



County of Fresno
BOARD OF SUPERVISORS

Minute Order

August 11, 2015

Present: 5 – Supervisor Andreas Borgeas, Vice Chairman Buddy Mendes, Supervisor Brian Pacheco, Supervisor Henry Perea, and Chairman Deborah A. Poochigian

County Counsel

Re: Authorize the Chair to execute the Settlement Agreement between the County of Fresno, Natalie Chamberlain and Stacy Williams.

By a vote of 4-1, with Supervisor Poochigian voting no, the Board approved the attached settlement agreement between the County of Fresno, Natalie Chamberlain, and Stacy Williams

This settlement agreement and release of all claims ("Agreement") is entered into by and between Natalie Chamberlain and Stacy William ("Plaintiffs") on the one hand, and Fresno County Sheriff Margaret Mims and County of Fresno ("Defendants") on the other hand, relating to all claims and causes of action by and between them in *Chamberlain v. Mims*, Fresno County Superior Court, Case No. 14CECG01851 (the "Lawsuit"). The Defendants and Plaintiffs are referred to collectively herein as the "Parties."

BACKGROUND

Plaintiffs filed a verified petition for writ of mandate and complaint for declaratory and injunctive relief challenging Defendants' policies and practices for providing inmates with religious diet accommodations and processing inmates' grievances. Defendants removed the case to federal court and subsequently moved for dismissal. Plaintiffs then moved for remand.

While these motions were pending, on September 16, 2014, Defendants revised Fresno County Sheriff's Department Policy No. E-185 (the Religious Diet Policy).

The federal district court granted Plaintiffs' motion to remand and denied Defendants' motion to dismiss as moot. The federal district court also ordered Defendants to pay Plaintiffs \$7,500.00 for costs and fees incurred, to be paid no later than 30 days following the date of the order. The Fresno County Superior Court received the federal district court's remand order and the case was restored to that court's control.

Defendants filed a motion for reconsideration of the order granting Plaintiffs attorneys' fees and a motion to stay enforcement of the order granting Plaintiffs attorneys' fees. The federal district court denied the motions for a stay and for reconsideration.

Defendants filed an answer to the complaint in the Fresno County Superior Court.

SETTLEMENT & RELEASE

1.1 Consideration. As consideration for this Agreement, Defendants agrees to:

1.1.1 Approve the following revisions to the September 16, 2014 Religious Diet Policy within fifteen (15) business days of receipt of a signed copy of this Agreement:

- *In Section I.E.2, the Sheriff will add that the religious diet does not have to be compelled or central to the inmate's religious exercise in order to receive a religious diet.*
- *For Section II.C.2., the time period will be 4 months.*
- *In Section II.C.3, the Sheriff will add on the end "...if it demonstrates that the inmate's beliefs are not sincere."*

1.1.2 Provide the American Civil Liberties Union Foundation of Northern California ("ACLU-NC") ACLU-NC with written notice if the Religious Diet Policy is revised during the five-year period following the execution of this Agreement. Written notice shall include the revised Religious Diet Policy and be mailed to:

ACLU Foundation of Northern California
ATTN: Novella Coleman
39 Drumm Street
San Francisco, CA 94111.

1.1.3 Revise the inmate handbook to include the following insertion by June 1, 2015:

RELIGIOUS DIETS – *Inmates have the right to exercise their freedom of religion and to adhere to their religious food practices while incarcerated. You may request a religious diet by submitting an Inmate Request Form to the Offender Programs Unit. You must explain the diet requested and submit evidence demonstrating that your adherence to the requested diet is an exercise of your sincerely held religious belief. That evidence may include:*

- 1. An explanation of your belief system.*
- 2. An explanation of the diet's role within your belief system and the significance of failing to adhere to the diet.*
- 3. Your past history in adhering to that diet.*
- 4. Your past history in practicing the religion.*

5. *A description of other practices you engage in that are also part of your belief system.*
6. *The identification of your religious community.*
7. *Any information regarding your religious affiliation, clergy, and place of worship.*
You may also provide documentation or contact information of persons who can support your request for a religious diet.

Religious Diet Program participants will be required to sign a program agreement form.

1.1.4 By August 15, 2015, issue a memorandum to all Fresno County Sheriff staff and employees directing them to provide all inmates with a receipt upon submission of an inmate request form requesting a religious diet. The receipt may be a copy of the inmate's request form or a separate document containing an identification number that corresponds to the number on the inmate's request form.

1.1.5 Pay within fifteen (15) business days of receipt of a signed copy of this Agreement a one-time lump sum payment of twenty-two thousand five hundred dollars (\$22,500.00) payable to the American Civil Liberties Union Foundation of Northern California as attorney for the Plaintiffs, for attorneys' fees and costs. This payment shall be mailed to:

ACLU Foundation of Northern California
ATTN: Novella Coleman
39 Drumm Street
San Francisco, CA 94111

1.2 Plaintiffs' Dismissal. As further consideration of this Agreement, within five business days of the ACLU-NC's receipt of the payment referred to in Section 1.1.5, above, Plaintiffs shall file with the Fresno County Superior Court, a Request for Dismissal of the Lawsuit with prejudice as to all claims and causes of action against Defendants.

THE UNDERSIGNED HAVE READ THE FOREGOING AGREEMENT AND FULLY UNDERSTAND AND AGREE TO ITS TERMS.

Natalie Chamberlain
Natalie Chamberlain - Plaintiff

Date: July 20, 2015

Stacy Williams
Stacy Williams - Plaintiff

Date: July 27th 2015

Margaret Mims, Fresno County Sheriff - Defendant

Date: _____

Deborah A. Poochigian
Deborah A. Poochigian, Chair of Board of Supervisors
Fresno County - Defendant

Date: August 11, 2015

Approved as to Form:

Dated: July 27, 2015

Respectfully submitted,

ATTEST:

BERNICE E. SEIDEL, Clerk
Board of Supervisors

By: Novella Y. Coleman
Novella Y. Coleman

By: Susana Bishop
Deputy

Michael T. Risher
Novella Y. Coleman
American Civil Liberties Union
Foundation of Northern California, Inc.

Attorneys for Plaintiffs

Dated: Aug 11, 2015

By: Daniel C. Cederborg

Daniel C. Cederborg, County Counsel
Fresno County Counsel

Attorneys for Defendants