

MOTION BY SUPERVISORS GLORIA MOLINA
AND ZEV YAROSLAVSKY

December 20, 2011

The Office of Special Counsel was created by this Board in 1992 to periodically audit and report on the implementation of the recommendations made by Judge James Kolts following his investigation into the Sheriff's Department in the wake of controversial shootings of African Americans and Latinos by Sheriff Deputies.

With full access to Sheriff Department operations and through its attorney-client relationship with the Board, the Office of Special Counsel has served as this Board's primary vehicle for the identification of liability risks and the investigation of systemic issues in the jails and on patrol including allegations of excessive force, discriminatory policing, unfair treatment of inmates, community discontent with law enforcement, and custodial practices. The Office of Special Counsel is a vital and indispensable component of this Board's civilian oversight of department operations.

Providing a distinct though complementary function to the Office of Independent Review (OIR), which focuses on the integrity of individual investigations, the Office of Special Counsel examines systemic issues through in-depth reports and accompanying recommendations. Most recently, the Office of Special Counsel has been monitoring the Sheriff's implementation of a

MOTION

Molina _____

Ridley-Thomas _____

Knabe _____

Antonovich _____

Yaroslavsky _____

number of its specific jail-related recommendations in response to Supervisor Molina's October 18, 2011 motion.

Unfortunately, the budget of the Office of Special Counsel has not kept up with the needs imposed upon it. The budget initially set in 1992 at \$200,000 is today, 20 years later, only slightly higher at \$223,000. Additionally, given Special Counsel Merrick Bobb's unique historical perspective and insights into the operations of the Sheriff's Department over time, there is no question that a significant portion of his time in the next year will be devoted to assisting the newly created Citizen's Commission on Jail Violence in their review, in addition to monitoring any recommendations from the Commission that this Board and the Sheriff agree to implement.

In light of the millions of dollars in liability saved by the reforms proposed by the Special Counsel and the minimal staff he employs, clearly, an increase in resources is warranted. Sheriff Baca concurs.

WE, THEREFORE, MOVE that this Board approve a one year contract with Special Counsel Merrick Bobb that includes an increase in the total number of billable hours from 1,000 to 1,500 at the current rate of \$223 per hour;

WE, FURTHER, MOVE that the CEO transfer \$111,500 from the Sheriff's Judgments and Damages budget to the central Judgments and Damages budget to pay for the increase to the Office of Special Counsel's contract.

MJ/jp

CONTRACT FOR SPECIAL COUNSEL

This contract is entered into between the County of Los Angeles and Merrick J. Bobb, Attorney at Law.

WHEREAS, the COUNTY OF LOS ANGELES wishes to employ Merrick J. Bobb as Special Counsel to monitor the implementation of the Kolts Report concerning the operations of the Los Angeles County Sheriff's Department, and;

WHEREAS, Merrick J. Bobb has acted as Special Counsel to the County of Los Angeles pursuant to Contract No. 66889 and amendments thereto, Contract No. 73227, and contract No. 76918; it is therefore agreed by and between the County of Los Angeles and Merrick J. Bobb as follows:

1. Special Counsel Work Statement and Charge.

1(a). Special Counsel to the County of Los Angeles will monitor the implementation of the Kolts Report by conducting audits of the Los Angeles County Sheriff's Department. Special Counsel may also conduct special investigations as authorized by the Board of Supervisors.

1(b). Special Counsel's audits shall be in the same format and adhere to the same procedures used in providing services as Special Counsel under Contract No. 66889.

1(c). As Counsel to the County of Los Angeles, Special Counsel shall have access on an attorney-client basis to such confidential records of the County of Los Angeles, its departments and officers as may be material and

relevant to this inquiry. All public reports shall preserve all statutory and constitutional requirements of confidentiality with regard to records and individuals. Such information will be information acquired by a public employee in the course of his or her duty and not open, or officially disclosed, to the public within the meaning of Evidence Code section 1040.

1(d). Consistent with such confidentiality, any reports concerning specific individuals shall be made solely to the Sheriff on an attorney-client basis.

1(e). While protecting such confidentiality, Special Counsel shall provide progress reports to the Board of Supervisors and the Sheriff for dissemination to the public at least twice a year.

2. Compensation and Expenses.

2(a) Special Counsel shall be compensated at the rate of \$223 per hour.

2(b). Special Counsel and his staff shall be reimbursed for necessary expenses at the same rates and on the same terms as County employees.

2(c). Special Counsel's total compensation for fees and expenses in any calendar year may not exceed a sum equal to his hourly fee multiplied by 1,500 (one thousand five hundred).

2(d). Payment shall be made by the County to Special Counsel and his staff periodically within 10 working days after submission of an invoice to the Office of the County Counsel indicating the compensation due to date at the specified rates, and signed approved as to payment by Special Counsel. Such

invoices and other requests to the County Counsel shall be mailed or delivered to Gordon W. Trask, Principal Deputy County Counsel, 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

3. Support Staff

In his discretion, Special Counsel may utilize the services of employees of his law firm, or others, at rates not exceeding his own rate, as shall determine to be appropriate and necessary to the performance of his duties. Each such person shall sign an addendum to this agreement, approved as to form by the County Counsel, agreeing to the terms of this agreement. Staff assisting Special Counsel shall not have a criminal record of conviction of any crime of moral turpitude. Special Counsel shall be responsible for all assisting staff. All interim and final reports shall be communicated only by Special Counsel, not by his staff.

4. Disposition of Records.

The confidentiality of all records and materials collected and used by Special Counsel and his staff shall be preserved consistent with the terms of paragraph 1 of this contract, and shall within thirty days of Special Counsel completing his services be delivered to the County Counsel for confidential retention in the manner and for the periods required by law for confidential records of the County Counsel.

5. **Period of Agreement.**

This agreement shall commence on January 1, 2012, and terminate on December 31, 2012.

WHEREFORE, IT IS SO AGREED.

Date: 12/29/2011

Merrick J. Bobb
Merrick J. Bobb
Special Counsel

Date: 12/20/11

Zev Yaroslavsky
Honorable Zev Yaroslavsky
Chairman, Board of Supervisors

APPROVED AS TO FORM:
Andrea Sheridan Ordin
County Counsel

By [Signature]
Gordon W. Trask
Principal Deputy County Counsel

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

DEC 20 2011

ATTEST: SACHI A. HAMAI
EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS

By [Signature], Deputy

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

DEC 29 2011

I hereby certify that pursuant to Section 25109 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy

HOA.850005.1



DEC 29 2011

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January 19, 2012
DEPT NO: 060

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR
FY 2011-12
3 - VOTES

SOURCES		USES	
SHERIFF - GENERAL SUPPORT SERVICES A01-SH-5500-15681-15687 OTHER CHARGES		JUDGMENTS AND DAMAGES A01-JD-2000-13630 SERVICES & SUPPLIES	
DECREASE APPROPRIATION -	112,000	INCREASE APPROPRIATION -	112,000

SOURCES TOTAL 112,000

USES TOTAL 112,000

JUSTIFICATION

Reflects a decrease in other charges/judgments and damages appropriation to fund the central judgments and damages budget to pay for the increase to the Office of Special Counsel's contract, Merrick Bobb, as per December 20, 2011 Board approved motion.

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

AUTHORIZED SIGNATURE SHEILA WILLIAMS, MANAGER, CEO

DEC 20 2011

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

REFERRED TO THE CHIEF EXECUTIVE OFFICER FOR---

ACTION

RECOMMENDATION

AUDITOR-CONTROLLER

BY *Kour Sukuma*

B.A. NO. 057

DATE *Jan 26, 2012*

APPROVED AS REQUESTED

APPROVED AS REVISED

CHIEF EXECUTIVE OFFICER

Matthew McPherson
BY

DATE *Jan. 27, 2012*