

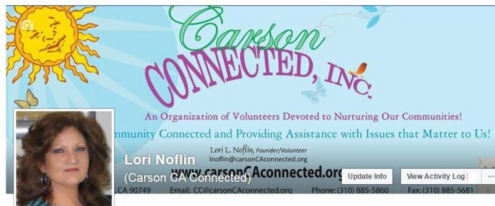
Is the Mayor Pro-Tem appointment in preparation for Robles' court date?



***Keeping Our Community Connected and Providing Assistance with Issues that Matter to Us!***



**Carson Connected, Inc.**  
An Organization of Volunteers Devoted to Nurturing Our Communities!



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**Is the Mayor Pro-Tem appointment in preparation for Robles' court date?**

DISTRICT ATTORNEY OF L A COUNTY VS ALBERT ROBLES

Case filed on 1/25/2016 Hearing--Writ of Mandate

Case Number: BC608075

**February 27, /2018 at 1:30 PM**

LA County Superior Court

Department 85

111 North Hill Street, Los Angeles, CA 90012

Will Mayor Albert Robles be allowed to select his punishment and resign his seat as mayor? Based on council's actions it may be true. According to the District Attorney, the law calls for the forfeiture of the first seat held, after the last election Albert Robles was sworn in to the Water Replenishment District prior to being sworn in as mayor.

A letter was sent to the District Attorney's office requesting they uphold fair and clean government and that Robles be held to the letter of the law the same way we would expect it for all.

**Is Councilman Hilton and not Councilwoman Lula Davis-Holmes the person big business wants to give us for our next mayor? Do we get to pick the Mayor and elected officials that we want?** Will we once again be manipulated into accepting what the big businesses feel will better serve them?

On January 23, 2018, Jawane Hilton for a second time went against the Carson Municipal Code and accepted an appointment to a council seat. On that date and today the Carson municipal code calls for the Mayor Pro Tem to be selected the second regular council meeting in March of each even numbered year. After appointing Mr. Hilton as Mayor Pro Tem, city council changed the date of selection to be the second regular council meeting in January of each year.



The second reading took place on February 20th, and shall be in full force and effect thirty days following its adoption and second reading. This ordinance is not in effect until March 8, 2018. Based on the new ordinance a new Mayor Pro Tem is not to be selected until the second meeting in January 2019. Therefore, Jawane Hilton needs to take his ill-gotten council seat and Councilwoman Lula Davis-Holmes resume in her legally gotten appointment to the seat of Mayor Po Tem.

Below is text taken from the cities staff report:

ORDINANCE NO. 18-1802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING CHAPTER 4, SECTION 2403, OF THE CARSON MUNICIPAL CODE, RELATING TO THE TIMING OF THE SELECTION OF THE MAYOR PRO TEMPORE

NOW, THEREFORE, the CITY COUNCIL of the City of Carson, California, does HEREBY ORDAIN as follows:

**SECTION 1.** Chapter 4, Section 2403, paragraph A, is hereby rescinded in its entirety.

**SECTION 2.** A new Section 2403, subparagraph A, is hereby added to the municipal code to read, in its entirety, as follows (deleted text in ~~strike through~~; new text in **bold & italics**):

"A. Regular Meetings. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the hour of 5:00 p.m. If any such day is on a holiday, then the meeting shall be held on the next succeeding day which is not a holiday. If any such day is a Statewide election day or a regular or special municipal election day, then the meeting shall be held on the next succeeding day or on such other day as determined by the City Council. ***During the second City Council meeting of January of each year the Council shall organize and select a Mayor Pro Tempore. At the second regular meeting in March of each even-numbered year, the Council shall organize and select a Mayor Pro Tempore. In odd-numbered years, the Council shall organize and select a Mayor Pro Tempore at the meeting at which the declaration of its regular election results is made immediately following the installation of officers in accordance with Government Code Section 36801.***"

**SECTION 3.** This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

**SECTION 4.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

Councilman Hilton's first illegal appointment was on June 16, 2015 detailed in this letter from the District Attorney's office.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
PUBLIC INTEGRITY DIVISION

JACKIE LACEY • District Attorney  
JOHN K. SPILLANE • Chief Deputy District Attorney  
JOSEPH P. ESPPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

December 2, 2015

Honorable Members of the City Council  
City of Carson  
701 E. Carson Street  
Carson, California 90745

Re: Complaint of Brown Act Violations  
Case P15-0435

Dear Honorable Members of the City Council,

We have received a complaint alleging violations of the Ralph M. Brown Act (the Act) at the June 16, 2015 Carson City Council meeting. From our review of the audio-video recording of the meeting, it appears that a majority of the then three-member City Council had previously engaged in improper communications regarding city business outside of an authorized meeting in violation of Government Code section 54952.2.

At the City Council meeting on June 16, 2015, three members were present: Mayor Albert Robles, Mayor Pro Tem Elio M. Santarina, and Councilmember Lula Davis-Holmes. At that time, the other two seats on the Council were vacant, one pending results from the election held on June 2, 2015.

The agenda contained a description for Item 32 as follows: "FURTHER CONSIDERATION OF AN APPOINTMENT TO FILL THE VACANCY ON THE CITY COUNCIL CREATED BY THE APPOINTMENT OF MAYOR ROBLES (CITY COUNCIL)." Under this description it further read, "Recommendation: CONSIDER and PROVIDE direction." This was followed by an electronic attachment entitled, "Exhibit 1 Letters of Intent." The attached electronic file contained a list of 14 names of individuals evidently interested in being appointed to fill the vacant Council seat held by Robles, with letters and reference materials from each individual. Jawane Hilton was one of the 14 names on the list.

After the initial public comment period of the meeting, Mayor Robles called for the Council to handle Item 32 out of order from the way items were listed on the agenda. Without opening for any discussion, Robles immediately made a motion to appoint Jawane Hilton to fill the vacancy. Within seconds, Davis-Holmes seconded the motion. At that point on the video, Santarina left his seat next to Robles and walked behind Robles toward a door

Hall of Justice  
211 West Temple Street, Suite 1000  
Los Angeles, CA 90012  
(213) 257-8475  
Fax: (213) 633-0985

## In case you missed it

### 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. 17-042E  
AN URGENT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING SECTION 256A, 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 as broad a platform as possible on behalf of the 160,000 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 like other similarly situated municipalities, and  
WHEREAS, Government Code § 1099, at 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 actions 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 that is a city ordinance, if any appropriate class of duties exists between the two offices, if the dual office holding would be improper for reasons of public policy, or if either office exercises a supervisory, advisory, or material power over the other who is appointed or elected to another public office; *People ex rel Chapman v. Rapson* (1940) 16 Cal.2d 636, 944 P.2d 1011, 39 Cal. App. 3d 111 (1961); and  
WHEREAS, the Senate Legal 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 two statutory rule: (1) an attorney employed by a local agency in a non-election 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 local 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](mailto: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.

ORIGINAL	1 JACKIE LACEY DISTRICT ATTORNEY 2 MARIAN M.J. THOMPSON, SBN 100729 BJORN E. DODD, SBN 191612 3 LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE PUBLIC INTEGRITY DIVISION 4 211 West Temple Street, 10 <sup>th</sup> Floor Los Angeles, CA 90012 5 Phone: (213) 257-3475 Fax: (213) 633-0985 6 Email: mthompson@da.lacounty.gov 7 Email: bjdodd@da.lacounty.gov	FILED Superior Court of California County of Los Angeles NOV 08 2017 Sherrill B. ... Officer/Clerk By: ... Deputy Jennifer De Luna
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**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.

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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.



Sign up to receive our email updates, put us on your safe senders list, and add us as a contact to insure you continue to receive this important information.

**Sign up to receive FREE email updates.**

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.**

Carson Connected | [Inoflin@carsoncaconnected.org](mailto:Inoflin@carsoncaconnected.org) | 310 496-7501 | [carsonCAconnected.org](http://carsonCAconnected.org)



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