

**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, MARCH 7, 2011, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser, and John Krattli

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).
 - a. County of Los Angeles v. U.S. A. Waste of California, et al.
Los Angeles Superior Court Case No. BC 345 002

This lawsuit concerns the remediation of environmental contamination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$140,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

b. Claim of Abel Giron, Jr.

This claim concerns landslide damage to a residential property in the unincorporated Hacienda Heights area of the County.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

c. Claim of Julie Tran

This claim concerns allegations that an employee of the Department of Public Works was subjected to sexual harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,000.

Vote: Unanimously carried

Absent: None

d. Robert Lyznick v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 936

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$900,000.

Vote: Unanimously carried

Absent: None

- e. Steven Dunner v. County of Los Angeles
Los Angeles Superior Court Case No. BC 424 097

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to discrimination, retaliation, and failure to accommodate.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$152,000.

Vote: Unanimously carried

Absent: None

- f. Ana Devis v. County of Los Angeles
Los Angeles Superior Court Case No. BC 399 352

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to sexual harassment; settlement is recommended in the amount of \$75,000.

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried

Absent: None

- g. Casandra Edwards v. County of Los Angeles
Los Angeles Superior Court Case No. BC 427 832

This lawsuit concerns allegations that an employee of the Department of Parks and Recreation was subjected to sexual harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$295,000.

Vote: Unanimously carried

Absent: None

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the February 22, and the March 1, 2011, special meetings of the Claims Board.

Action Taken:

The Claims Board approved the minutes of the February 22, and the March 1, 2011, special meetings as follows.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. U.S.A. Waste of California, et al.
CASE NUMBER	BC345002
COURT	Los Angeles Superior Court Central District
DATE FILED	December 22, 2005
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	Accept \$140,000 Settlement Offer
ATTORNEY FOR PLAINTIFF	William D. Brown, Esq. of Brown and Winters
COUNTY COUNSEL ATTORNEY	Casey Youn
NATURE OF CASE	This is an environmental contamination case involving the Cal Compact Landfill. The County and Garbage Disposal Districts are seeking contribution from other potentially responsible parties for costs they incurred for the contamination clean-up.
PAID ATTORNEY FEES, TO DATE	\$ 73,453 (In-House Attorney Fees)
PAID COSTS, TO DATE	\$ 17,936

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Abel Giron, Jr.
CASE NUMBER	RMIS No. 05-10370868002
COURT	Not Applicable - no lawsuit filed
DATE FILED	September 12, 2005, claim filed
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 80,000
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Rosa Linda Cruz Senior Deputy County Counsel
NATURE OF CASE	A March 2005 landslide on a hill on private property bordering Colima Road is alleged to have been activated by the County's cutting into the hill to construct Colima Road. The County may be liable in inverse condemnation for damage to Mr. Giron's property and attorneys' fees and costs.
PAID ATTORNEY FEES, TO DATE	\$ 79,753
PAID COSTS, TO DATE	\$ 96,385



Summary Corrective Action Plan
County of Los Angeles Department of Public Works

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.

Claim:	Abel Giron, Jr. and Rosa Isela Giron
Date of Incident/event:	March 18, 2005, to the present
Briefly provide a description of the incident/event:	<p>In March 2005, after heavy winter rains, mud and debris flowed from the hillside of the Giron's two parcels known as Assessor's Identification Nos. 8289-038-019 (15360 Metropol Drive) and 8289-038-020 (15353 Metropol Drive), onto Colima Road, in the unincorporated Hacienda Heights area. The resulting mud and debris that flowed from the hillside onto Colima Road also caused a light pole to fall onto the road, causing two separate single vehicle accidents. In addition, the rear portion of the two building pads owned by the Giron's failed, leaving a large depression in the backyards.</p> <p>The Giron's further allege that the County did not follow a developer's advice to install adequate sub-drains and terrace (bench) drains on the subject slopes.</p>

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

Due to a combination of excessive rain and unstable geologic conditions, the cut slope below the residential structures and on the property owned by the Giron's failed. The landslide not only caused mud and debris to flow onto Colima Road, but caused the rear portion of the Giron's building pad to fail.

According to research performed prior to the subject incident, it was concluded that when the County constructed Colima Road in the early 1960's, an unstable cut slope was created. It is believed that with a better understanding of the nature of the geologic conditions, that the cut slope could have been stabilized or avoided. Typical stabilization methods include, but are not limited to, stabilization fills, dewatering, and retention structures.

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

Our Geotechnical & Materials Engineering Division enhanced their review process of all County grading projects to ensure that any slopes created as a result of a County development are thoroughly analyzed to ascertain the nature and dynamics of those slopes and to determine the need to stabilize and/or implement measures to mitigate potential sliding of those slopes.

County of Los Angeles Department of Public Works
 Summary Corrective Action Plan

Through enhanced study and research, Public Works has gained a greater understanding of the unique geological conditions of the slope located both behind the Giron's property and adjacent to Colima Road. Thus in an effort to prevent future similar instances and to address the immediate issue at hand, we propose the following corrective measures:

Public Works will construct a retaining wall and gravity fill along the base of the hillside, on County right of way, below the subject Giron properties and install horizontal drains in order to stabilize the slope and prevent future mud and debris from falling onto Colima Road. The slope stabilization project, RDC0015175 includes the construction of the following.

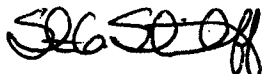

- (i) Installation of five horizontal drains (hydraugers) from the base of the slope for a total of 950 linear feet of drain. The drains are to be drilled at an average angle of 11 degrees from horizontal.
- (ii) Construction of a 300-foot long, 15-foot high pile-supported retaining wall along the base of the slope.
- (iii) Placement of backfill behind the retaining wall blended into the existing slope at a grade of 4.1 (horizontal to vertical).

To enable construction of the above improvements, the Giron's will transfer to the County, easements and rights of entry over portions of the subject properties for road, highway, and storm drain purposes as identified in the Road Deed that is Exhibit 1 of the Agreement between the County and the Giron's.

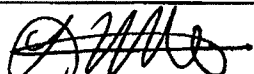
The slope stabilization project is scheduled to begin construction by Summer 2011 and scheduled for completion by Winter 2011, when it will protect the public traveling on Colima Road.

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 Countywide 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 Countywide or other department implications.

Signature: (Risk Management Coordinator) Steven G. Steinhoff		Date: 2/08/2011
Signature: (Director) Gail Farber		Date: 2-14-11.

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	Date: 2/8/11
Signature: 	Date:

ARM:psr
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COUNTY OF LOS ANGELES CLAIMS BOARD
CLAIMS BOARD MINUTES OF SPECIAL MEETING

February 22, 2011

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 8:02 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Brandon Nichols; Stacey Lee, Narbeh Bagdasarian, and Joyce Aiello; Department of Children and Family Services: Michelle Victor and Wanda Hazel; Fire Department: Chief John Tripp; Department of Health Services: Stephanie Hall, M.D., Kim McKenzie, Laura Sarff, and Bonnie Bilitch; Office of Affirmative Action: Hayward Harris, Jr.; Outside Counsel: Bill Balderrama, Mildred K. O'Linn, and Mitzie Dobson.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Claims Board Procedures.

No action was taken.

4. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 8:14 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

5. Report of actions taken in Closed Session.

At 10:12 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Anthony Iacono v. County of Los Angeles
Los Angeles Superior Court Case No. BC 408 874

This lawsuit concerns allegations that an employee of the Fire Department was subjected to discrimination and retaliation.
(Continued from the special meeting of February 10, 2011.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000.

Vote: Unanimously carried

Absent: None

- b. Benita Belardes v. County of Los Angeles
Los Angeles Superior Court Case No. BC 345 048

This lawsuit concerns allegations that a former employee of the Department of Children and Family Services was subjected to retaliatory termination; settlement is recommended in the amount of \$250,000.
(Continued from the special meeting of February 10, 2011.)

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried

Absent: None

- c. Uriel Guerrero, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 412 454

This medical negligence lawsuit arises from treatment received at the Olive View Medical Center.

(Continued from the special meeting of February 10, 2011.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000 plus assumption of the Medi-Cal lien in the amount of \$13,764.65.

Vote: Unanimously carried

Absent: None

- d. Oscar Garcia and Teresa Costello v. County of Los Angeles
Los Angeles Superior Court Case No. BC 409 336

This wrongful death lawsuit arises from treatment received by a minor patient at LAC+USC Medical Center.

(Continued from the special meeting of February 10, 2011.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$149,000.

Vote: Unanimously carried

Absent: None

6. Approval of the minutes of the February 10, 2011, special meeting of the Claims Board.

Action Taken:

The minutes of the February 10, 2010, special meeting of the Claims Board were approved.

Vote: John Naimo and Laurie Milhiser

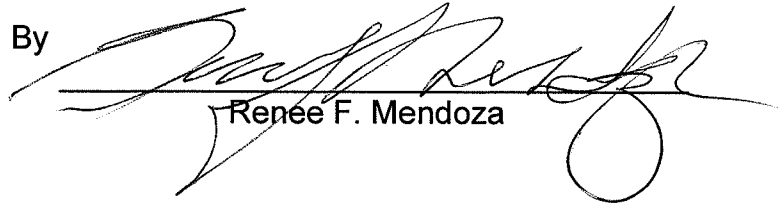
Abstain: John Krattli

6. Adjournment.

The meeting was adjourned at 10:44 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

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Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD
CLAIMS BOARD MINUTES OF SPECIAL MEETING

March 1, 2011

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 8:32 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Brandon Nichols and Joyce Aiello; Department of Children and Family Services: Michelle Victor and Wanda Hazel; Outside Counsel: Bill Balderrama.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 8:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 8:49 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Benita Belardes v. County of Los Angeles
Los Angeles Superior Court Case No. BC 345 048

This lawsuit concerns allegations that a former employee of the Department of Children and Family Services was subjected to retaliatory termination.

(Continued from the special meetings of February 10, and February 22, 2011.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Unanimously carried

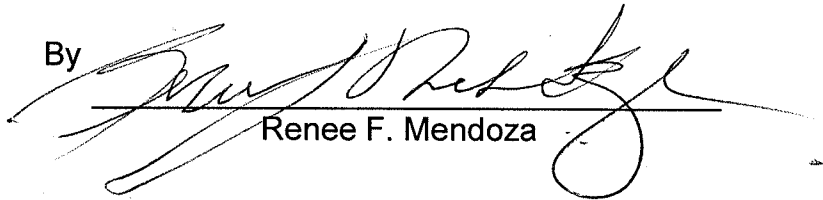
Absent: None

5. Adjournment.

The meeting was adjourned at 8:51 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

A handwritten signature in black ink, appearing to read "Renee F. Mendoza", is written over a horizontal line. The signature is fluid and cursive.

Renee F. Mendoza