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Did Carson Officials Conspire to Obstruct Justice?

While the District Attorney's office case against Albert Robles for holding two incompatible offices approaches Carson City Council votes to exonerate themselves of that very crime, which they state in this video they are presently committing.



ORDINANCE NO. 17-0420
AN URGENT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING SECTION 206, TO CHAPTER 4, OF ARTICLE II, OF THE CARSON MUNICIPAL CODE, RELATING TO GOVERNMENT CODE § 1099.
WHEREAS, the Carson City Council wishes to have its voice heard on its broad platform as possible on behalf of the 100,000 residents that reside in Carson; and
WHEREAS, the Carson City Council knows that for too long Carson has been treated differently and not received the same fair and equitable treatment the other similarly situated municipalities; and
WHEREAS, Government Code § 1099, or sub-section (a), provides that an appointed or elected member of City Council shall be permitted to simultaneously hold two public offices if expressly authorized by ordinance; and
WHEREAS, the Carson City Council has observed that the Los Angeles County District Attorney has taken a very broad interpretation of what constitutes an "incompatible" office such that there is concern that Section 1099 will be so broadly interpreted as to prevent Carson's effective representation on numerous boards, committees, and commissions that speak to regional, state-wide, and county-wide issues about which the City of Carson desires to have a voice; and
WHEREAS, the Carson City Council has also observed that while there are many examples throughout Los Angeles County of elected or appointed officials simultaneously holding two positions, the Los Angeles County District Attorney has been inappropriately selective and, arguably, discriminatory in its enforcement action under Section 1099; and
WHEREAS, under the common law rule, now codified by Government Code § 1099, two public offices are deemed incompatible, in the absence of a law to the contrary (e.g., a city ordinance), if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditing, or removal power over the other who is appointed or elected to another public office; and
WHEREAS, the Senate Local Government Committee analysis of Senate Bill No. 274, which codified the common law at Government Code § 1099, observed that the section allowed for "three exceptions to the new statutory rule: (1) an attorney employed by a local agency in a non-elective position does not create a conflict; (2) serving as a director of the Local Agency Self-Insurance Authority does not create a conflict for a local agency's officers or employees; and (3) where a dual ordinance provides an exception." (Emphasis added); and

EXHIBIT 1 (Version 2)

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Ordinance as presented to public

Would the City of Carson be better served by a Mayor that is not serving two masters?
We want to hear from you lnoflin@carsoncaconnected.org

**The People of the State of California on the Relation of the
DISTRICT ATTORNEY OF THE LOS ANGELES COUNTY, Petitioner,**

v.

ALBERT ROBLES, an individual, Respondent

CASE NO. BC 608075

Related to Case No. BC642232

Assigned to the Hon. James C. Chalfant

NOTICE OF HEARING

Date: January 25, 2018

Time: 9:30 a.m.

Department: 85

We urge you to read the complaint filed against Albert Robles and judge if the rights of the Carson residents have been trampled on since he took office. Click on document below to access complete complaint.

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FILED
Superior Court of California
County of Los Angeles
NOV 08 2017
Sherrill B. ... Officer/Clerk
By: ... Deputy
Jeniffer De Luna

ORIGINAL

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11/5/2017

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

The People of the State of California on the
Relation of the DISTRICT ATTORNEY OF LOS
ANGELES COUNTY,

Petitioner and Plaintiff,

v.

ALBERT ROBLES, an individual,
Respondent and Defendant.

CASE NO. BC608075
[Related to Case No. BC642232]
[Exempt Pursuant to Gov't Code § 6103]
**PETITIONER'S OPENING BRIEF RE: QUO
WARRANTO**

Assigned to Hon. James C. Chalfant
Department 85

Hearing Date: January 25, 2018
Department: 85
Time: 9:30 a.m.

Action Filed: 01/25/16

[Filed concurrently with Declaration of Marian M.
J. Thompson, and Petitioner's Request for Judicial
Notice]

Excerpts from the District Attorney's complaint:

I. INTRODUCTION

The District Attorney brings this extraordinary writ in Quo Warranto against Albert Robles ("Robles") under Code of Civil Procedure 802-811, because Robles simultaneously holds the elected offices of Director of the Water Replenishment District of Southern California ("WRD") and Mayor of the City of Carson ("Carson"), in violation of Government Code 1099. Based on the powers and jurisdiction of the offices, there is a potential for a significant clash of duties of loyalties between the offices. The opportunities for conflict between the WRD and Carson derive from their legal status and statutory powers as government agencies under California law - the conflicts are, in other words, formal and institutional. Robles was elected as a Director of the WRD in November 1992, and has continuously held such office, either through election or appointment, through the present. The District Attorney seeks a judgment to remove Robles as a Director of the WRD, as the office first held. I(Declaration of Marian M. J. Thompson.

As the Attorney General ("AG") has repeatedly held in an unbroken line of authority, the offices of city councilmember and water district board member are incompatible when the jurisdictions of the two entities overlap each other. The jurisdiction of the WRD and Carson overlap. The WRD manages groundwater for nearly four million residents in 43 cities of southern Los Angeles County. The WRD created five Divisions of representation for each director. Robles represents Division Five, which includes the cities of Bellflower, Carson, Compton, Downey, La Habra Heights, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, and Whittier.

In order to trigger the doctrine of incompatible offices, requiring the ouster of a public official from the office first held, it is enough that there is a "potential" for a significant clash of duties and loyalties between the two offices at some point in the future. The public need not wait until such a clash occurs. A person who is both a director of the WRD and a city councilmember in the same district may find a conflict between action which is in the best interests of the WRD and action which is in the best interest of the city. As illustrated herein, the "potential" for a significant clash of duties exists between the two offices under multiple scenarios.

II. FACTUAL BACKGROUND

a. The WRD is a Special District Created to Manage the Central and West Coast Basins

The WRD is a special district created in 1959, and codified in 6000, et seq. of the California Water Code... Prior to its creation, groundwater was produced from the Central and West Coast Basins ("Basins") by municipal and private pumpers who provide water to residents and businesses in amounts that greatly exceeded natural replenishment, creating a condition known as "overdraft." The "overdraft" caused a drastic decline of the groundwater table and the intrusion of seawater. The WRD was created to manage and protect the Basins...

The RA is one of the single largest cost factor of groundwater for groundwater producers in the Basins. A series of audits by the State Auditor between 1999 and 2004 criticized the WRD's excessive RA rates, wasteful spending, and excessive reserves... However, the suits did nothing to prevent the RA rate increases since 2001. The WRD has increased the RA by more than 100% between 2005-2017. This raises a potential for a significant clash of duties and loyalties because Robles approves the annual RA as a director of the WRD assessed against all groundwater producers; the RA is passed through to Carson by its water servicers on a dollar for dollar basis, which has led to rising water rates for consumers; and Carson residents and/or public officials could object to the RA at the WRD's annual rate setting hearing, or sue the WRD for wasteful spending and effort to reduce the water rates charged by their water servicers.

In May 2010, the WRD adopted a resolution which levied an increased assessment, or "pump tax," on the production of groundwater for the 2010-2011 fiscal year...

In August 2010, the cities of Cerritos, Downey, and Signal Hill filed a petition for writ of mandate against the WRD under Proposition 218, challenging increased RAs on the grounds that it is a property-related fee subject to Article XXIII D of the California Constitution, and the result of excessive and out of control spending by the WRD...

In April 2011, the Court Granted the petition for mandate, having ruled that Proposition 210 applied to the RA, as a property-related fee, and ordered the WRD to vacate the RAs it imposed over the past four years, and to comply with the provisions of Article XIII D before imposing any new RA.

On July 5, 2011, Robles, as a WRD director, met with Carson City Mayor Jim Dear to discuss "city and WRD issues." On August 2, 2012 Robles, as a WRD director, met with Carson City Mayor Jim Dear again in Carson for an "update on WRD Matters," and to discuss matters impacting Carson.

In a May 29, 2012 WRD press release regarding the Proposition 218 lawsuit, Robles acknowledged, "Unfortunately, it's the ratepayers including Carson.

In September 2012, in related cases brought by Tesoro Refining and Marketing Co. ("Tesoro"), with operations in Carson, and the Central Basin Municipal Water District ("CBMWD") against the WRD, the Court granted the petitions for mandate, having ruled that Proposition 218 applied to the RA, and ordered the WRD to vacate the RAs, and to comply with the provisions of Proposition 218...

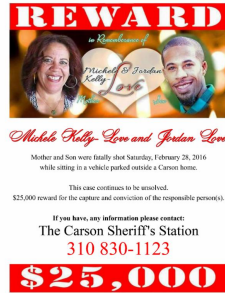
On October 16, 2012, after suffering repeated defeats in court the Proposition 218 litigation, Robles, in his role as President of the WRD board, made a PowerPoint presentation before the Carson City Council to discuss the impact of the Proposition 218 lawsuit on Carson... He then attempted to interfere with Carson's professional relationship with its City Attorney...

Robles concluded his presentation, "It's costing the Water Replenishment District money and it's costing Carson residents money today. But if they're successful, it's going to cost Carson residents a lot more money in the future... Although Robles was not a sitting councilmember, Robles' lobbying efforts as a WRD director in Carson highlight the potential for a significant clash of duties and loyalties between both offices. Robles cannot serve two masters and remain neutral.

The city litigants settled the Proposition 218 lawsuit with the WRD... The Settlement Agreement may not have been in the best interests of Robles' constituents in Carson.

There are many other issues important and deserve the attention of our city officials and citizens.

One of which is the unsolved case of Michele Kelly-Love and Jordan Love.



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Carson Connected started our work here in Carson in July 2010. During this time, we've been providing information regarding issues that affect the health and well-being of our families and communities. We have never received any complaints or requests to change or correct any information we have provided.

We are proud to say it's because we work very hard to provide you with the facts.

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