community of East Los Angeles (1), Repipe-California, Inc., with changes amounting to a credit of \$8,623 and a final contract amount of \$326,698. **APPROVE (Department of Public Works) 4-VOTES (09-0292)**
Attachments: [See Supporting Document](#)
24. Recommendation: Approve and authorize the Director of Public Works to sign a sole-source consultant services agreement with Delcan Corporation for a fee not to exceed \$629,000, to assist with detailed design and implementation of an Advanced Transportation Management System for the Interstate 105 Corridor Intelligent Transportation System project, to be financed with 87% Los Angeles County Metropolitan Transportation Authority's Grant Funds and 13% Los Angeles County matching funds. **APPROVE (Department of Public Works) (09-0282)**
Attachments: [See Supporting Document](#)
25. Recommendation: Acting as the Governing Body of the County Flood Control District (District), approve and instruct the Chairman to sign 30-year lease agreement between the District and the City of Hope for constructing and maintaining a vehicular and pedestrian bridge over Storm Drain Bond Issue Project No. 30, Duarte Drain, Parcels 211 and 212 (5), for an initial rent of \$2,500 per year; find that lease agreement will not interfere with any purposes of the District; and find that project is exempt from the California Environmental Quality Act. **APPROVE (Department of Public Works) (09-0274)**
Attachments: [See Supporting Document](#)
26. Recommendation: Acting as the Governing Body of the County Flood Control District, approve and authorize the Director of Public Works to execute the nonfinancial Los Angeles County Storm Drain Initiative Agreement with County Sanitation District No. 2 and the County Flood Control District to transfer the ownership and maintenance of the County of Los Angeles Storm Drain Geodatabase to the County Flood Control District, effective upon execution by all parties. **APPROVE (Department of Public Works) (09-0281)**
Attachments: [See Supporting Document](#)

27. Recommendation: Award contract to N. Harris Computer Corporation in a sum not to exceed \$2.5 million for the installation, implementation, licensing, and maintenance of a Comprehensive Customer Information System Solution for water billing by County Waterworks Districts (3, 4, and 5), effective upon execution by all parties and ending after a 5-year maintenance plan which will start at the "Go-Live" of the system, which is estimated to be 14 months after execution, with two five-year renewal options for continued maintenance of the system, at an annual amount of \$146,000 for each renewal option plus any applicable cost-of-living adjustment in accordance with the County policy and terms of the contract; authorize the Director of Public Works to increase the contract amount up to an additional 10% of the contract sum for unforeseen, additional work within the scope of the contract, if required, and to adjust the contract sum over the term of the contract and each year of the renewal options to allow for an annual cost-of-living adjustment; authorize the Director to execute the contract and to renew the contract for each additional renewal option; and to approve and execute amendments to incorporate necessary changes within the scope of work. APPROVE (*NOTE: The Acting Chief Information Officer recommends approval of this item.*) **(Department of Public Works)** (09-0263)

Attachments: See Supporting Document

28. Recommendation: Approve and file Engineer's Reports for the following Petitions for annexation of territories to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone (1, 4 and 5); adopt resolution of intention to annex territory to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, and to order the levying of assessments within the annexed territory for Fiscal Year 2009-10; set April 28, 2009 at 9:30 a.m. for hearing regarding the proposed annexations and levying of annual assessments for street lighting purposes, with a base annual assessment rate of \$5 for a single-family residence with the County Lighting District LLA-1, Unincorporated Zone for Fiscal Year 2009-10: **ADOPT (Department of Public Works)**

Petition No. 109-806, Valinda area (1)
Petition No. 58-407, South Whittier area (1)
Petition No. 160-1206, South Whittier area (4)
Petition No. 1-107, South Whittier area (4)
Petition No. 54-407, Hacienda Heights area (4)
Petition No. 118-807, La Crescenta area (5)
Petition No. 43-307, Gorman area (5) (09-0291)

Attachments: See Supporting Document

29. Recommendation: Adopt resolution of intention to annex the following approved Tentative Subdivision territories to County Lighting Maintenance Districts 1687 and 1697 and County Lighting District LLA-1, Unincorporated and Carson Zones (2, 4 and 5); order the levying of assessments within the annexed territories for Fiscal Year 2009-10; set April 28, 2009 at 9:30 a.m., for hearing regarding the proposed annexation of approved Tentative Subdivision territories and levy of annual assessments for street lighting purposes, with a base annual assessment rate for a single-family home of \$5 for the Unincorporated Zone and \$1 for the Carson Zone: **ADOPT (Department of Public Works)**

Subdivision L 042-2007, City of Carson (2)
Subdivision L 071-2007, City of Carson (2)
Subdivision L 096-2007, City of Carson (2)
Subdivision Tract No. 65157, West Carson area (2)
Subdivision L 079-2002, South Whittier area (4)
Subdivision Tract No. 54367, Hacienda Heights area (4)
Subdivision Tract No. 52829, Saugus area (5) (09-0289)

Attachments: See Supporting Document

30. Recommendation: Adopt and/or rescind various traffic regulation orders to support traffic safety, enhance street sweeping services, enhance traffic flow, or provide adequate parking for disabled persons in the unincorporated communities of Avocado Heights, Azusa, City Terrace, East Los Angeles, Florence-Firestone, Bassett, Whittier, and Altadena (1, 4, and 5); and find that the adoption of orders and posting of the corresponding regulatory and advisory signage are exempt from the California Environmental Quality Act. **ADOPT (Department of Public Works)** (09-0283)

Attachments: See Supporting Document

31. Recommendation: Adopt findings and orders of the Building Rehabilitation Appeals Board which provide for abatement of public nuisances at the following unincorporated locations: **(Department of Public Works)**

16122 Meadowside St., Valinda (1)
11479 Bradhurst St., South Whittier (1)
434 San Angelo Ave., La Puente (1)
16418 Holton St., Valinda (1)
8123 Zamora Ave., Florence (2)
1157 East 59th Place, Florence (2)
7612 South Central Ave., Florence (2)
8753 Mary Ave., Florence (2)
1127 East 58th Drive, Florence (2)
1516 East 88th Street, Florence (2)
1435 East 60th Street, Florence (2)
12235 Loma Dr., South Whittier (4)
25540 Heather Hill Ave., Lancaster (5)
10353 East Avenue S-14, Littlerock (5)
16524 Sweetaire Ave., Palmdale (5) (09-0265)

Attachments: See Supporting Document

32. Recommendation: Adopt and advertise plans and specifications for Anaheim Street bridge over Long Beach Freeway, bridge seismic retrofit, in the City of Long Beach (4), at an estimated cost between \$185,000 and \$255,000; set March 17, 2009 for bid opening; authorize the Director of Public Works to award and execute contract with the lowest responsive and responsible bidder, execute change orders, allow substitution of subcontractors and relief of bidders, accept the project upon its final completion and release retention money. **ADOPT (Department of Public Works) (09-0271)**

Attachments: See Supporting Document

33. Recommendation: Acting as the Governing Body of the County Flood Control District, adopt and advertise plans and specifications for Rio Hondo Coastal Basin Spreading Grounds, roadway reconstruction, in the City of Pico Rivera (1), at an estimated cost between \$600,000 and \$700,000; set March 17, 2009 for bid opening; and find that project is exempt from the California Environmental Quality Act. **ADOPT (Department of Public Works) (09-0272)**

Attachments: See Supporting Document

34. Recommendation: Acting as the Governing Body of the County Flood Control District, ratify changes and accept completed contract work for the following construction projects: **APPROVE (Department of Public Works)**

Project ID No. FCC0001027 - CDR 438 - CMP Rehabilitation, to clean, video inspect, and line pipes and arches, in various unincorporated communities (4), to Repipe-California, Inc., with a final contract amount of \$126,774

Project ID No. FMD0003103 - San Gabriel River Clearing 2008, for the environmentally sensitive removal of vegetation, litter, debris, and other foreign material and its disposal, Cities of Baldwin Park, Industry and Irwindale, and in the unincorporated communities of Avocado Heights and Bassett (1), to Marina Landscape, Inc., with a final contract amount of \$137,800 (09-0296)

Attachments: See Supporting Document

35. Recommendation: Acting as the Governing Body of County Waterworks District Nos. 37 and 40, ratify changes and accept completed contract work for Project ID No. WWD4000004 - Acton and Antelope Valley Disinfection Conversion Project, to replace chlorine treatment equipment, Cities of Lancaster and Palmdale and in the unincorporated community of Acton (5), Southwest Engineering, Inc., with changes amounting to a credit of \$72,054.60, and a final contract amount of \$8,528,033.48. APPROVE **(Department of Public Works) (09-0298)**

Attachments: See Supporting Document

36. Recommendation: Ratify changes and accept completed contract work for Project ID No. RDC0013675 - Central Avenue, et al., to resurface roadway pavement, reconstruct curb and gutter, sidewalk, driveways and cross gutters, construct curb ramps and bus pads, and remove, root prune, and plant parkway trees, Cities of Compton, Gardena and Hawthorne and the unincorporated community of Rosewood (2), All American Asphalt, with changes amounting to a credit of \$508,769.46, and a final contract amount of \$4,809,092.88. APPROVE **(Department of Public Works) (09-0297)**

Attachments: See Supporting Document

Public Safety

37. Recommendation: Acting as the Governing Body of the Consolidated Fire Protection District, accept a \$15,000 grant from the Fireman's Fund Insurance Company, a company of Allianz Life Insurance of North America, to provide funding for the District to procure an AVON/ISI Thermal Imaging Camera, Garmin Global Positioning System (GPS), and an Amkus Combination Tool Chain Package for Fire Station 78, to assist firefighters in the Lake Hughes area and surrounding communities; authorize the Fire Chief to sign documents required by the Fireman's Fund Insurance Company that are associated with the administration and management of the grant; and approve appropriation adjustment recognizing \$15,000 in grant funding for Fiscal Year 2008-09. APPROVE **(Fire Department) 4-VOTES (09-0293)**

Attachments: See Supporting Document

38. Recommendation: Approve and instruct the Chairman to sign a five-year agreement with Twenty First Century Communications at a maximum obligation of \$1,535,000, for the provision of a Mass Notification System (MNS) to be operated by the Sheriff's Department, to enable timely notification to County residents and businesses, via voice mail, text, and e-mail, when emergencies occur in defined geographic areas, effective upon Board approval; and: **(Sheriff's Department, Fire Department and the Acting Chief Information Officer) APPROVE**

Authorize the Acting Chief Information Officer to execute future change notices to modify the agreement that either: a) do not materially affect the scope of the work, term or maximum contract sum; or b) use the pool dollars for post implementation work;

Authorize the Acting Chief Information Officer to execute necessary agreements with the local telephone companies for acquisition of 911 data that will be used by MNS, at an anticipated five-year cost for this data of \$442,530;

Approve and authorize the use of \$1,977,530 from the Information Technology Fund to support the system implementation, pool dollars, hosting, maintenance and support, and acquisition of 911 data from the local telephone companies;

Authorize the Sheriff to increase the contract amount by purchasing additional fixed-cost minutes in case of an emergency; and

Authorize the Sheriff to execute future amendments to add or change certain terms and conditions in the agreement as required by the Board or Chief Executive Officer. (09-0277)

Attachments: See Supporting Document

39. Recommendation: Approve and instruct the Chairman to sign agreement with the City of Industry (1) for use of a 2008 Ford F-150 pick-up truck, at no cost to County, for exclusive use by Sheriff's Department personnel assigned to the City of Industry Sheriff's Station Youth Athletic League Program, effective upon Board approval and terminating in six years, or when mutually agreed upon; indemnify and defend the agency from all liability arising out of the County's use of the vehicle, other than liability resulting from defects or malfunctions related to acts or omissions of the manufacturer, with the City of Industry to provide repairs and maintenance services for the vehicle; and send a letter of appreciation to the City of Industry for the generous loan and use of the vehicle. APPROVE (Sheriff's Department) (09-0276)

Attachments: [See Supporting Document](#)

40. Recommendation: Transfer funds from Services and Supplies to reimburse the Sheriff's Special Appropriation Fund in amount of \$12,639.08. APPROVE (Sheriff's Department) (09-0255)

Attachments: [See Supporting Document](#)

Miscellaneous Communications

41. Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Margaret and David Eichenlaub v. County of Los Angeles, United States District Court Case No. CV 06-06979, in the amount of \$475,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff Department Contract Cities Trust Fund's budget. (Continued from meeting of 02-03-09)

This lawsuit concerns allegation of excessive force and wrongful death by Sheriff's Deputies. (09-0189)

Attachments: [See Supporting Document](#)

42. Ordinance for adoption amending the County Code, Title 6 - Salaries, adding, deleting, and/or changing certain classifications and numbers of ordinance positions in the Departments of Fire, Health Services, Mental Health, Parks and Recreation, Probation, Public Library, Public Social Services, Public Works, Registrar-Recorder/County Clerk, and Treasurer and Tax Collector. ADOPT (09-0233)

Attachments: [See Supporting Document](#)

43. Ordinance for adoption amending the County Code, Title 22 - Planning and Zoning, to revise and clarify the provisions of the Marina del Rey Specific Plan relating to the responsibilities of the Regional Planning Commission and the Small Craft Harbors Design Control Board. ADOPT (Relates to Agenda No. 10) (09-0303)

Attachments: See Supporting Document

V. ORDINANCE FOR INTRODUCTION 44

44. Ordinance for introduction amending the County Code, Title 2 - Administration, to increase the membership of the Los Angeles County Housing Commission by adding two members who are tenants of properties owned or managed by the Housing Authority or participants in the United States Department of Housing and Urban Development Section 8 Tenant-Based Rental Assistance Program; add one member who shall be homeless or a formerly homeless individual; establish the terms of the tenant members of the Housing Commission; and refer to participants in the United States Department of Housing and Urban Development Section 8 Tenant-Based Rental Assistant Program. INTRODUCE, WAIVE READING AND PLACE ON AGENDA FOR ADOPTION (Relates to Agenda No. 1-H) (09-0295)

Attachments: See Supporting Document

VI. SEPARATE MATTERS 45 - 46

45. Treasurer and Tax Collector's recommendation: Adopt resolution authorizing the issuance and sale of Alhambra Unified School District Elementary Schools Improvement District General Obligation Bonds, Election 2008, Series A (1 and 5), in an aggregate principal amount not to exceed \$50,000,000. ADOPT (09-0266)

Attachments: See Supporting Document

46. Treasurer and Tax Collector's recommendation: Adopt resolution authorizing the issuance and sale of Santa Monica Community College District General Obligation Bonds, Election 2004, Series C (3), in an aggregate principal amount not to exceed \$57,000,000. ADOPT (09-0262)

Attachments: See Supporting Document

VII. DISCUSSION ITEMS 47 - 48

47. Recommendation: Authorize the Interim Director of Health Services to further reduce the reimbursement rate for the Physician Services for Indigent Program (PSIP) in future fiscal years on a year-by-year basis, up to a maximum of five years, with the reduced initial reimbursement rate to be no less than 25% of the Official County Fee Schedule; and authorize supplemental payments if significant funding remains in the PSIP at Fiscal Year end, and offer revised emergency physician agreements accordingly; also consideration of Supervisor Knabe's recommendation to instruct the Interim Director to report back to the Board on: (Continued from meetings of 1-13-09 and 2-10-09) **(Department of Health Services) APPROVE**

The impact that a reduction of the PSIP reimbursement rate below what Medi-Cal pays may have on the availability of emergency services, in combination with other current and anticipated developments in health care reimbursement;

Alternatives for Board consideration to across-the-board reductions in physician reimbursement rates which would more effectively preserve such services; and

Procedures to first fully air before the public, prior to presenting it to the Board, the need for any future proposal to lower the PSIP reimbursement rates below the Medi-Cal threshold of 27%.
(09-0224)

Attachments: See Supporting Document
Supervisor Knabe Motion
Report

48. Recommendation: Adopt the updated County Strategic Plan which includes new and updated Goals, Strategies, and Values to reflect completion of current Strategies, and new challenges and priorities identified since the last update in 2005. The proposed update largely continues the current Strategic Plan format and structure, but includes some revisions primarily reflective of the Board-approved governance structure. (09-0258)

Attachments: See Supporting Document

VIII. MISCELLANEOUS

49. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
50. Items not on the posted agenda, to be presented and (if requested) referred to staff or placed on the agenda for action at a future meeting of the Board, or matters requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda. BOARD MEMBERS - (2)
51. Recommendations by individual Supervisors to establish, extend or otherwise modify cash rewards for information concerning crimes, consistent with the Los Angeles County Code.
52. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.
53. Recommendation by individual Supervisors that the Board adjourn the meeting in memory of deceased persons and/or commemoration of ceremonial occasions.

**IX. ITEMS CONTINUED FROM PREVIOUS MEETINGS FOR FURTHER
DISCUSSION AND ACTION BY THE BOARD**

- A-1.** Continue local emergencies as a result of the following: (a) Discovery of an infestation of fruit flies, as proclaimed on May 10, 1990; (b) Conditions of extreme peril to the safety of persons and property arising as a result of fires within Los Angeles County, as proclaimed on October 13, 2008 and ratified by the Board on October 14, 2008; and (c) Conditions of extreme peril to the safety of persons and property arising as a result of fires within Los Angeles County, as proclaimed on November 14, 2008 and ratified by the Board on November 18, 2008.
- A-2.** CONFERENCE REGARDING POTENTIAL THREATS TO PUBLIC SERVICES OR FACILITIES
(Government Code Section 54957)
- Briefing by Sheriff Leroy D. Baca or his designee and related emergency services representatives.

X. NOTICES OF CLOSED SESSION**CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Subdivision (c) of Government Code Section 54956.9)

Initiation of litigation (two cases) (09-0178)

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Subdivision (c) of Government code Section 54956.9)

Initiation of litigation (one case) (09-0307)

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Angel Jaimes v. County of Los Angeles, et al., Los Angeles Superior Court
Case No. BC 331903.

This litigation arises out of allegations of employment discrimination brought
by an employee of the Probation Department. (08-1291)

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Charles R. Drew University of Medicine & Science v. County of Los
Angeles, Los Angeles Superior Court Case No. TC 020 609

This is a lawsuit alleging breach of a Medical School Affiliation Agreement.
(07-1221)

XI. CLOSED SESSION REPORT FOR FEBRUARY 10, 2009**(CS-1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Subdivision (c) of Government Code Section 54956.9)

Initiation of litigation (two cases)

ACTION TAKEN:

The Board of Supervisors authorized County Counsel to initiate or join litigation against the State Controller challenging his deferral of payment of funds to the County. The vote of the Board was:

Ayes: Supervisor Molina, Yaroslavsky, Antonovich and Knabe

Noes: None

Abstention: Supervisor Ridley-Thomas (09-0178)

(CS-2) CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency designated representatives: William T Fujioka, Chief Executive Officer and designated staff

Employee Organization(s) for represented employees: The Coalition of County Unions, AFL-CIO; Local 721, SEIU; Union of American Physicians and Dentists; Guild For Professional Pharmacists; Peace Officers Counsel of California; Association of Public Defender Investigators; Assistant Deputy District Attorneys; Los Angeles County Association of Environmental Health Specialists, Professional Peace Officers Association; and

Unrepresented employees (all)

No reportable action was taken. (08-1197)

END



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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500 WEST TEMPLE STREET
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January 21, 2009

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RE: **Margaret and David Eichenlaub v. County of Los Angeles**
United States District Court Case No. CV 06-06979

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Report.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Report be placed on the Board of Supervisors' agenda for February 3, 2009.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Margaret and David Eichenlaub v. County of Los Angeles, United States District Court Case No. CV 06-06979, in the amount of \$475,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegation of excessive force and wrongful death by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Margaret and David Eichenlaub v. County of Los Angeles
CASE NUMBER	CV 06-06979
COURT	United States District Court
DATE FILED	11/1/2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$475,000
ATTORNEY FOR PLAINTIFF	Dale Galipo
COUNTY COUNSEL ATTORNEY	Dennis M. Gonzales
NATURE OF CASE	<p>Sheriff's Deputies confronted Plaintiffs' decedent Devin Eichenlaub, as they believed he was acting suspiciously and was in possession of a weapon. Mr. Eichenlaub ran from the Deputies and a struggle ensued between the Deputies and Mr. Eichenlaub. He was eventually restrained and paramedics were called to the scene. Mr. Eichenlaub died shortly thereafter.</p> <p>The Plaintiffs claim that the Deputies used excessive force on Mr. Eichenlaub and caused his death. The Deputies claim that they used reasonable force</p>

and Mr. Eichenlaub's death was unrelated to the use of force.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$475,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$174,309
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PAID COSTS, TO DATE	\$133,241
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Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p style="text-align: center;"><u>M. and D. Eichenlaub v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2008-013)</p> <p style="text-align: center;">Sunday, October 29, 2006; 5:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Sunday, October 29, 2006, at approximately 5:30 p.m., two uniformed Los Angeles County sheriff's deputies assigned to Lakewood Station were engaged in routine patrol activities when they contacted Devin Eichenlaub. During the course of the contact, a physical altercation between Mr. Eichenlaub and several sheriff's deputies ensued. When Mr. Eichenlaub was finally subdued, he stopped breathing. Paramedics were summoned and performed cardiopulmonary resuscitation (CPR) on Mr. Eichenlaub. He died the following day.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The deputies contacted Mr. Eichenlaub to investigate a number of residential and vehicle burglaries recently committed in the area. Mr. Eichenlaub then ran from the deputies.

One of the deputies held Mr. Eichenlaub to prevent his escape. A lengthy struggle ensued and Mr. Eichenlaub was restrained. Even after being physically restrained with handcuffs, Mr. Eichenlaub continued to struggle and kick the deputies. He was further restrained with a departmentally-approved hobble restraint device placed around his ankles. Mr. Eichenlaub's assaultive behavior was finally controlled utilizing the Total Appendage Restraint Procedure (TARP).

Pursuant to established policy, Mr. Eichenlaub was then placed on his side and paramedics were summoned.

Within several minutes of the paramedics' arrival, Mr. Eichenlaub stopped breathing. One of the deputies assisted the paramedics with cardiopulmonary resuscitation (CPR). Mr. Eichenlaub was transported to a medical facility where he was pronounced dead the following day.

Mr. Eichenlaub's parents (plaintiffs) allege their son died after he was wrongfully stopped and beaten by Los Angeles County sheriff's deputies.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau (IAB) and Executive Force Review Committee (EFRC). Both organizations' independent administrative review revealed no violation of established policy.

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of the incident, and the Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

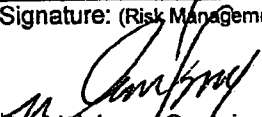
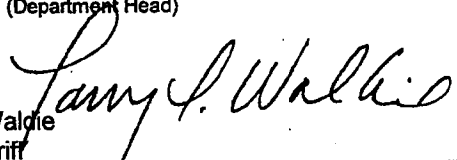
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$475,500.

Adoption of this summary corrective action plan *may* have implications for other County safety departments (refer to #2 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 11-25-08
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 12/08/08

HOBBLE RESTRAINT / T.A.R.P.



Personnel may utilize a hobble restraint when necessary and in accordance with established Department procedures. Refer to section 3-01/110.21 and section 3-01/110.22 for additional information.

The only Department-approved hobble is the "Ripp Hobbler" which is made of one-inch wide polypropylene webbed belting with a tested strength of 700 pounds. The hobble has a one-inch wide steel, alligator-jawed, friction-locking clip and steel-snap swivel. The overall length of the hobble shall be a minimum of 42 inches. All other hobbles are unauthorized.

A person is considered hobbled when they are handcuffed, their ankles are held together with a "Ripp Hobbler" restraint device, and the clip end of that device is not connected to the handcuffs. The Ripp Hobbler is the only Department-approved hobble restraint device. Refer to section 3-03/270.00 for its exact specifications, and refer to section 3-01/110.22 for hobbling policies and procedures.

3-01/110.22 TOTAL APPENDAGE RESTRAINT PROCEDURE (TARP)

A Total Appendage Restraint Procedure (TARP) consists of simultaneously securing all of a person's limbs (arms and legs). The individual's arms (wrists) are immobilized with handcuffs, and their legs are immobilized with the Ripp Hobbler restraint device. The clip end of the hobble restraint is then connected to the chain on the handcuffs.

TARP and Hobbling Policy and Procedures

Because all circumstances cannot be planned for and persons under the influence of certain illicit drugs may be at higher risk of sudden cardiac arrest during extreme physical exertion and stress, the following is required in all situations when the TARP is applied. Any deviation from these procedures shall be under the most compelling of circumstances, and the reason (s) for such action shall be clearly articulated in the Force Review Package, Watch Commander's memorandum (refer to section 5-09/430.00):

- Except for Department-approved training purposes, only those personnel who have received Department-authorized training in the use of the TARP may employ it on a person,
- When possible, a Field Supervisor shall respond to the scene, prior to the TARP being applied. Otherwise, the Field Supervisor shall immediately be summoned to the scene whenever a person has been TARPed,
- A person who has been TARPed shall remain TARPed until it appears their behavior no longer poses a serious or significant threat to their own safety, the safety of others or the potential of damage to property,
- Personnel shall continuously monitor the respiratory status and level of consciousness of all persons restrained with the TARP,
- Every effort shall be made to ensure that a TARPed person either remains on their side

- (the left side is preferable) or is seated upright,
- When possible, emergency medical services personnel shall be requested to the scene, prior to the TARP being applied. Otherwise, emergency medical services personnel (e.g., paramedics, jail medical staff, etc.) shall immediately be requested to the scene whenever a person has been TARPed. This includes situations in which the person has been removed from the TARP prior to the summoning or arrival of emergency medical services personnel,
 - Medical clearance for booking the TARPed person may be obtained from the emergency medical services personnel on scene, unless they recommend the TARPed person be evaluated at a medical facility. In these instances, the TARPed person shall be transported to a medical facility for a booking clearance,
 - Every effort shall be made to videotape a TARPing incident including, but not limited to, the person's behavior prior to the TARPing, the actual application of the TARP and the person's position and behavior after they have been TARPed,
 - If a TARPed person stops breathing, they shall be removed from the TARP and the handcuffs taken off their wrists, leaving only the legs hobbled. Cardiopulmonary Resuscitation (CPR) procedures shall immediately be started and continued until relieved by emergency medical services personnel. Sufficient back-up Deputies should be present in case the person regains consciousness and becomes violent,
 - If a person must remain TARPed, they shall be transported via ambulance. Deputy personnel shall always follow the instructions of the emergency medical services personnel when securing a TARPed person for ambulance transport. A Deputy should either remain in the ambulance to provide security or, if this is not possible, follow the ambulance via radio car.

NOTE: A "hobbled" person may be transported via radio car. They shall be seated upright in the rear seat of the radio car and secured by a seat belt. The long lead of the Ripp Hobble will be placed outside of the rear door. The rear door shall be closed and the long lead will then be placed in the adjacent front door of the radio car, leaving the lead's clip end on the front floorboard. The front door can then be closed, thus preventing the long lead from becoming entangled in the rear tire of the radio car.

Application of the TARP is considered "significant force." The hobbling technique is considered "reportable force." Refer to section 5-09/430.00 for additional information. Therefore, all force reporting procedures outlined in that section shall be followed. Additionally, if available, the following information shall be documented in the Watch Commander's memorandum (Force Review Package) for a TARPing incident:

- How long the subject was restrained in the TARP position,
- The emergency medical services agency that responded to the scene of the TARPing,
- How the subject was transported, and in what body position(s) they were placed during the transport,
- The length of time of the transport phase,
- The observations of the subject's psychological/physical condition while TARPed and during the transport phase,
- Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

Corrective Action Plan (CAP) Number: 2008-013CR

Lawsuit:

Name: **M. and D. Eichenlaub v. County of Los Angeles, et al.**
Case/Docket Number: (United States District Court Central District Case Number
CV06-06979)

Investigator: Richard W. Debruijn, Deputy
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Sunday, October 29, 2006; 5:30 p.m.

Location: Paramount Boulevard
Lakewood
(Contract City)

Station, Bureau, or Facility: Lakewood Station
(Field Operations Region III)

Risk Issues:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

Investigative Summary:

On Sunday, October 29, 2006, at approximately 5:30 p.m., two uniformed Los Angeles County sheriff's deputies assigned to Lakewood Station were engaged in routine patrol activities when they saw the plaintiffs' son, Devin Eichenlaub, walking on the center median of Paramount Boulevard.

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Due to a number of residential and vehicle burglaries recently committed in the area, the deputies contacted Mr. Eichenlaub. Mr. Eichenlaub ran from the deputies.

One of the deputies held Mr. Eichenlaub to prevent his escape. A lengthy struggle with several deputies ensued and Mr. Eichenlaub was restrained. Even after being physically restrained with handcuffs, Mr. Eichenlaub continued to struggle and kick the deputies. He was further restrained with a departmentally-approved hobble restraint device that was placed around his ankles to prevent him from kicking. Mr. Eichenlaub's assaultive behavior was finally controlled utilizing the Total Appendage Restraint Procedure (TARP).

Pursuant to established policy, Mr. Eichenlaub was then placed on his side and paramedics were summoned.

Within several minutes of the paramedics' arrival, Mr. Eichenlaub stopped breathing. One of the deputies assisted the paramedics with cardiopulmonary resuscitation (CPR). Mr. Eichenlaub was then transported to a medical facility. He was pronounced dead the following day.

Damages:

The plaintiffs allege their son died after he was wrongfully stopped and beaten by Los Angeles County sheriff's deputies.

Administrative Review:

Was a formal Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted?	Yes
Was a formal administrative review initiated?	Yes
If yes, was appropriate administrative action taken?	No
Was the employee's driving history analyzed during the administrative review?	N/A

Policy Issues:

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of the incident.

Training/Curriculum Issues:

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

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Corrective Action:

The Los Angeles County Sheriff's Department's formal administrative review revealed no employee misconduct on the part of the Department personnel.¹

Will a formal Risk Management Bureau audit be required?	No
If yes, what is the date the audit will be performed?	N/A
Name of person/unit performing audit?	N/A
Does this corrective action plan require notification to, or the assistance from, other County Departments?	No
If yes, what is the name, title, and organization of the person contacted?	N/A
How/when was the person contacted?	N/A

Evaluation:

It appears the sheriff's deputies had reasonable suspicion to detain Mr. Eichenlaub and used only reasonable force to detain him. There is a video which shows Mr. Eichenlaub losing consciousness. This piece of evidence will likely have a significant emotional impact on a jury.

A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which *may* exceed the recommended settlement amount.

Settlement Amount: **\$475,000.00**

¹ This incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau (IAB) and Executive Force Review Committee (EFRC). Both organizations' independent administrative review revealed no violation of established policy.

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PAGE FOUR

Prepared: Patrick Hunter, Lieutenant *PH*
Risk Management Bureau

Submitted: David J. Long, Captain *DJL*
Risk Management Bureau

Reviewed: Eric B. Smith, Commander *ES*
Leadership and Training Division

Approved: Roberta A. Abner, Chief *RAA*
Leadership and Training Division

Authorized: Larry L. Waldie, Undersheriff

Signature: *Larry L. Waldie* Date: 12-04/08