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## West LA, CA Matter

# Principles for a Partnership and Framework for Settlement By and Between the U.S. Department of Veterans Affairs and Representatives of the Plaintiffs - *Valentini v. McDonald*

**Preamble:** This "Principles for a Partnership and Framework for Settlement" ("Principles Document") is between the U.S. Department of Veterans Affairs ("VA"), and representatives of the plaintiffs in the *Valentini v. McDonald* case (C.D. Cal. No. 11-4846; 9th Cir. Nos. 13-56836, 13-56842, 13-56880, 13-56887), (together, the "parties"), and is dated January 28, 2015.

**I. Objective:** Consistent with VA's statutory obligations and mission to serve our nation's veterans, VA and the representatives of the plaintiffs in *Valentini v. McDonald* intend to work together as partners, in coordination with key Federal, State, local, and community stakeholders and charitable and philanthropic entities to end veteran homelessness in Greater LA in 2015 and beyond. To measure success in meeting this objective, the parties will help facilitate and support a count of homeless veterans in January, 2016.

**II. Immediate Actions:** Upon execution of the Principles Document, the parties will undertake the following actions in support of the above objective:

Both parties will:

1. Cooperate and work together in good faith, which will be demonstrated by direct involvement and commitment to the objective described above and actions set out below, by the Secretary of Veterans Affairs and plaintiffs' representative, Ron Olson, Esq.
2. Relying on appropriate homelessness and mental health experts, develop a written veteran homelessness strategy and action plan for Greater LA no later than 2/13/2015. This strategy and action plan will build upon plans that the parties' experts have developed, and reflect the parties' intent to implement improvements in care and services for homeless veterans, consistent with best practices and evidence-based approaches under the Housing First model. The strategy and action plan will also describe how these efforts will be carried out in coordination with pertinent Federal, State, & local authorities, community partners, and charitable & philanthropic entities.
3. After soliciting input from pertinent stakeholders including legislators, Veteran Service Organizations (VSOs), State & local authorities, and the local community as described in Paragraph 7 below, coordinate to finalize a New Master Plan for VA's West LA campus by 10/16/2015. A key purpose of the New Master Plan will be to set out the most effective use of the campus for veterans, particularly for homeless veterans, including underserved populations, such as female veterans, aging veterans, and those who are severely physically or mentally disabled, and the process by which that use will be implemented. The primary considerations will be: (a) the provision of appropriate levels of bridge housing and permanent supportive housing on the campus, either in renovated existing buildings or newly constructed facilities, while taking into account the parties' assessment of available housing units available in the Greater LA community; (b) respect for individual veteran choices on whether to seek housing at VA's West LA campus or in the local community; (c) parameters of applicable law, including but not limited to the appropriate integration of persons with disabilities into the community and applicable environmental and historic preservation laws, regulations, and consultation requirements.

4. Coordinate a unified, positive message to stakeholders, the press, and the community.
5. Coordinate to file, by no later than 1/30/2015, a joint motion in the District Court for an indicative ruling that, in light of the parties' commitment to work as partners, the District Court would vacate its judgment in *Valentini v. McDonald*, and all substantive decisions and orders of the District Court, including but not limited to those entered by the District Court on 3/16/12, 6/19/12, 8/29/13, and 1/8/15, if the Court of Appeals for the Ninth Circuit remanded the case for that purpose; and coordinate to file additional pleadings in the District Court and in the Ninth Circuit as necessary to achieve that objective; as well as pleadings necessary to effect a dismissal without prejudice of the entire action under the Federal Rules of Civil Procedure Rule 41(a) following the District Court's entry of its order vacating the judgment and the orders listed in this sentence. Each party will be responsible for its own costs and fees.
6. Develop an exit strategy for those non-VA entities now located at VA's West LA campus whose use of property at VA's West LA campus does not both: (a) comply with applicable law; and (b) fit within the New Master Plan referenced in Paragraph 3. Such exit strategies must be lawful, present a minimum level of litigation risk and expense to the Government, and avoid significant adverse impacts to veteran care and services.

VA will:

7. Engage VA experts and a reputable urban planning firm by 6/15/2015, to assist VA in developing an optimal New Master Plan for the West LA campus. To this end, VA will establish a timeline and framework for receiving and evaluating input from relevant stakeholders, including: VA experts; the plaintiffs' representatives; legislators; outside experts; and VSOs. Pending development and approval of the New Master Plan for the West LA campus, VA will not enter into or renew any lease or other land use agreement that would either: (a) fail to comply with applicable law or (b) interfere with the New Master Plan -- including the existing Enhanced Sharing Agreements at VA's West LA campus.
8. Designate a national expert on homelessness, who will help develop the strategy and action plan for ending veteran homelessness in Greater LA, and be responsible for overseeing the execution of homelessness strategy and action plan referred to in Paragraph 2 and the New Master Plan. This leader will: (a) have a deep understanding of the pertinent issues, and superior collaborative skills; (b) enjoy the trust of both VA leadership as well as the key stakeholders; (c) operate in a transparent manner and be accountable to VA leadership at the highest levels; (d) serve as a Special Assistant to the VA Secretary, reporting directly to and regularly updating the Secretary on matters related to this effort; and (e) receive the necessary clinical and administrative support resources, support, authority, and ties to VA's leading clinical and mental health experts, to achieve the objectives of this agreement.
9. Include the objective and goals of the Principles Document and the New Master Plan in VA's annual Strategic Capital Investment Plan (SCIP) ten year planning process.
10. Ensure that those employees assigned to this effort are highly competent and committed to achieving the goal of ending veteran homelessness in Greater LA by 2015.

Plaintiffs' Representatives will:

11. Form a 501(c)(3) non-profit corporation (hereinafter "the Non-Profit"). The Non-Profit's mission will be to work with VA, Federal, State, and local authorities, community partners, and charitable & philanthropic entities, to help meet the objective and goals of this Principles Document.
12. Identify, and when appropriate make introductions to: stakeholders, decision-makers, housing and homelessness experts, State and local political leaders, charitable and philanthropic entities, and others who wish to contribute or provide resources to this effort.

**III. Actions Beginning Friday (1/23/2015):**

13. Before close of business on Friday (1/23/2015), the parties will confirm with one another that the actions described in Paragraphs 1-12 are underway. Thereafter, the VA Secretary will visit the Greater LA area the week of Monday 1/26/2015, and participate in public events with the plaintiffs' representatives, to announce this new partnership and commitment to addressing veteran homelessness in Greater LA.

**IV. Additional Terms:**

14. The Principles Document is not intended to be enforceable in any court, but is expected to be pursued by the parties to achieve and sustain the goals and objectives contained herein, for the benefit of our nation's veterans.
15. The Principles Document is subject to otherwise applicable legal obligations and authorities.

(Signature Lines Below)

**Plaintiffs' Representative, on behalf of all plaintiffs:**

By (Print Name): Ronald L. Elson  
Sign Name: Ronald L. Elson  
Title: Attorney  
Date: 1/28/2015

**U.S. Department of Veterans Affairs:**

By (Print Name): ROBERT A. McDONALD  
Sign Name: Robert A. McDonald  
Title: SECRETARY  
Date: JANUARY 28, 2015