



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



May 8, 2020

Mary C. Wickham, Esq.
Office of County Counsel
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012-2713

Dear Ms. Wickham:

DEMAND TO RECTIFY UNLAWFUL PROMOTIONAL FREEZE

This letter is in response to your letter to me dated May 4, 2020.

Prior to the Board of Supervisors (Board) vote on April 28, 2020, in which it purported to institute an unlawful "promotional freeze" within the Sheriff's Department, Lisa Garrett as Director of Personnel for the County of Los Angeles, or those acting under her direction, modified eHR to block proper recording of payroll and retirement benefits. This action by the Personnel Department has caused a significant number of peace officers to be underpaid and receive less than full credit toward their retirement. See April 28, 2020 Agenda, Item No. 9.

Needless to say, the unlawful actions of the Director of Personnel will result in a huge number of grievances to be filed with the union and, unless immediately resolved, will result in the filing of a great number of civil suits.

This letter does not address the legality of the Board's vote, or its purported unlawful implementation of a "promotional freeze," referenced in your May 4th letter to me, as that issue will be addressed at a later time and is expressly reserved herein. See, generally, *Hicks v. Board of Supervisors*, (1977) 69 Cal.App.3d 228, 232, 138 Cal.Rptr. 101.

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Rather, this letter addresses the obvious unlawful actions of the County in regard to peace officers promoted prior to the April 28th Board vote and the immediate need to right this wrong. As my counsel, I instruct you to send a letter to Ms. Garrett demanding that she immediately rectify the unlawful conduct and, should she refuse, I further instruct you to immediately institute legal action compelling Ms. Garrett, and those under her direction and control, to properly perform their duties.

Should you refuse to both send Ms. Garrett this letter and/or refuse to file a Writ of Mandate and Preliminary Injunction, pursuant to Gov. Code §31000.6 (a), I demand that independent legal counsel be appointed for the Sheriff's Department and me to pursue such litigation. I will designate such counsel in a separate communication. A refusal on the part of County Counsel to act in accordance with my instructions would constitute a conflict and require appointment of separate counsel. Under such circumstances, if the Board does not grant my request based on the foregoing and employ conflict counsel for this matter, we will file an *ex parte* motion as soon as applicable pursuant to Cal. Gov. Code §31000.6 (b).

If you have any questions regarding the above, please contact me to discuss further.

Sincerely,



ALEX VILLANUEVA
SHERIFF

cc: Elizabeth Miller, Esq.