
Economy & Efficiency Commission

Meeting Minutes

MINUTES OF THE REGULAR MEETING ECONOMY AND EFFICIENCY COMMISSION

WEDNESDAY, NOVEMBER 2, 1994
KENNETH HAHN HALL OF ADMINISTRATION
500 West Temple St., Los Angeles, CA 90012

Editorial Note: Agenda sections may be taken out of order at the discretion of the chair. Any reordering of sections is reflected in the presentation of these minutes.

I. CALL TO ORDER

Chairperson Gunther Buerk called the meeting to order.

II. ATTENDANCE

COMMISSIONERS PRESENT

Gunther Buerk
Fred Balderrama
Richard Barger
David Farrar
Louise Frankel
James Gilson
Jaclyn Tilley Hill
Carole Ojeda Kimbrough
Roman Padilla
H. Randall Stoke
Julia Sylva
Tony Tortorice
Betty Trotter

COMMISSIONERS EXCUSED

John FitzRandolph
Jon Fuhrman
Chun Lee
Robert Philibosian
Randy Stockwell

COMMISSIONERS ABSENT

Albert Vera

Moved, Seconded and Approved: The Commission members noted above be excused.

III. CONSIDERATION OF MINUTES

Chairperson Buerk asked for any amendments, correction or objections to the proposed Minutes from the October 5, 1994 Commission meeting. There were none.

Moved, Seconded and Approved: The minutes of the October 5, 1994 Commission Meeting be approved.

IV. INTRODUCTIONS AND ANNOUNCEMENTS

There were none.

V. OLD BUSINESS

A. Museum of Natural History.

Task Force Chairperson Trotter reported that Dr. Davis, the consultant for the project, has returned from his business trip to China. Mr. Staniforth has been in communication with him to arrange a meeting, tentatively, the week of November 14. Commissioner Hill added that the Task Force is anxious to meet with Dr. Davis so the project direction can be reviewed with him.

B. Department of Health Services-Reengineering.

Task Force Chairperson Tortorice reported that the project is moving along on schedule. A report is expected to be ready in the middle of January. The consultants advised that they are pleased with the cooperation they are getting from the department. At present they are working on the workflow analysis and cost data. A model of one of the areas being studied (emergency room) is anticipated in mid- November. Commissioner Frankel advised that she had read that it is difficult to reengineer one portion of a large organization and inquired if this is a problem for the project. Commissioner Tortorice replied that this depends on how isolated an area may be from the rest of the organization, and the emergency room is a rather well self-contained operation. There was a general discussion about how well the project area is suited for reengineering.

C. Liability & Risk Management.

In the absence of Task Force Chairperson Lee, Mr. Staniforth reported that an advance draft report has been received from ARMTech. He stated that his next priority is to go through the draft report to assure that all Commission concerns have been addressed by ARMTech and the CAO.

D. Proposition "A" Contracting Follow-up.

Task Force Chairperson Trotter reported that Mr. Staniforth is continuing his work with the CAO's office to amend their original reaction to the report. The report to be issued by the CAO indicates which recommendations will be included in the next contracting manual and will be cross-referenced for facilitating the use of the manual. Mr. Staniforth advised that, after reporting to the task force, he had negotiated the agreement with the CAO representatives, and they are in the process of completing their final document. This document will be transmitted to the Board. Chairperson Buerk suggested that there be a motion to approve the recommendation of the task force to have the Commission accept the changes made by the CAO.

Moved, Seconded and Approved: The Commission authorizes the Task Force to accept the changes made by the CAO to the Commission recommendations in its report on Proposition "A" Contracting, pending their review of the final report of the CAO.

E. Unincorporated Areas Services.

Task Force Chairperson Padilla welcomed Commissioner Petak as a new member of the task force. He reported that a conference telephone call was conducted on October 25 to approve the prospective consultant (a colleague of Commissioner Petak), Dr. Gilbert Siegal of the University of Southern California. Dr. Siegal is eminently qualified to assist on the project and plans to get an interim report ready by the end of the month, and a final report by the end of the year. Mr. Staniforth advised that the compilation of notes and data prepared to date has been given to Dr. Siegal for his analysis.

F. County Economic Growth.

In the absence of Task Force Chairperson Philibosian, Mr. Staniforth reported that the task force had conducted a conference call and selected David Adishian, a Pepperdine Law School graduate, to prepare an up-date report on Workers Compensation Insurance reform, permit streamlining, and tort reform. When his report is completed, a task force meeting will be scheduled to review it. Following the task force review, the report will be brought to the Commission for approval.

G. Jury Management.

Task Force Chairperson Trotter expressed her appreciation for the work done by the staff in the preparation of the draft report. Commissioner Frankel complimented Commissioner Trotter for her guidance and direction of the project effort.

Commissioner Trotter observed that there are three or four jury system levels. There is the ideal system, the system that exists in the County at present as it is supposed to work, and the level perceived by the public as not working as it was intended.

Commissioner Stoke stated that he was impressed by the draft report, and suggested that a note be included that jury management personnel are usually pleasant and are trying to do a good job under trying conditions. There was a general discussion about this issue and the statements in the report related to it. Commissioner Stoke commented on the part of the report dealing with non-response to jury summons, suggesting that notices be sent by registered mail, requiring people to sign for the delivery of the jury service notice. This will tend to discourage the practice of ignoring the notices. The Commissioners discussed various aspects of this suggestion. He also suggested that there be some enforcement mechanism recommended.

Commissioner Stoke expressed reluctance to recommend child care facilities. Commissioner Petak suggested the recommendation might be instead to consider reimbursement for child care costs, rather than providing a child care facility.

Commissioner Hill expressed the opinion that people in general have a negative attitude toward jury service and the Commission has the opportunity to impact this attitude by educating the public about the jury system, including both the trial and grand juries.

Commissioner Tortorice posited that incurring the cost of registered mail may be cost effective and warrants some analysis. He also offered an estimate of the cost to employers who pay employees on jury duty based on the numerical data in the draft report using an average annual salary of \$30,000. This cost to businesses approaches \$313 million per year. If the average length of jury service were to be reduced by one day, the increase in productivity to Los Angeles businesses is estimated at \$51 million.

Chairperson Buerk said that the report has not addressed the basic issue of "personal economics." When someone is called for jury duty and serves or awaits to be selected, it is at great personal sacrifice. The value of jury service is not recognized by the system. The sacrifice is even greater if the juror does not get paid by his/her employer while serving. Those who are self employed are usually excused. This is discriminatory against the employee who does not get fully reimbursed by an employer. There are many rules and procedures that are employed by court personnel to try to overcome this inequality. Chairperson Buerk recommended that the task force further examine the economic issues.

Commissioner Barger advised that when attorneys try a civil jury case, they must post a jury fee. He suggested that a more realistic juror fee be established and that it be added to the cost of jury fees. He commented that the flow of jurors is controlled by the attorneys, not the judges and administrators, and perhaps it is time to reexamine this issue.

Commissioner Padilla commented that in the current economy there is a proliferation of small businesses which decreases the number of people who work in traditional industries that have been available for jury service. He also suggested that the Board has a certain amount of leverage over the courts through the budget and the report should emphasize that they can influence positive changes during the budget process. Commissioner Padilla recommended that the report cover issues regarding Grand Jury service as well as trial jury service. He also recommended that the data contained in the draft report about the number of people summoned and the effective yield of jurors from that should be emphasized in a "side bar" display in the report; and include a dollar amount of the related costs. In reference to the County Ordinance cited in the report, he offered that the Board has considerable latitude and leverage that they may wish to assert. On recommendation number 26, he recommended that the legal language therein be clarified.

Commissioner Frankel commented on the changes in the administration of the term of jury service which results in greater inconvenience to jurors when the days are not served consecutively.

Task Force Chairperson Trotter expressed concern about broadening the scope of the study beyond the management of

juries to a point where the report is not able to be completed in a timely manner.

Chairperson Buerk acknowledged Commissioner Trotter's concern, but indicated that some of these issues are important enough that they should be addressed.

Commissioner Gilson suggested that it may be appropriate to acknowledge other related issues, but to limit the study to those issues with which the jury managers can deal.

At this point, there was a mechanical malfunction of the recording system. Subsequently, each Commissioner was asked to send any comments they had regarding the draft jury management report to the Executive Director in writing. Eight Commissioners submitted a total of 60 comments, recommendations and suggestions. A copy of these remarks are on file in the Commission Office.

After the tape recording capability was restored the record resumed at Item VI. Presentation.

The following remarks were made just prior to Item VII. New Business; however, they are relevant to Item V. G. Jury Management, therefore they are presented herein:

Commissioner Hill expressed concern over reading about the draft study in the newspaper before the entire Commission had had the opportunity to review it. She explained that she had discussed this with Mr. Staniforth who advised that it was released due to the Brown Act requirements, but that she disagrees with this. In discussion, it was noted that the draft being placed on the agenda was subject to the 72 hour notice requirements of the Brown Act and had to be released to the reporter when he asked for it. Commissioner Hill asked how the Commission can effectively address this situation and make amendments to the document under these circumstances. Chairperson Buerk stated that it does not matter what is printed in the newspapers in regard to the work of the Commission. The Commission cannot be concerned with the content and when the press prints stories about Commission business, but must continually adhere to the law and appropriate procedures. He said, however, that the Commission can contact the media and issue press releases to attempt to get the public adequately and accurately informed. When individual Commissioners are contacted by the press in a situation like this, they should not respond to them. Rather, they should refer the reporter to the Chairperson of the Commission who will act as the spokesperson (or delegate the responsibility to some other person) in accordance with the Commission's adopted Operating Procedures.

There was then a short review of Commission procedures on dealing with access to information being worked on by a task force prior to it being submitted to the Commission as a whole, i.e., any Commissioner may attend a task force meeting (so long as it does not constitute a quorum of the Commission) and may obtain copies of information being considered simply by asking the staff to provide it. Commissioners may also submit their comments to a task force before an item comes to the full Commission.

H. Real Property Management.

Task Force Chairperson Farrar reported that Klaus Marx of the CAO's office was unable to attend the Task Force meeting, so it has been rescheduled to November 16, 1994. There are four objectives on the Task Force agenda: a.) How to reduce the rent the County pays. b.) How to take advantage of the options to purchase in leases. c.) The ability to dispose of surplus properties. and d.) Develop an internal monetary incentive to achieve the first three objectives.

I. Management Information Systems.

Task Force Chairperson Tortorice reported that the task force has interviewed representatives from the Sheriffs Department (LASD), Department of Health Services (DHS) and the District Attorney's Office (DA). Interviews are scheduled with representatives of the Department of Public Social Services (DPSS) and the Internal Services Department (ISD). When the interviews have been completed the task force report will be drafted.

VI. PRESENTATION

Mr. Staniforth introduced Ms. Elizabeth M. Cortez, Senior Deputy County Counsel. Ms. Cortez's topic was an Overview of the revised Ralph M. Brown Act (Public Open Meetings Law).

Ms. Cortez briefly reviewed the history of the Act. It was originally enacted in 1953 and was named for its author. The purpose of the Act was to assure that the public has appropriate access to policy making at all levels of government in the state. Some of the revisions enacted in April, 1994 have served to clarify some of the ambiguity that existed in the law. She reiterated the kinds of public bodies that are subject to the Act, which includes the Board of Supervisors, City Councils, elected and appointed boards, commissions and committees. The 1994 revisions address, in part, the applicability of the Act to standing sub-committees. However, ad hoc committees which are formed for one specific task and have no set meeting date are not subject to the Act.

Legislative bodies subject to the Act must post their agenda in accordance with provisions of the Act (posted 72 hours prior to the meeting). Items not listed on the agenda may not be discussed, but the Act only requires a brief description of an item (20 words or less). Public comment is covered by the Act, and within reasonable limits, time must be allowed for public comment of items not necessarily on the agenda. Items brought by the public to the Commission, which the Commission may wish to consider, must be placed on the agenda of a future meeting and given the required public notice. Materials provided for the meetings are to be made available to the public within a reasonable period of time.

A public meeting is defined as, anytime that a quorum of the "body" meets to discuss business, either in a formal or an informal setting. This applies to the regular meetings, special meetings, or emergency meetings. A special or emergency meeting requires a 24 hour notice, rather than the 72 hour notice required for a regular meeting. These meetings may be called to attend to business requiring action prior to the next regular meeting scheduled.

Public meetings may not be held outside the agency's jurisdiction (i. e., Los Angeles County). Such meetings may not be held in a place that unlawfully discriminates, nor in one which charges admission from the public to attend. People may not be required to register their attendance at the meeting. Attendance lists are permissible, but they are voluntary. The use of tape recorders or broadcasting equipment may not be prohibited. Any recordings made by the Commission must be made available to the public on request (at the cost of the requesting party).

The Commission may establish reasonable rules for managing public comment.

There is an exception to holding meetings in an open forum. Such closed sessions may be held, excluding the public, when one of four criteria are met. These are for the discussion of personnel matters, litigation matters, labor negotiations, and real estate negotiations. Personnel matters are limited to discussion about employees of the Commission. Litigation is limited to actual existing litigation, but may include the threat or contemplation of litigation. The closed session must be listed on the posted agenda and must identify the subject. Following a closed session, the Commission must reconvene and announce whether or not action was taken during the closed session.

The consequences of violations of the Brown Act are: Anyone alleging a violation must send a notice to the Commission. The Commission would then have 30 days within which to take corrective action if the allegation is valid. Then, a civil action may be brought against the Commission. A prevailing plaintiff party may be awarded court costs and attorneys' fees, if a court finds a violation took place. If it can be proved that a "knowing" violation occurred, the offending parties are subject to misdemeanor penalties.

Commissioner Sylva advised that the Executive Committee of the Commission is probably not subject to the Brown Act as a "Standing Committee" as it does not meet regularly. There was discussion about this issue and a recommendation made to have the facts about the Executive Committee reviewed by County Counsel to determine if the Act does apply. At the end of the discussion there was a consensus that the Executive Committee does not constitute a standing committee and no action was taken on the recommendation.

Ms. Cortez described a situation wherein a violation might occur if an issue were to be discussed with a quorum of the Commission without a meeting actually being held. This is commonly called "walking the halls." She advised that there may be additional revisions considered in the 1995 Legislative Session.

VII. NEW BUSINESS

Chairperson Buerk noted that there were two recommendations on the agenda, one carried over from a previous meeting. He observed that a quorum was no longer present and asked that first of these items be deferred to the next Commission meeting. The second item will be moot after the election next Tuesday.

VIII. PUBLIC COMMENT

Vice Chairperson Trotter who is the E&E Commission liaison to the Quality and Productivity Commission called attention to a newspaper clipping regarding problems which that Commission has been having. Chairperson Buerk also observed that Commissioner Hertzberg, the liaison to this Commission from the Quality and Productivity Commission, has not been attending the meetings for many months. With no objection from Commissioners, Chairperson Buerk said that he will address a letter to the Chairperson of the Quality and Productivity Commission requesting that another member be appointed to attend our meetings.

VIII. ADJOURNMENT

The meeting was then adjourned.

Respectfully Submitted,



Bruce J. Staniforth
Executive Director

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