



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE  
OPERATIONS CLUSTER**

WILLIAM T FUJIOKA  
Chief Executive Officer

**\*REVISED\***

**DATE:** September 23, 2010  
**TIME:** 12:30 p.m.  
**LOCATION:** Kenneth Hahn Hall of Administration, **Room 830**

**AGENDA**

Members of the Public may address the Operations Cluster on any agenda item by submitting a written request prior to the meeting.  
Three (3) minutes are allowed for each item.

1. Call to order – Ellen Sandt
  - A) **Discussion of Draft Board Report on Supervisorial Redistricting Process**  
CEO – Martin Zimmerman or designee
  - B) **Board Letter – Recommendation to approve Master Agreement for Long-Term Disability Hearing Officer Services**  
CEO – Steve NyBlom or designee
2. Public Comment
3. Adjournment

September 23, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

### **REPORT ON THE 2011 SUPERVISORIAL REDISTRICTING PROCESS**

On August 10, 2010, your Board, on motion of Chair Molina and Supervisor Yaroslavsky, instructed the Executive Officer of the Board, County Counsel, the Registrar-Recorder/County Clerk, the Internal Services Department's Urban Research Division, and the Chief Executive Officer to report back to the Board within 60 days with the following information on "Redistricting:"

1. Provide background information about the Supervisorial Redistricting process conducted in 1991 and 2001;
2. Recommend proposed policies, procedures and timelines for the completion of the 2011 redistricting in accordance with the law, including recommendations for necessary information technology systems, legal and technical consultants, and a public participation plan; and
3. Provide an overview of the current redistricting law and the County's status with respect to the 1991 U.S. Supreme Court case "Garza" and other relevant cases.

The following responds to your Board's instruction.

#### **Redistricting Law and the Garza Stipulation**

California Elections Code section 21500 requires that when adjusting supervisorial district boundaries, "districts shall be as nearly equal in population as may be."

Slight deviation is permissible so long as it is necessary to achieve a rational state policy. Factors that may be considered include topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and community of interests of the districts. Other factors that may be considered are boundaries of political subdivisions, preserving the cores of prior districts, avoiding contests between incumbent representatives, and minimizing population shifts that result in vote deferral and advancement.

When adopting a redistricting plan, the County must consider whether this may operate to deny or abridge citizens' rights to vote "on account of race or color" or membership in a "language minority group" in violation of Section 2 of the Voting Rights Act. However, the County is not required to create the maximum possible number of majority-minority districts, so long as the plan does not, when viewed in the totality of circumstances, deny minority voters equal measure of political and electoral opportunity. This would include manipulation of district lines to dilute the voting strength of politically cohesive minority group members, fragmenting minority voters among several districts where a bloc-voting majority can routinely outvote them, or packing them into one or a small number of districts to minimize their influence in the adjacent districts.

Please see Attachment I for a discussion of the Garza Stipulation.

### **Redistricting Process in 1991 and 2001**

Attachment I provides background on the Supervisorial redistricting process conducted in 1991 and 2001.

### **Recommended 2010 Redistricting Process**

In order to ensure maximum public participation and promote an open process, it is recommended that your Board approve a redistricting process similar to the process conducted in 2001. The recommended redistricting process includes the establishment of a Boundary Review Committee and the adoption of a Public Access Plan. The following are main elements of the recommended 2010 Redistricting Process:

Boundary Review Committee (BRC) – Similar to the redistricting process conducted in 2001, the BRC is recommended to be comprised of ten voting members and ten alternates, with two members and two alternates nominated by each Supervisor and appointed by your Board. The main function of the BRC will be to study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes.

Consistent with Election Code Section 21500, et seq., Attachment II provides recommended BRC Mission, Policies, and Procedures.

Public Access Plan (PAP) – The purpose of the PAP is to encourage and facilitate the widest feasible public participation in the redistricting process and to disseminate pertinent redistricting information. Specific details of the PAP are still being developed, however, key elements of the Plan may include:

- BRC meetings and outreach
  - Regular meetings (e.g., discussion/review of submitted plans)
  - Meetings in the five Supervisorial Districts
  - Outreach to encourage participation: general and targeted
- Press Releases/media contacts

- Acquisition of redistricting software
- Dissemination of redistricting information
- Developing a County redistricting website
- Facilitating the public's ability to develop plans, including general instructions, provision of a worksite, and/or support for online development of plans
- Board of Supervisors' hearings

Staffing – The following County departments have been identified to provide the following redistricting support:

- County Counsel: Legal guidance, including Voting Rights Act compliance
- Executive Officer, Board of Supervisors: BRC support
- Internal Services: Census/redistricting data management, software and website maintenance; development of maps and analyses of current and submitted plans
- Registrar-Recorder/County Clerk: Precinct information; election/voting data; party registration
- Chief Executive Office: General coordination and support; BRC support; management of consultants

Consultants – In accordance with previously delegated contracting authority, the Chief Executive Officer recommends engaging consultants for the following redistricting services:

- Development of an accurate, easily accessible database and provide analysis of key demographic variables, such as Race, Ethnicity, Age, and Gender, for incorporated and unincorporated areas in the County;
- Development of an accurate, easily accessible database and provide analysis of recent election results and voter registration date for incorporated and unincorporated areas in the County; and
- Redistricting assistance to each member of the Board of Supervisors.

Funding – Redistricting related costs for BRC, technical, and consultant support is included in the 2010-11 budgets as follows:

- Final Budget: \$623,000 was included for costs related to data support from the Internal Services Department, and specialized central redistricting consultants mentioned above. Supplemental Budget: \$250,000 was included for consultants for each Board office, and \$60,000 was included for the Executive Officer of the Board to provide support for a Boundary Review Committee.

Calendar – Attachment III provides a timeline of actions required for the adoption of a Supervisorial District Boundary Ordinance by the statutory deadline for implementing new boundaries by November 1, 2011.

### **Next Steps**

In order to proceed with the decennial redistricting of the Supervisorial district boundaries as required per Elections Code Section 21500 et seq., this Office will follow-up with a Board letter recommending the following actions:

- Approval of recommended policies, procedures, and timeline for implementation of a ten-member advisory Boundary Review Committee;
- Approval of a Public Access Plan subject to revisions by the Boundary Review Committee, limited only to the intent and spirit of the Board's approved Plan; and
- Approval of any other related actions which might be identified.

The Board Letter is targeted for the October 26, 2010 Board Agenda.

If you have any questions, please contact Martin Zimmerman at 213.974.1326, or via email at [mzimmerman@ceo.lacounty.gov](mailto:mzimmerman@ceo.lacounty.gov), or Frank Cheng at 213.893.7938, or vial email at [fcheng@ceo.lacounty.gov](mailto:fcheng@ceo.lacounty.gov).

WTF:ES  
MKZ:FC:JR:ib

Attachments (3)

c: Executive Officer, Board of Supervisors  
County Counsel  
Registrar-Recorder/County Clerk  
Internal Services Department  
Chief Information Office

## REDISTRICTING PROCESS IN 2001 AND 1991

### Introduction/Summary

Pursuant to California Elections Code section 21501, the Board of Supervisors must adjust the boundaries of the supervisorial districts before the first day of November of the year following the taking of the federal decennial census. However, in 1991, as a result of the federal court litigation in *Garza v. County of Los Angeles*, the County was required to invalidate the 1981 supervisorial redistricting plan and adopt a court-ordered plan in its place.

The County also entered into what is commonly referred to as "the *Garza* Stipulation," in which it agreed to submit voting changes in the method of electing the Board of Supervisors for preclearance by the U.S. Attorney General using the same standards as applied under Section 5 of the Voting Rights Act, or obtain a declaratory judgment declaring such changes enforceable from the United States District Court for the District of Columbia.

The *Garza* Stipulation covered voting changes such as supervisorial redistricting, and required the County to appoint a Supervisorial Boundary Review Committee, although under California Elections Code section 21505, such appointment is normally within the Board's discretion. Accordingly, in 1991, the Board established a Supervisorial Boundary Review Committee, which was comprised of ten voting members and ten alternate members. The Board also adopted a Public Access Plan that provided members of the public with a meaningful opportunity to participate in the redistricting process.

In 2001, as required by the *Garza* Stipulation, the Board again appointed a Supervisorial Boundary Review Committee consisting to ten members and ten alternate members, who were residents of the County. Consistent with the 1991 redistricting, the Board adopted an updated Public Access Plan to encourage and facilitate public participation and disseminate pertinent redistricting information. After holding a series of public meetings, the Supervisorial Boundary Review Committee approved a recommended plan and submitted it to the Board for approval. On July 10, 2001, the Board adopted new boundaries to conform to 2000 decennial census and thereafter, on September 13, 2001, the United States Department of Justice pre-cleared the County's approved redistricting plan

The *Garza* stipulation expired by its own terms on December 31, 2002. Therefore, the County is no longer required to obtain preclearance or declaratory judgment in order to change the supervisorial district boundaries.

The following provides a calendar of key events in the 1991 and 2001 supervisorial redistricting processes.

### 2001

- **September 12, 2000** - Pursuant to *Garza* stipulation, Board of Supervisors (Board) approved the Boundary Review Committee (BRC) and Public Access Plan (PAP)
  - BRC Structure and Staffing
    - BRC consisted of ten voting members and ten alternates, each Supervisor selected two members and two alternates.
    - BRC Structure included Chair and Vice-Chair, with Ralph M. Brown Act and Robert's Rules of Order in effect.

- BRS Staff Included:
      - County Departments: CAO (Urban Research), County Counsel, Executive Officer of the Board, Registrar Recorder/County Clerk, and the Departments of Internal Services, Public Works and Regional Planning
      - Consultants
  - PAP Resulted in the following:
    - BRC Meetings
      - Nine BRC meetings were held from January 25, 2001 to June 13, 2001.
    - Community Meetings.
      - Six community meetings were held; a minimum of one in each Supervisorial district.
    - Solicitation of Letters from the Public regarding Communities of Interest.
      - By June 13, 2001, 68 letters from the public regarding redistricting had been received.
    - Development of Supervisorial Redistricting Website, which included:
      - Information on redistricting process
      - BRC meeting dates, as well as agendas and minutes
      - Information on current district boundaries, location of County facilities, elected local officials, etc
      - Instructions for preparing and submitting redistricting plans
      - Access to enable downloading of redistricting data
    - Redistricting Database
      - Census information by Census tract and split tract was made available to assist the BRC and public in preparing redistricting plans.
      - Database was made available in a redistricting package on the internet or in hard copy for a nominal cost-recovery fee.
    - Redistricting worksites with County computers
      - A worksite was made available to the public for preparing and analyzing redistricting plans.
      - Two work sites were available: Department of Public Works in Alhambra and CAO's Urban Research Division in Civic Center.
      - Technical consultants were available to provide the public with assistance in the use of redistricting software.
    - Media Outreach
      - CAO's Public Affairs Office issued press releases and updated County Website.
- **June 13, 2001** – BRC Recommended Plan Approved by Committee at final public hearing.
- **July 10, 2001** - Board adopted new boundaries to conform to 2000 decennial census.
- **September 13, 2001** - Department of Justice pre-cleared the County's approved redistricting plan.

## 1991

- **June 4, 1990** - U.S. district court ruling in *Garza v. County of Los Angeles*. Judge Kenyon found that the County engaged in intentional discrimination in redrawing district lines, and that the 1981 redistricting plan diluted the strength of the Hispanic vote in violation of Section 2 and the equal protection clause. County was ordered to conduct another redistricting.

- **June 5, 1990** - Primary Election: Sarah Flores and Gregory O'Brien receive the most votes for First District seat. Runoff election was set for November 1990.
- **August 3, 1990** - Judge Kenyon accepted a plan creating a district in which the majority of voting age citizen population was Hispanic. The judge canceled the November run-off and ordered a new election. The Court of Appeals later stayed the decision and postponed the November election.
- **November 2, 1990** - Ninth Circuit opinion in *Garza v. County of Los Angeles* upheld imposition of the new supervisorial district boundaries as ordered by the district court.
- **November 8, 1990** - Judge Kenyon ordered a January 22, 1991 election held using the court-ordered districts.
- **December 18, 1990** - Board ordered creation of transition task force to coordinate necessary changes for smooth transition to the new supervisorial districts.
- **January 8, 1991** - Board ordered preparation of a new boundary ordinance implementing the *Garza* plan, creation of a 10-member Boundary Review Committee. (Same date – County's petition for U.S. Supreme Court review was denied.)
- **February 19, 1991** - Gloria Molina is elected First District Supervisor.
- **February 26, 1991** - Board repealed 1981 boundary ordinance and enacted a new ordinance codifying the *Garza* plan (effective March 29, 1991).
- **March 26, 1991** - Board established Supervisorial District Boundary Review Committee (DBRC) to adjust boundaries based on 1990 Census
  - Comprised of 10 residents of the County reflecting its cultural and ethnic diversity
  - Each Supervisor nominated two (2) committee members and two (2) alternates
- **April 25, 1991** - Stipulation entered in *Garza v. County of Los Angeles*, under which the County agreed to be subject to Section 5 preclearance requirements until December 31, 2002.
- **June 1991** (estimated) - DBRC Public Hearings
- **September 17, 1991** - DBRC presented the recommended five-district plan to the Board which voted to place the ordinance on the agenda for adoption.
- **September 24, 1991** - Board repealed the boundary ordinance adopted on February 26, 1991 and adopted a new boundary ordinance as recommended by the DBRC.

Notes:

- April 1991 and September 1991: Board directed DBRC to recommend seven-member and nine-member plans for possible placement on the ballot.
- July 1992: Board voted to remove seven-member plan from November 1992 ballot.
- September 1992: Nine-member plan was pre-cleared by the DOJ
- November 1992: Charter amendment to establish a nine-member board defeated by the electorate

## **SUPERVISORIAL DISTRICT BOUNDARY REVIEW COMMITTEE MISSION, POLICIES, AND PROCEDURES**

### **Mission**

- *To study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes;*
- *To convene public hearings to receive, review, and analyze proposed redistricting plans submitted by committee members, the public, and other organizations; and*
- *To recommend for adoption by the Board of Supervisors a decennial redistricting plan which provides fair and effective representation for all the people of the County, enhances the opportunity for all voters to elect candidates of their choice, and which otherwise meets all the requirements of law. A final Supervisorial Redistricting Plan shall be approved to the Board of Supervisors by November 1, 2011 to comply with the Election Code.*

### **Membership**

There shall be ten voting members and ten alternate members of the Supervisorial District Boundary Review Committee. Each member of the Board of Supervisors shall nominate two voting members and two alternate members to the Boundary Review Committee. Members and alternates must be residents of the County of Los Angeles. Alternates shall assume the rights and authorities in the absence of voting members. The entire Board of Supervisors shall appoint the membership of the Boundary Review Committee.

### **Staffing**

The Chief Executive Office and the Executive Office of the Board of Supervisors shall provide staff support for the Boundary Review Committee. The Internal Services Department, Chief Information Office, and Registrar-Recorder/County Clerk shall provide technical support to the Boundary Review Committee to facilitate public participation in the work of the Committee. The County Counsel shall serve as legal advisor to the Boundary Review Committee.

The Chief Executive Officer will engage specialized consultants to provide additional technical analysis and support to ensure that the Boundary Review Committee can accomplish its mission in the required time frame.

Staff shall implement the Public Access Plan approved by the Board to educate the public concerning the work of the Committee and to encourage public participation in its deliberations with particular attention to include outreach to groups affected by proposed changes to the existing boundaries of the Supervisorial Districts.

**Structure of the Boundary Review Committee**

The Boundary Review Committee shall elect a chairperson from among its members and such other officers as are consistent with its adopted rules of order.

**Meetings**

Meetings of the Boundary Review committee are subject to the Brown Act. The Boundary Review Committee shall conduct its first meeting no later than 30 days following the appointment of the Committee. At its first meeting, the Boundary Review Committee shall adopt rules of order for its operation, review, and adopt the proposed meeting schedule to implement its mission and shall consider a plan for action concerning the subject under study.

Staff shall assist the Boundary Review Committee to facilitate public participation and public input into the work of the Committee.

**Voting**

All action by the Boundary Review Committee requires majority vote of its total membership.

**REDISTRICTING PLAN CALENDAR**

<b>Timeframe</b>	<b>Action</b>
<b>October 2010</b>	Submit proposed redistricting process to Board of Supervisors, including establishment of BRC
<b>Fall 2010</b>	<ul style="list-style-type: none"> <li>• Board appoints BRC members/alternates</li> <li>• County staff prepares for redistricting process (e.g., review requirements, current plan, and data requirements; secure consultant assistance; design website)</li> </ul>
<b>December 2010</b>	Census Bureau delivers 2010 Census data to President
<b>January 2011</b>	<ul style="list-style-type: none"> <li>• The President delivers apportionment count to the U.S. House of Representatives</li> <li>• Organizational meeting of BRC</li> <li>• Activate Website</li> </ul>
<b>March 2011</b>	<ul style="list-style-type: none"> <li>• Prepare for receipt of Census data (no later than 4/1/11)</li> <li>• Establish hearing/public meeting calendar</li> <li>• Issue press releases on process</li> </ul>
<b>April 2011</b>	<ul style="list-style-type: none"> <li>• Analyze existing election districts using the 2011 redistricting data</li> <li>• Activate redistricting public worksite</li> <li>• Begin BRC meetings</li> </ul>
<b>May/June 2011</b>	Regular BRC meetings and outreach meetings in Supervisorial Districts Analyze redistricting plans submitted
<b>July/August 2011</b>	BRC deliberates on recommended redistricting plan(s)
<b>September 2011</b>	BRC recommends redistricting plan(s) to Board of Supervisors
<b>October 2011</b>	Board holds public hearings on redistricting plan Board adopts Supervisorial Redistricting Plan (no later than 11/1/11); 4/5 vote required If Board fails to adopt a Plan by that date, responsibility for adopting boundaries shifts to a redistricting commission composed of (in LA County) the District Attorney, Assessor and Sheriff, as prescribed by Elections Code 21502
<b>December 2011</b>	Filing to run for County Supervisor in the June 2012 Primary commences in late December

Note: This calendar may be accelerated in order to allow Registrar-Recorder/County Clerk to determine precincts for municipal elections occurring in the County from March – May 2012. This would avoid the need to re-adjust precincts for the June General Primary.

## 2010-11 REDISTRICTING PROCESS - OUTLINE

### Staffing

- County Counsel: Legal guidance
- Executive Officer, Board of Supervisors: Boundary Review Committee support
- Internal Services: Manage Census/redistricting data, software and website; development of maps and analyses of current and submitted plans
- Registrar-Recorder/County Clerk: Precinct information; election/voting data; party registration
- Chief Executive Office: Coordination and support; management of consultants

### Funding

- (Final Budget/Supplemental Budget): Consultants, Commission Support, Data support

### Consultants

- Central, Board Offices

### Data

- Redistricting software support/analysis, GIS
- Demographics analysis
- Election data analysis

### Public Access and Participation

- Boundary Review Committee (BRC)
  - Regular meetings
  - Meetings in the five Supervisorial Districts
  - Outreach to encourage participation: general and targeted
- Press Releases/media contacts
- Redistricting Website
- Redistricting Worksite or Website Assistance
- Board of Supervisors' Hearings

### Requirements/Guidelines

- Population equality (one-person-one-vote); allowable deviation
- Voting Rights Act
- Communities of interest

### Calendar

<b>Timeframe</b>	<b>Action</b>
<b>Late September/ Early October 2010</b>	Submit proposed redistricting process to Board of Supervisors, including establishment of BRC
<b>Fall 2010</b>	<ul style="list-style-type: none"><li>• Board appoints BRC members/alternates</li><li>• County staff prepares for redistricting process (e.g., review requirements, current plan, and data requirements; secure consultant assistance; design website)</li></ul>

<b>December 2010</b>	Census Bureau delivers 2010 Census data to President
<b>January 2011</b>	<ul style="list-style-type: none"> <li>• The President delivers apportionment count to the U.S. House of Representatives</li> <li>• Organizational meeting of BRC</li> <li>• Activate Website</li> </ul>
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Note: This calendar may be accelerated in order to allow Registrar-Recorder/County Clerk to determine precincts for municipal elections occurring in the County from March – May 2012. This would avoid the need to re-adjust precincts for the June General Primary.

## **Supervisorial Redistricting Process – 1991 and 2001**

### **2001**

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    - BRC Structure included Chair and Vice-Chair, with Ralph M. Brown Act and Robert's Rules of Order in affect
    - BRS Staff Included:
      - County Departments: CAO (Urban Research), CoCo, Exec Office, RR/CC, ISD, DPW, DRP
      - Consultants

- PAP Resulted in the following:
  - BRC Meetings
    - Nine BRC meetings were held from January 25, 2001 to June 13, 2001
  - Community Meetings
    - Six community meetings were held; one in each Supervisorial district
  - Solicitation of Letters from the Public regarding Communities of Interest
    - By June 13, 2001, 68 letters from the public regarding redistricting had been received
  - Development of Supervisorial Redistricting Website, which included:
    - Information on redistricting process
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    - Census information by Census tract and split tract was made available to assist the BRC and public in preparing redistricting plans
    - Available in a redistricting package on the internet or in hard copy for a nominal cost-recovery fee
  - Redistricting worksites with County computers
    - Available to the public for preparing and analyzing redistricting plans
    - Two work sites were available: Department of Public Works in Alhambra and CAO's Urban Research Division in Civic Center
    - Technical consultants were available to provide the public with assistance in the use of redistricting software
  - Media Outreach
    - CAO's Public Affairs Office issued press releases and updated County Website
- **June 13, 2001** – BRC Recommended Plan Approved by Committee at final public hearing
- **July 10, 2001** - BOS adopted new boundaries to conform to 2000 decennial census
- **September 13, 2001** - Department of Justice pre-cleared the County's approved redistricting plan

## **1991**

- June 4, 1990: U.S. district court ruling in *Garza v. County of Los Angeles*. Judge Kenyon found that the County engaged in intentional discrimination in redrawing district lines, and that the 1981 redistricting plan diluted the strength of the Hispanic vote in violation of Section 2 and the equal protection clause. County was ordered to conduct another redistricting.
- June 5, 1990 Primary Election: Sarah Flores and Gregory O'Brien receive the most votes for First District seat. Runoff election was set for November 1990.
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- December 18, 1990: Board ordered creation of transition task force to coordinate necessary changes for smooth transition to the new supervisorial districts.
- January 8, 1991: Board ordered preparation of a new boundary ordinance implementing the *Garza* plan, creation of a 10-member Boundary Review Committee. (Same date – County's petition for U.S. Supreme Court review was denied.)
- February 19, 1991: Gloria Molina is elected First District Supervisor.
- February 26, 1991: Board repealed 1981 boundary ordinance and enacted a new ordinance codifying the *Garza* plan (effective March 29, 1991).
- March 26, 1991: Board established Supervisorial District Boundary Review Committee (DBRC) to adjust boundaries based on 1990 Census
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  - Each Supervisor nominated two (2) committee members and two (2) alternates
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- DBRC Public Hearings (estimated: June 1991)
- September 17, 1991: DBRC presented the recommended five-district plan to the Board which voted to place the ordinance on the agenda for adoption.
- September 24, 1991: Board repealed the boundary ordinance adopted on February 26, 1991 and adopted a new boundary ordinance as recommended by the DBRC.

Notes:

- April 1991 and September 1991: Board directed DBRC to recommend seven-member and nine-member plans for possible placement on the ballot.
- July 1992: Board voted to remove seven-member plan from November 1992 ballot.
- September 1992: Nine-member plan was pre-cleared by the DOJ
- November 1992: Charter amendment to establish a nine-member board defeated by the electorate.



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

**DRAFT**

October 5, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RECOMMENDATION TO APPROVE MASTER AGREEMENT FOR  
LONG-TERM DISABILITY HEARING OFFICER SERVICES  
(ALL DISTRICTS – 3 VOTES)**

**SUBJECT**

Request to approve a Master Agreement for Long-Term Disability (LTD) Hearing Officer Services and authorize the Chief Executive Officer (CEO) to enter into and execute additional Master Agreements with other firms, as-needed, throughout the term of the Master Agreement.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Approve and authorize the CEO or his designee to execute a non-exclusive Master Agreement for LTD Hearing Officer Services with each of the three firms listed on Attachment I, in a format substantially similar to the sample Master Agreement provided in Attachment II, which has been approved as to form by County Counsel, effective upon your Board's approval and through October 31, 2017.
2. Delegate authority to the CEO or his designee to enter into and execute Master Agreements for LTD Hearing Officer Services with additional firms throughout the seven-year term, providing these firms meet all minimum requirements and qualifications as outlined in the initial Request for Statement of Qualifications (RFSQ) dated July 2010.

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

*"To Enrich Lives Through Effective And Caring Service"*

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Intra-County Correspondence Sent Electronically Only**

3. Delegate authority to the CEO or his designee to approve and execute amendments to the Master Agreement for LTD Hearing Officer Services, as long as the amendments do not exceed the maximum term for the Master Agreement, do not exceed the maximum cost per case, are consistent with your original Board-approved intent of the Master Agreement, and are in conformance with any mandatory or otherwise your Board-ordered contract provisions.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this recommendation is to replace the existing Master Agreements which are scheduled to expire on October 31, 2010. The CEO has utilized an LTD Hearing Officer Services Master Agreement to provide a panel of independent hearing officers since 2005. Approval of the Master Agreements will enable the CEO to continue to maintain an adequate number of qualified, impartial hearing officers to resolve LTD claim appeals.

### **Implementation of Strategic Plan Goals**

Authorizing the Master Agreements supports the County's Strategic Plan Goal 1, Service Excellence; and Goal 4, Fiscal Responsibility.

### **FISCAL IMPACT/FINANCING**

The funding for these Master Agreements is included in the Fiscal Year 2010-11 Adopted Budget and expenses will be charged to the County's LTD Trust Fund.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Your Board adopted the County's LTD Plan on July 1, 1981. The *Los Angeles County Code*, Section 5.38.030 (F) provides that County employees who claim, and are subsequently determined ineligible to receive LTD benefits, may appeal such determinations through an administrative hearing process.

The CEO will assign cases to the hearing officers' panel on a rotational basis. The Master Agreement provides for compensation on an hourly basis at the rates set forth in the Master Agreement, not to exceed \$2,400 per case.

The CEO also requests authorization to execute a Master Agreement with additional qualified firms throughout the term of the Master Agreement. Doing so will ensure the availability of a sufficient number of hearing officers, and LTD hearings to continue to be conducted efficiently and in a timely manner.

The Master Agreement has been approved as to form by County Counsel and includes all of your Board's required contract provisions, including those pertaining to compliance

with the County's Child Support Program, consideration of GAIN participants for employment, adherence to County's Defaulted Property Tax Reduction Program, and Jury Service requirements. The CEO has determined that, because of the nature and frequency of the services, the proposed Master Agreement is not subject to the County's Living Wage Program (County Code Chapter 2.201).

### **CONTRACTING PROCESS**

An RFSQ was released in July 2010. The RFSQ was posted on the County's website, advertised in the Daily Journal, and notification was mailed and/or e-mailed to 40 firms. A total of five responses were received and reviewed for compliance with the RFSQ. References were also validated for each of the firms. Three firms were determined to be qualified and are being recommended for the Master Agreements.

Interested firms can also qualify at any time during the term of the Master Agreement in order to maximize the County's panel of as-needed hearing officers.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the Master Agreement enables the CEO to continue obtaining qualified candidates to maintain a sufficient number of panel members to provide services.

### **CONCLUSION**

Please return one adopted copy of this letter to the CEO, Risk Management Branch.

Respectfully submitted,

WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:ES  
SEN:KR:tv

Attachments

c: Executive Officer, Board of Supervisors  
County Counsel  
Auditor-Controller