[ms-0398.007.001.004]

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May 12, 1992

Honorable Board of Supervisors
County of San Diego
335 County Administration Center
San Diego, California 92101

CONFIDENTIAL

Honorable Board:

Re: Charles Washington v. Board of Supervisors, No. 647805

Judge Haller of the Superior Court today ruled in favor of the County in the general relief case. The decision is in the form of a Statement of Intended Decision, which is attached. A final decision will later be prepared.

In ruling for the County, Judge Haller found that Welfare & Institutions Code section 17000 did not, in the abstract, preclude a time-limitation. However, because relatively few of those affected would find employment, Judge Haller was naturally concerned that this violated section 17000's requirement that "all" indigents in the County be assisted.

Courts have recognized a defense of fiscal impossibility, and it was on this basis that Judge Haller found for the County. Conceding that the County could fund general relief by cutting other programs, Judge Haller nonetheless concluded that the County presented sufficient evidence to establish that cuts in other more high priority programs in the areas of public health and safety would have to be cut.

We will keep your Board informed of further developments as they occur. It is anticipated that Legal Aid will seek a stay pending appeal requiring that the program be funded during the pendency of their appeal.

Very truly yours,

LLOYD M. HARMON, JR., County Counsel

By
IAN FAN, Deputy

IF:if
92-90046

cc: David E. Janssen (A6)
Chief Administrative Officer

County Counsel