

PROPOSED PUBLIC AGENCY ACCOUNTIBILITY BALLOT

PROPOSITIONS

1. Whenever a **"Public Entity"** takes or wishes to take "private property" for any purpose, the **"public entity"** must be "by clear and convincing evidence show a compelling need." The owner of the property shall be paid that sum "which the owner believes is fair to the owner." This value assessed by the owner is subject to review by any tribunal. Any favorable decision previously obtained by a **"public entity"** which was not obtained by the application of the criteria in this section shall not bar a new action under this section.

2. A **"public entity"** when applying for warrants must enter complete disclosure of all facts and must account for every piece of property taken. If allegations of any wrong doing are made, the **"public entity"** shall by clear and convincing evidence show that the allegations are false. It shall be the duty of the **"public entity"** to provide every person that participated in the execution of the warrant and all records. In the event it is shown by "some evidence" that the return to the search warrant was false, those **"public entity"** shall be held liable for the lost property. The **"public entity"** shall also be liable under State's civil rights provisions as well as the constitution(s) of the claimant or any other favorable decision obtained by the **"public entity"** shall not bar any claims under this section.

3. If with "some evidence " it is shown that a **"public entity"** (a) falsified its records (b) concealed records (c) concealed facts (d) submitted false statements in any document to any tribunal that **"public entity"** shall be liable for concealment of evidence.

4. A **"public entity"** shall be liable for every tort, statutory violation, constitutional violation and any provision or provisions of the law holding otherwise, is declared invalid.

5. To prevail in any allegation or claim against a **"public entity"** the claimant \plaintiff must produce "some evidence." To defeat a claim, a **"public entity"** must produce "clear and convincing evidence." Any law which imposes a higher burden of proof for claims against a

"public entity" or reduces the burden of a **"public entity"** is null and void.

6. All claims against any and all types of **"public entity"** after January 1, 1980 are revived by these provisions. Prior favorable decisions obtained by any **"public entity"** shall be deemed invalid, if the **"public entity"** used any provision or provisions of these paragraphs; 1 through 12.

7. It is the specific intent of these provisions to ensure a jury decides each and every claim on the merits without the **"public entity"** using legal technicalities to avoid accountability. There is no exemption from liability for allegations of misconduct during the course of prior litigation; misconduct in obtaining warrants; bias of any type.

8. All records requested by a claimant from a **"public entity"** shall be disclosed. Every employee\ agent of a **"public entity"** accused of misconduct, named in documents created by a "public entity" shall be orally deposed and their records disclosed.

9. No **"public entity"** shall be entitled to attorney fees, costs, sanctions, protection of the vexatious litigation statutes or any similar statutes. The judicial council shall examine its records and ensure all vexatious litigation orders obtained by any **"public entity"** are held void. Litigation against a **"public entity"** is not to be considered when deciding whether a litigant is a vexatious litigant.

10. No **"public entity"** shall be allowed to utilize the following defenses in litigation against the **"public entity"**: (a) absolute immunity (b) qualified immunity (c) immunity from being sued (d) estoppel of any type (e) res judicata (f) failure to file a claim with the entity (g) failure to exhaust remedies (h) laches (i) unclean hands (j) statute of limitations (k) prior adjudication in favor of the "public entity" (l) criminal conviction of the claimant as a bar to the claim (m) preclusion of any kind (n) eminent domain (o) public need (p) strategic lawsuit against public participation, (q) fraud of any type.

11. Records of no **"public entity"** are confidential. No **"public entity"** is entitled to: (a) attorney-client privilege (b) executive privilege (c) governmental

privilege (d) deliberative privilege (e) law enforcement privilege (f) classified information privilege (g) judicial privilege (h) informant privilege (i) legislative privilege (j) any other privilege (k) litigation privilege.

12. "Public entity" includes agents, attorneys, and employees of (a) State of California, Agencies; the Executive, Legislative, and Judicial branch of the State of California (b) Counties, Cities, District Attorneys, sheriffs, police departments, judges, justices and legislators.

13. No **"public entity"** as defined in these provisions shall be exempt from respondent's superior liability, liability for judicial actions, liability for rule of policy making, liability for actions of its lawyers.