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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN RIGHTS,
et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, a Municipal
entity, et al.,

Defendants.

Case No.

CV 20-02291

DOC-KES

HEARING

DATE: Thursday, June 18, 2020

TIME: 9:26 a.m.

BEFORE: Honorable David O. Carter

LOCATION: Alexandria Hotel Ballroom

501 South Spring Street

Los Angeles, CA 90013

REPORTED BY: Austin Che, Notary Public

JOB No.: 4147826

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A P P E A R A N C E S (Cont'd)

ALSO PRESENT:

Andre Birotte, Judge, United States District Court
for the Central District of California

Mike Feuer, Los Angeles City Attorney

Eric Garcetti, Mayor, City of Los Angeles

Michele Martinez, Special Master

Nury Martinez, President, Los Angeles City Council

Mark Ridley-Thomas, Board of Supervisors, County of
Los Angeles, Second District

E X H I B I T S

NO.	DESCRIPTION	PAGE
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(None marked.)

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P R O C E E D I N G S

JUDGE CARTER: Good morning. All right. We're officially in session. The session's being recorded by a court reporter because it's an official United States court gathering, even though it's offsite.

And instead of identifying yourselves, when the principals speak later today, why don't we identify ourselves at that time because time's of the essence I think here. You're awfully busy people.

I'm going to turn this over to Judge Birotte because he's been the mediator in this matter. But we've constantly consulted throughout the process. So, Judge Birotte?

JUDGE BIROTTE: Well, good morning, everyone. Just I'm pleased to report that the city and the county defendants have reached an agreement that endeavors to provide much needed housing to the residents here in the city and the county.

I'm certainly hopeful that this will be useful in perhaps broader negotiations as we move forward with this litigation. This agreement was the result of committed, focused and lengthy negotiations. By my count, I think it was close to 20 hours over a two-day period, going well late into the evenings. In fact, when we broke I think on Thursday at almost close

1 to midnight, Judge Carter and I, we met for a couple of
2 hours thereafter to sort of strategize and figure out
3 what was going to happen the next day.

4 I think most, if not all the folks that
5 were involved in this negotiation are here in this room.
6 I will name some names. And I apologize for forgetting
7 the names of others.

8 But obviously the mayor, City Council
9 President Nury Martinez, County Chair Kathryn Barger,
10 Supervisor Mark Ridley-Thomas, Mike Feuer, the city
11 attorney, Skip Miller, amongst others. They were in the
12 room for several hours on both days, which I think
13 speaks to their individual commitment to try to address
14 the issue of homelessness in the region.

15 In addition, you know, you had the
16 lawyers and folks that provided additional expertise to
17 help through the process. Key personnel were involved
18 from both the city and the county. The chief
19 administrative officer, Rich Llewellyn, who I see here,
20 the chief legislative analyst, Sharon Tso, Sachi Hamai
21 from the county, you know, Mary Wickham who I see here
22 and numerous folks from her staff, Lauren Black, there's
23 Byron McLain, Skip Miller and others.

24 And I know Meg and some other people that
25 provided real, hands-on expertise that I think really

1 was instrumental in trying to facilitate a resolution.
2 And again, I submit that that demonstrates the
3 commitment by all sides to try to address the unhoused
4 here in this region.

5 And I will say it again. I am hopeful,
6 emphasis on hopeful, that this will a template or a
7 launching point for broader discussions as we move
8 forward with this litigation. So as a result, the
9 parties were able to reach an agreement, which I'll lay
10 out the material terms here and now.

11 The city and the county have agreed to
12 provide 6,000 beds in 10 months. An additional 700 beds
13 will be created eight months thereafter. Those beds
14 will provide housing or shelter for, first off, the
15 thing that brought us here, at least this negotiation,
16 people that are experiencing homelessness within 500
17 feet of freeway overpasses, underpasses, ramps and ramps
18 within the city of Los Angeles and then to give priority
19 to two other significant and vulnerable populations, to
20 provide housing or shelter to people who are
21 experiencing homelessness with the age of 65 or older
22 within the city of Los Angeles and other vulnerable
23 people that are experiencing homelessness within the
24 city of Los Angeles.

25 The agreement sets forth the payment

1 terms for -- the funding, I should say, for these beds.
2 There will be 5,300 beds that will be created within 10
3 months. And if that is done, an \$8 million bonus will
4 be provided to the city if that 10-month target is met.

5 There is an additional 700 beds that will
6 be created in that 10-month period which represents beds
7 that were already accounted for under prior agreements.
8 And then following that, there will be 700 additional
9 beds that will be provided eight months after that 10-
10 month period.

11 So in total, just to summarize, 6,000
12 beds will be created within 10 months, and then 700 beds
13 will be created eight months thereafter. To assist in
14 the funding, if we could scroll up there, for the 6,000
15 beds, the county has agreed to pay the city up to \$60
16 million per year for five years.

17 The county will pay the city \$53 million,
18 which is broken up as follows: \$17.66 million that will
19 be due on September 1st of this year, another \$17.6
20 million that will be due on January 1st of 2021 and then
21 a following \$17.67 million due April 1st of 2021.

22 In years two through five, the county
23 will pay \$60 million on July 1st of each year from years
24 two through five. However, in an effort to provide some
25 accountability, if the 6,000 new beds have not been

1 created by that July payment date, the county will then
2 be allowed to prorate the payments at a rate of \$10,000
3 per bed that exists or will open within 60 days of that
4 payment date.

5 As I mentioned, the county will pay the
6 city a one-time bonus of \$8 million if they meet the
7 target within that 10-month period. The county agrees
8 also to take action to provide a package, if you will,
9 of mainstream services for those individuals that are
10 experiencing homelessness that are residing in
11 facilities that have been established by the city
12 pursuant to this agreement.

13 This agreement, the reason why we're
14 here, is that it's been represented to me -- well, let
15 me -- let me rephrase that. This agreement is subject
16 to the Court's approval, monitoring and enforcement.
17 This agreement, the reason why it's here today at this
18 hearing is because it's my understanding that it has
19 been approved by both the city council, both the county
20 board of supervisors and signed off by the mayor of Los
21 Angeles.

22 The mayor was kind of enough to send me a
23 photograph of the signed document yesterday morning.
24 And the parties, pursuant to this agreement, have agreed
25 that they would submit this to the Court, which we are

1 doing today. And that would be followed by an oral
2 motion by the parties coupled with a written joint
3 stipulation from both the city and the county that the
4 preliminary injunction dated May 22nd would be vacated
5 without prejudice, subject to the Court's later
6 consideration of reinstatement of that injunction should
7 the parties fail to comply with the terms that I've
8 identified above.

9 So that represents the material terms of
10 the agreement. This is the document that was submitted
11 to me yesterday signed by Mary Wickham, county counsel,
12 and Scott Marcus, who is the senior assistant city
13 attorney who was also very instrumental in the course of
14 these negotiations.

15 Again, I want to thank everyone who was
16 involved for staying the long evenings and coming back
17 even when things got a little tense at times and really
18 trying to get to yes.

19 And I guess one might say -- one might
20 argue that I may be the winner of that pie eating
21 contest and that I get to eat more pie and try to meet
22 with you all again and try to work on the next phase.
23 But I am eager and optimistic as we go forward.

24 So Judge Carter, those are the terms of
25 the agreement as set forth amongst the parties.

1 JUDGE CARTER: I'd like to turn this over
2 to the mayor, to the president of the Los Angeles
3 Council in just a moment and to Supervisor Mark Ridley-
4 Thomas in just a moment for any comments that you'd have
5 to make. And then I'll make a record from that point
6 forward. So, Mayor?

7 MAYOR GARCETTI: Thank you, Judge Carter.
8 And thank you for your leadership, continuing passion
9 and focus on those who have been forgotten in this
10 society.

11 I appreciate it on a personal level. I
12 appreciate the style that you've brought to this
13 emergency every single day. It has been unprecedented.
14 And the team that you've brought in, you showed your
15 wisdom when you brought Andre Birotte in, who has served
16 our city incredibly well.

17 This is a day to celebrate the courts, by
18 the way. I know you have not influence over the Supreme
19 Court. But to wake up and see good news happening and
20 the independence of the judiciary was certainly welcomed
21 news for those of us that are following immigration and
22 who care about immigrants in our society.

23 And today to see what that third -- this
24 old political science major is really excited to see the
25 impact of what a court and that third branch of

1 government that we often forget when we legislate and
2 when we execute how important it is. Today I think
3 bears witness to that.

4 We said from the beginning, Judge, this
5 was not two opposing parties. These were friends coming
6 together who had all the same goal, working out the
7 details of how to get there.

8 And I want to thank first the county. I
9 want to thank Supervisor Mark Ridley-Thomas and
10 Supervisor Barger, the CEO's office and all of the
11 agencies that were part of the county because from the
12 beginning there wasn't any space between us. It was
13 just a matter of how, not if.

14 And I want to thank our city council and
15 our city counsel, our city council led by Nury Martinez,
16 who's done an extraordinary job. And Joe Buscaino came
17 as well. And then, our city's counsel, who is embodied
18 by Mike Feuer, for what they brought here too.

19 This really isn't about the county
20 committing to the city or the city committing to the
21 county. This is about us committing to ending
22 homelessness. This is about us committing to people
23 that we serve. This is about us committing to going
24 further than we ever thought we could stretch.

25 When I look back at the last five or six

1 years in this fight, conversations I've had with Mark
2 where we've said there's no way anything will pass, but
3 let's try it anyways, putting plans together that we
4 never had before. And each time, we think we're there.
5 Oh my gosh, we've gotten some place that we never
6 thought was possible. And yet, the problem persists.

7 We then look at shelter in the city of
8 Los Angeles, together with our county partners,
9 providing service in many of those beds. And we were
10 patting ourselves on the back that 2,200 beds were going
11 to pop up in 18 months, an unprecedented pace.

12 And then, COVID-19 hit. And thanks to
13 the federal government finally allowing us to prepay for
14 the disaster -- in other words, not waiting for people
15 experiencing homelessness to be sick first, we were able
16 to move 6,000 people indoors in the county in a matter
17 of two-and-a-half months.

18 So I think that we have shown that our
19 capacity is always more than what we think. And for
20 anybody scared -- and there's a lot of people who are
21 not in this first row, but in the second and third row
22 who are the ones who actually make this work, Judge.

23 It is excruciatingly difficult work. It
24 requires long nights and long hours and people who hit
25 the streets and people who have conversations dozens of

1 times with individuals not in a good place in their life
2 and not in a good place in our city. But this
3 commitment that we make also because the agreement says
4 what the county will do, I think it's implicit.

5 But because we have media and others here
6 too from the public, it's important for us to know our
7 commitment from the city is just as big. It's not in
8 the agreement because we've already said we will do
9 this.

10 But we are putting not just tens of
11 millions, but hundreds of millions of dollars behind
12 sheltering people in housing and making sure that this
13 COVID-19 moment doesn't result in us just saying, hey,
14 we brought them indoors for a few months. But they hit
15 the streets again. Shame on all of us if that's the
16 outcome and one crisis returning to an old one.

17 It is our commitment to make sure that as
18 many people as we can, from those that have been brought
19 indoors as well as the other ones that we are going to
20 focus on in this agreement, that in those first 10
21 months to bring 6,000 people into shelter and into
22 housing. And then, in the eight months that follows, to
23 be able to do 700 more, which I think is just the
24 details of this.

25 If we do that successfully in the first

1 10 months, I know that we can inspire our governor,
2 inspire our Washington leaders, no matter whom they're
3 going to be, to do more as well with us.

4 We will finally see, I am confident, the
5 first reduction in homelessness that we have seen in
6 five or six years. And to see that is going to be the
7 long-awaited victory that you rightly so can claim a
8 good part of the credit for. So our commitment is to
9 stretch beyond our reach every single day.

10 And one last thing I'll say. All of us
11 are committed to making sure we spend this money on
12 those that have the greatest need. I think the county
13 and the city are aligned on that, to yes, look at those
14 places where people may be unhealthy, to look at those
15 places that we see, but also to make sure we're always
16 spending that money on those that are closest to death.

17 Three people a day are dying on the
18 streets of Los Angeles from homelessness. And, you
19 know, that doesn't get a nightly report like COVID-19.
20 And long after COVID-19, there won't be a nightly report
21 of the three people who died.

22 But if we do our work right, maybe we can
23 see a day where we're not looking at that statistic and
24 we don't have to have those sobering numbers because
25 behind each one of those numbers is a person.

1 So we're really excited. And thanks
2 again to everybody who negotiated long hours. Thanks
3 again to Judge Birotte who brought a particular set of
4 skills to this and a can-do spirit and you're his fellow
5 judge in this. Thanks, Judge.

6 JUDGE CARTER: Mayor, thank you very
7 much. Nury Martinez is the president of the Los Angeles
8 City Council. Nury, do you want to sit there --

9 COUNCILMEMBER MARTINEZ: Sure.

10 JUDGE CARTER: -- or do you want to take
11 my place?

12 COUNCILMEMBER MARTINEZ: No, no. I can -
13 - I can sit here.

14 JUDGE CARTER: Sure.

15 COUNCILMEMBER MARTINEZ: Thank you.
16 Thank you, Judge Carter. And thank you for having us
17 this morning. I just wanted to also thank Judge Birotte
18 for his patience and his guidance in our mediation
19 sessions last week. I think they were very trying. But
20 it also turned out to show how dedicated some of us
21 really are to making sure that we get to the root of the
22 problem.

23 Sir, you're a true gentleman. It's been
24 a pleasure to work with you. And thank you so much for
25 providing your guidance and your leadership through

1 these trying times and getting us here to a resolution.

2 Judge Carter, you know, I don't mince
3 words. Part of what we've seen over the last couple of
4 weeks in the streets of Los Angeles is an outcry for
5 fairness and equality. I think people are sick and
6 tired of being sick and tired.

7 The numbers that LAHSA released last week
8 is nothing to be proud of. I think we need to address
9 the fundamental reasons as to why people end up homeless
10 and why certain communities, black and brown communities
11 in particular, are bearing the burden and have to deal
12 with the solutions to deal with homelessness. And at
13 the root of all of this is racism. And I think we need
14 to get serious about how we're going to end this crisis.

15 I want to applaud my counterparts at the
16 county and particularly Supervisor Mark Ridley-Thomas
17 and Kathryn Barger. I think, Ridley, you and I spent a
18 whole lot of time on Thursday trying to figure this out
19 for not only our neighborhoods but the county in
20 general. And I think you and I don't mince words.

21 And I think we are very committed to
22 ensuring that this issue is resolved in an equitable way
23 and also ensure that no matter what spreadsheet we're
24 looking at, what data we're looking at, at the end of
25 the day all we need to do is walk down the street and

1 see people living on the sidewalks. That's enough for
2 me to say we haven't done enough.

3 Six thousand beds is a long way. We've
4 come a long way. I think our financial commitment to
5 ensuring that the beds and the shelters are built and
6 that the services for those folks are provided.

7 But at the end of the day, if we do not
8 figure out how to put people first, we're going to
9 continue this cycle of poverty, of racism, of people who
10 are living on our streets and dying because certain
11 obstacles have not been addressed.

12 So I just want to make sure that we all
13 understand that this is a first step in a long road to
14 try to resolve this issue with the partnership of the
15 county and the city.

16 On behalf of the city council, I have to
17 tell you our folks have spent hours in closed session
18 dealing with this issue and wanting to make sure that
19 you knew that we are committed to continuing the long
20 road ahead of us to ensure that people finally get off
21 the streets and that communities are treated fairly and
22 that we're providing the services that are long overdue
23 for folks living on our sidewalks.

24 JUDGE CARTER: Thank you. Mark Ridley-
25 Thomas, our esteemed supervisor, please?

1 SUPERVISOR RIDLEY-THOMAS: Your Honor,
2 Your Honor, colleagues, delighted to be here on behalf
3 of the county of Los Angeles. I send greetings on
4 behalf of the chair of the board, who is currently in
5 the midst of negotiating what has to be the county's
6 economic solvency with our credit raters. And all of
7 this in some way informs how the county can step up and
8 partner with the city.

9 Absent capacity, not a whole lot can get
10 done. To the extent that that is the case, we are
11 evidencing in a concrete way our commitment to drive
12 forward what needs to be done in terms of servicing the
13 county's highest priority as made abundantly clear over
14 and over again. We have said it. We mean it. This is
15 a moral crisis of consequence.

16 To the extent that it is so, we have to
17 show evidence of commitment. I want to acknowledge the
18 overture, both symbolic and substantive, that the
19 president of the city council made to me directly in
20 saying we need to join hands and make this work. It
21 takes a willingness. It takes a certain kind of
22 disposition on the part of the respective parties to do
23 what is an incredibly difficult task. It is not for the
24 faint of heart. It is not uncomplicated. It is
25 dynamic. And it continues to evolve.

1 We describe it as homelessness and we do
2 so because we know all of what that means. And we
3 continue to learn more as we dive deeper and deeper.
4 The mayor and I have been working this issue as
5 effectively as is reasonable for the past five years,
6 making it a centerpiece of our respective efforts in
7 office. And this is yet another step in the direction
8 of saying we will not give up. We will not turn back,
9 no matter how hard that might be.

10 So with the city council, the mayor and
11 with the board of supervisors essentially saying we can
12 get this done, that ought to send a message of
13 consequence far and wide of our resolve. Let me hasten
14 to make the point that the uptick in homelessness means
15 that we need to work harder. We need to work smarter.
16 We need to run faster.

17 This is nowhere near being over. This is
18 yet another installment. We need to understand the
19 mental health dimensions of this more effectively, the
20 substance use issues of it. We need to understand the
21 economic crisis that informs it and drives it and yet
22 not lose sight of taking the opportunity at each
23 juncture to celebrate the progress that we have made.

24 And I think when you think about Measure
25 H, we think about progress. Absent that, a lot of what

1 we're talking about today simply would not be the case.
2 I want to make the point that when we think about
3 Project Roomkey, we are thinking about now the city, the
4 county, the state as well as the federal government
5 figuring out how to work together. And might I just
6 simply assert we need more of that. It will require
7 that.

8 If we pay attention to the most recent
9 study issued by Columbia University -- there's an alum
10 here of that great institution -- they made it clear
11 that the unemployment rate pursuant to the pandemic will
12 drive homelessness up as much as 40 to 45 percent across
13 the nation. In California, that looks like 20 percent.

14 With a 13 percent uptick in the region
15 that we define as Los Angeles, we know that that will
16 have a material impact that will be relatively daunting.
17 If it's 20 percent, let me just simply say we need to
18 roll up our sleeves anew and get to work. There is no
19 backing away from this. There is no set of shortcuts
20 that I can conceivably imagine.

21 And so, Your Honor, Your Honor, we're
22 here to say that we evidence our commitment to confront
23 the homeless crisis in this county with new resolve,
24 with a sense of purpose that will not be assuaged by an
25 uptick in the crisis. It is our responsibility. And we

1 are stepping up to it. And I thank you.

2 JUDGE CARTER: Okay. I also want to
3 compliment besides the city attorney, Mark and Marcus, I
4 want to recognize Skip Miller and Byron and this whole
5 team of fabulous people on the county side as well. And
6 I think we've neglected to mention their names.

7 I'm going to give you some random
8 thoughts. And I think you can take your anxiety level
9 by anticipating what the Court's going to eventually do
10 because obviously we wouldn't have called this meeting
11 unless it was going to be an eventual approval by the
12 Court.

13 But let me get there and speak bluntly to
14 all of you about my concerns with complete transparency
15 when we're in one room together because I think this is
16 the day that potentially we're starting to turn this
17 huge ship in a positive direction.

18 I think truly this is the day of the
19 beginning of the changing of that course. And it's a
20 hard and difficult course. There's nothing easy about
21 that. So first, harder, smarter, faster. Mark Ridley-
22 Thomas just said that.

23 I worry and worried in the past not that
24 you weren't reputable, outstanding representatives. I
25 became concerned about the inertia of what I call a

1 broadly defined bureaucracy where you with good
2 intentions made a request or made an order. And it came
3 down through so many layers, quite frankly, that there
4 was an attempt to carry it out. But it was mired in a
5 system that wasn't responsive. I may be wrong about
6 that.

7 I got concerned that we were reacting
8 well in the crisis of COVID, which is a God-awful thing
9 that's occurred but also is forcing us into new and
10 innovative ways in this transitional period. And I was
11 worried and am worried that when this crisis hopefully
12 finally ends, that we don't return to what's always been
13 called for as a FEMA-like response.

14 So it has nothing to do with non-
15 credibility or nonbelief on the Court's part in each of
16 you individually as leaders. It was coming to me and to
17 my colleagues as a sense of almost unintended inertia.

18 The Court's taken away the first barrier.
19 The first barrier is the cost. And so, \$1.2 billion is
20 voted and \$355 million is supposed to be coming to us
21 through another measure. That's going to be deceased
22 this year. And whatever that was, we're going to
23 measure from now on with all of you the product that's
24 produced, not necessarily the timeline and the
25 fulfilment of what could occur years in advance.

1 So from this point forward, I hope we
2 have an informal agreement that we're measuring what we
3 produced along with where we hope to go. Would that --
4 would that be fair? So we're actually producing?
5 Mayor, is that --

6 MAYOR GARCETTI: Absolutely.

7 JUDGE CARTER: Nury?

8 COUNCILMEMBER MARTINEZ: Yeah.

9 MAYOR GARCETTI: Yeah. We can give you
10 those numbers today.

11 JUDGE CARTER: Yeah. Because it's easy
12 to tell folks what we're going to do and then, oops, we
13 made a mistake three years later. So the accountability
14 now needs to be on the front side for all of us,
15 including the Court, about what are we actually putting
16 out there as a product in a timely fashion.

17 Second, I want to give back to you that
18 faith and trust and be the first of all of our entities
19 of the judiciary to say by virtue of this agreement, we
20 would always prefer that you are the driving force, that
21 the Court's not.

22 And therefore, we really appreciate the
23 fact that you've come together and that you now are
24 doing what you've traditionally done, but even faster,
25 smarter, harder. And that is taking the lead. It's

1 better to work with you when this isn't perceived to be
2 forced on you, whether this is coming from you. And I
3 think you've achieved that. You've given that trust
4 back. We give that trust back to you right now as the
5 first gesture. And that's our faith and trust.

6 The third thing is -- and I don't know if
7 LAHSA is here. But I want to compliment LAHSA. I want
8 to compliment Heidi. I don't know if she's here, or
9 Sarah.

10 But I've been abrupt. And I have to tell
11 you and say to you openly I am very concerned about the
12 bureaucracy where an entity doesn't have power but can
13 be a well-intentioned but not fast enough acting entity.
14 I think we can walk and chew gum at the same time. I
15 think we're going to work extraordinarily well together.

16 So two things have happened. We have no
17 excuse for a lack of money any longer. Whatever FEMA is
18 compensating, it's 75 percent now, we know that those
19 funds will run out some day. So we've got to be smart
20 with our money. And when that comes to fruition, that
21 puts a tremendous burden on you the city and a burden on
22 the county.

23 I now go to bed every night thinking one
24 thing. How is a homeless person getting a little bit
25 better life tonight? Now what does that mean?

1 Historically that used to mean \$600,000 hypothetically
2 for long-term supportive housing. If your public will
3 support that, I love that. I'm onboard.

4 But right outside, Mayor, is a \$7,000
5 unit that you and the council is responsible for. We
6 moved through a competitive price situation down from an
7 amount that was an obstacle to me at \$600,000 to make
8 progress to a \$7,000 unit which may give you the
9 latitude to go forward in an economical manner and do it
10 quickly.

11 Number two, I'm not espousing this, but
12 we'll give you government accountants. For a long time,
13 Shayla, and I think she was here, said that we couldn't
14 even get a toilet out in the city sufficiently for years
15 and years until this crisis came along. And then,
16 humanity took over.

17 If that's the case, I know the advocates
18 may be opposed, but there is no more reason from the
19 federal court that you have to fear if you decide to go
20 to the lowest common denominator.

21 But if you can get in toilets, restrooms,
22 give a person a shower, get medical, get a parking lot,
23 bring your own tent, whatever you want to do to make
24 this fit economically, there's no more excuse or no more
25 fear from the Court's part that we won't work with you

1 to make it better.

2 Now, do we want that? Of course we don't
3 want government in -- you understand that. But if
4 that's the end result of where our finances are, the
5 Court's no longer a roadblock. And I think Judge
6 Birotte and I have talked about that with our colleagues
7 over in the federal court on so many occasions.

8 So what gets a male or female off the
9 street with just a shower, a medical checkup, some food
10 for goodness sakes? So Mayor, you have no more obstacle
11 from the Court. That's your decision in terms of
12 humanity. That's your decision, Nury, in terms of cost.
13 MRT, that's your decision in terms of cost. That's
14 taken off the board.

15 Number two, the Court doesn't ever want
16 to be put in a position of having LAHSA argue to me
17 that, gee, we have 65-year-olds. And if we clear people
18 from living under freeway systems, we can't do both.
19 Where's Heidi? I want to compliment her. Heidi, first
20 of all -- not here? Well, I'll put this on the record.
21 My compliments to her.

22 But it started to appear to me that as
23 you were in the past conflict years ago between the city
24 and the county and you created LAHSA with a good
25 intention, I have to say openly though if LAHSA is a

1 barrier in this process where you in good faith have
2 entered into this process, then I have to hold the city
3 and county accountable for that. And they're not a
4 party to the lawsuit.

5 So I am deeply concerned that that past
6 interaction, in good faith with good people in that
7 agency, that I'm hoping that you can sort out their
8 sense of responsibility because they have no power. But
9 they've got lots of money. And therefore their idea
10 that they're going to proceed at their pace is off the
11 table.

12 That September 1st date doesn't
13 necessarily now with your good faith have to have
14 absolute compliance. In other words, we want to work
15 together. That may have to be sequential. But I have
16 to see substantial compliance or effort by September
17 1st. And if that's the good faith, then I'm onboard
18 with you.

19 The last thing is I'm deeply concerned
20 about this racial disparity. I don't know how we
21 explain 9 percent of our black American population with
22 40 percent -- 32 percent according to LAHSA, but 40
23 percent from the stats I'm getting and 70 percent on
24 Skid Row.

25 So therefore I've reached out privately

1 to MRT in a phone call. I've reached out more times or
2 vice-versa to the mayor. And Nury, I think I call you
3 twice a week or more. I don't know where to start.

4 But I invited Jon Sherin today. And as
5 we go into the next stage of mandatory mediation, which
6 I'm going to ask you about in a moment because this is
7 the beginning, then I'd like to start in let's say some
8 of the less affluent areas because the first people that
9 take our option are the lucky people. They're the
10 people getting in. And I think we can do both frankly.
11 I think we can get a safer freeway system.

12 And here's the box that I got put into.
13 The parties cannot argue to me that our freeways are
14 unsafe and I can't use 16th and Maple Street because
15 people are dying of fumigation, horrific conditions and
16 then the city not be willing to grant me a permit saying
17 I can. It's one of the other.

18 And a federal court is going to take the
19 position where if people are dying 23 years earlier than
20 a normal citizen when health and safety is concerned,
21 how would you expect us to react? That's why the
22 preliminary injunction was handed down.

23 This could not be the new normal for Los
24 Angeles. People cannot be living under our freeway
25 systems. They cannot be living under our overpasses.

1 And you can't tell the federal court that people are
2 dying of that and then expect this to continue without
3 some kind of injunctive relief.

4 So that's why public safety and
5 particularly public health was the genesis of that
6 appearing. I think we can do both. I think we can get
7 the 65-year-olds that you've written about, that you
8 need, quite frankly. I think we should be working
9 together on that. I think we should be getting that
10 federal money back as quickly as we can. So you've got
11 to move on that.

12 The last thing, or two things are this.
13 Tomorrow each district is going to submit a plan to the
14 Court about how to humanely clear these overpasses and
15 underpasses. And that's coming from the board of
16 supervisors also tomorrow because I granted a one-week
17 continuance. Now you look stunned. I want to make
18 sure.

19 COUNCILMEMBER MARTINEZ: I think you mean
20 --

21 MR. MARCUS: Your Honor --

22 COUNCILMEMBER MARTINEZ: I think you mean
23 the city council plans --

24 JUDGE BIROTTE: The city council.

25 COUNCILMEMBER MARTINEZ: -- not the

1 county.

2 JUDGE CARTER: I thought the board of
3 supervisors --

4 COUNCILMEMBER MARTINEZ: No. I think --

5 JUDGE CARTER: -- was submitting a plan
6 also.

7 COUNCILMEMBER MARTINEZ: -- you granted
8 us a week to submit our district plans.

9 JUDGE CARTER: District. Each district.
10 I thought that the board was also.

11 MR. MARCUS: Correct. Yes. Each party
12 is submitting a status report. It's actually due today
13 under the Court's order.

14 MS. MARTINEZ: Yes.

15 JUDGE CARTER: Yeah. My apologies. It's
16 today at 12:00 noon. I'm anxious to read those and then
17 to work with you. So I was going to ask if -- and I
18 haven't read those yet. I was going to ask if we could
19 conduct a mandatory mediation next week on the much
20 broader issue.

21 This is a first step. If we're going to
22 proceed, we need some kind of omnibus agreement
23 concerning policies, procedures, et cetera and then
24 hopefully going back and working with each councilperson
25 or the chair separately.

1 If all that's possible, if we could reach
2 that agreement, I think you'd be able to take the next
3 step. And that is moving through the residential -- or
4 from the freeway system with health and safety issues
5 into your community and deciding how we're going to
6 progress.

7 Now that puts tremendous strain on LAHSA,
8 and I understand that. But smarter, faster. They have
9 to keep up now. But we'll work together, I hope, and
10 make that palatable for everybody. Michelle, what am I
11 forgetting?

12 MR. MCLAIN: So to be clear, Your Honor,
13 that plan is due tomorrow now at noon?

14 MS. MARTINEZ: No. Today.

15 JUDGE CARTER: It was due today. But
16 guess what? You have another 24-hour extension.

17 MR. MCLAIN: Thank you, Your Honor.

18 JUDGE CARTER: Make it tomorrow, okay?
19 Because this has taken all of our time. Lastly I'd like
20 to give you a vision for a moment. I don't know where
21 you're eventually going to go.

22 But wouldn't it be wonderful, as a great
23 American once said about a dream, that we could
24 literally humanely go out into our community and
25 approach people who are homeless in a humane way and

1 persuade them that we've created something better?

2 Maybe not something that's perfect. But
3 even if it's a shower, a shave, a meal, some medical
4 attention, some mental health, wouldn't that be
5 wonderful to at least get started with that instead of
6 waiting for the perfect solution?

7 I mean, wouldn't it be wonderful if we
8 could persuade those people to do that with no or
9 minimal police officers? I'm not advocating either way.
10 But if we don't need it, why do it? If we do, maybe the
11 police officers 10 yards back in case we have a 5150 or
12 whatever, so -- or, you know, a young person.

13 Wouldn't it be wonderful if we could get
14 Jon Sherin's team out there, you know, walking, talking
15 to these people with two or three weeks' notice? And if
16 we can accomplish that, I really believe we're going to
17 get the 50, 60, 70 percent because these folks will come
18 in.

19 We've been through 12 encampments so far
20 with Brooke who is here. We've had minimal problems, I
21 think Carol and Brooke would attest. And number two,
22 your strongest people will be your actual advocates who
23 will actually go out and talk to their clients and
24 persuade them to come in.

25 So we're always dealing with that 1

1 percent who might be non-law-enforcement-abeyant opposed
2 to the 60 or 70 or 80 percent who will literally come in
3 and seek shelter immediately if we just built something
4 a little bit better. And it's for you, Mayor, to define
5 what's a little bit better. So if it's a \$600,000 unit,
6 fine. If it's a \$6,000 popup, fine. If you have to go
7 to encampments because it's so overwhelming, you don't
8 have the barrier of the federal court any longer.

9 Finally, don't be afraid to make a
10 mistake. Let me repeat that. Gosh, I want to apologize
11 for you for all the mistakes I've made and in particular
12 my abruptness. I want you to embrace Judge Birotte for
13 safety. I'm just kidding.

14 Okay. Unless I'm willing to take a
15 chance and you're willing to take a chance and actually
16 make a mistake and back up and do it right, we're never
17 going to get started. We're not trying to make
18 mistakes. We're just trying to break this inertia. And
19 if we can do that, I really believe that we can turn
20 this ship around.

21 Andre, you have anything further to say?

22 JUDGE BIROTTE: No. The only thing, I
23 just want to make sure we're clear that pursuant to the
24 agreement, my understanding is that the parties are
25 going to make oral motion to vacate the preliminary

1 injunction.

2 And it's my understanding that the
3 parties actually may have a joint stipulation that they
4 will later file or docket today --

5 JUDGE CARTER: That's fine.

6 JUDGE BIROTTE: -- for your
7 consideration.

8 JUDGE CARTER: But we just need
9 confirmation that the council has voted this because
10 paragraph six, when this was being drafted, simply
11 stated the agreement subject to city and counsel
12 approval. We understand it formally. Is that correct,
13 council?

14 COUNCILMEMBER MARTINEZ: That's correct.

15 JUDGE CARTER: Yeah.

16 JUDGE BIROTTE: And it's also been
17 approved by the supervisors as well.

18 JUDGE CARTER: Let's make sure. Mark
19 Ridley-Thomas, has that been approved as well?

20 SUPERVISOR RIDLEY-THOMAS: Correct.

21 JUDGE CARTER: That's fine.

22 JUDGE BIROTTE: All right.

23 JUDGE CARTER: Then is there an oral
24 motion at this time?

25 MR. FEUER: Yes, Your Honor. We would

1 make that motion that we request the Court vacate the
2 preliminary injunction subject to the Court's
3 reconsideration in the event the parties don't live up
4 to the terms of the agreement that you ratified today.

5 JUDGE CARTER: Let me say it's granted
6 with pleasure and with an anticipation of all of us
7 working together. And I want to thank each of you.
8 Mayor, I want to personally thank you and I want, Nury,
9 especially you, all the calls. And Mark Ridley-Thomas,
10 thanks for being who you are.

11 SUPERVISOR RIDLEY-THOMAS: Thank you,
12 sir.

13 MR. MILLER: Your Honor? We ask also
14 that -- on behalf of the county, we join in the city's
15 request that the injunction be vacated. We also ask
16 that the agreement be approved by the Court.

17 JUDGE CARTER: The agreement's approved
18 by the Court.

19 MR. MILLER: Thank you.

20 JUDGE CARTER: That's good. Thank you
21 very much.

22 MR. FEUER: Your Honor, would the Court
23 like us to supply to the Court a written stipulation to
24 this effect or is that sufficient today?

25 JUDGE CARTER: This place echoes, and I

1 can't --

2 MS. MARTINEZ: A written stipulation --

3 JUDGE BIROTTE: Whether or not you want a
4 stipulation and order filed with the Court.

5 JUDGE CARTER: Yes, please. On that
6 docket.

7 MR. FEUER: Yeah. We will do something.

8 JUDGE CARTER: Mike, I'd appreciate that.
9 And I want to thank Marcus also. Okay. Is there
10 anything further?

11 MS. MARTINEZ: You want to ask -- [off
12 mic.]

13 JUDGE CARTER: No, not now. This doesn't
14 --

15 MR. FEUER: Your Honor?

16 JUDGE CARTER: Is there a convenient date
17 so that I'm not ordering, I'm simply requesting that you
18 can start into a discussion of whether we can reach a
19 holistic agreement concerning the entire city and the
20 entire county? This is a great first step. But we've
21 got a ways to go. Is there any date convenient for you?

22 MAYOR GARCETTI: Is there any what?
23 Sorry.

24 JUDGE CARTER: To be available to start
25 what I call the omnibus discussion with Judge Birotte.

1 I may be present. But usually I stay in the court and
2 we communicate.

3 MAYOR GARCETTI: Whenever, Your Honor.

4 JUDGE CARTER: Why don't we contact your
5 offices informally sometime next week?

6 MAYOR GARCETTI: Absolutely.

7 JUDGE CARTER: We want to start
8 immediately. So Shayla, you'll be available. Carol?

9 MS. MILLER: Yes, Your Honor.

10 JUDGE CARTER: Okay. Let us work that
11 date out. We're thinking about next Wednesday or
12 Thursday to start with. We don't want to get into a
13 discussion over the weekend. It takes us away and
14 having to come back. So we're thinking next Wednesday.

15 Okay. I want to thank my colleague. And
16 a lot of our colleagues are involved and aware of this.
17 This isn't just two judges. Trust me, the federal court
18 is watching this very, very closely. So thank you,
19 Judge. Appreciate it.

20 JUDGE BIROTTE: Thank you.

21 JUDGE CARTER: Thank you.

22 MAYOR GARCETTI: Thank you, Your Honor.

23 COURT REPORTER: Off the record?

24 JUDGE BIROTTE: Yes. Yes. Now we're --
25 yeah.

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COURT REPORTER: The time is 10:10 a.m.
We are off the record.
(Whereupon, at 10:10 a.m., the proceeding
was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



AUSTIN CHE

Notary Public in and for the
State of California

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I, BENJAMIN GRAHAM, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



BENJAMIN GRAHAM

[& - alliance]

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