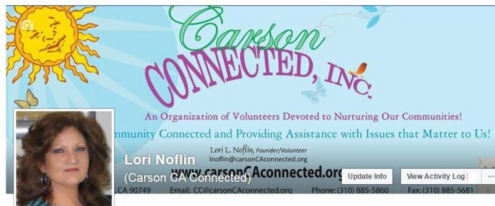




Keeping Our Community Connected and Providing Assistance with Issues that Matter to Us!



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



You can join us on facebook for updates, and information on issues that affect our community.

Unanimous vote of Carson City Council to silence the TRUTH

I am sharing this with all of you because it is not just an attack on Carson Connected and me, but because it is Carson Connected today and it could be you and your neighbor tomorrow.

I've lived in Carson since 1960, I grew up and went to school in Carson and I love and care about the people and this city. I started Carson Connected to inform Carson residents about issues that affect our lives. But, when our city officials have the arrogance to attend town hall meetings and hear the over whelming wishes of the residents only to vote against them, to publish an article with a photo that offended a large segment of our residents, to insult people that come up to speak before them. Than to use the city attorney office whose pay comes from our tax dollars to try and intimidate and deprive me of my First Amendment Right the Freedom of Speech and you from the truth is going too far.

On April 2, 2018 I received an email with the subject as "**Libelous Publication/CEASE AND DESIST**" from the City of Carson's Law office of Aleshire & Wynder, LLP signed by the City of Carson's Attorney Sunny Soltani. Below I detail the false statements made by the city attorney in her/council's attempt to bully me out of my First Amendment right the right of Freedom of Speech.

March 30, 2018

VIA E-MAIL AND U.S. MAIL

Lori Noflin
Lori Noflin of Carson Connected, Inc.
Carson Connected, Inc.
P.O. Box 5503
Carson, CA 90749
310 885-5860
310 885-5618

Re: **Libelous Publications/CEASE AND DESIST**

Dear Lori Noflin:

As you are aware, our office represents the City of Carson ("City") as its City Attorney. I am writing to you at the direction of the Carson City Council ("Council") regarding the recent publication of a false and misleading story on your website, Carson Connected, Inc., which you have then republished on your Facebook page, alleging the City Council has violated the law in its recent selection of Jawane Hilton to serve as Mayor Pro-Tempore and its original appointment of Mr. Hilton to the City Council in 2015.

You are hereby put on notice and demanded to immediately CEASE AND DESIST the publication or republication of this libelous story pursuant to California Civil Code §§ 43, 45. Libel is a false written publication which tends to injure someone's reputation, generally or with respect to his occupation. (*MacLeod v. Tribune Pub. Co.*, 52 Cal. 2d 536, 543 (1959).) Your publications falsely assert illegal actions taken by the Council, in its selection of Councilman Hilton to serve as Mayor Pro-Tempore on January 23, 2018 and in its appointment of Mr. Hilton to the City Council for the City of Carson on June 16, 2015. On February 25, 2018, you published the following libelous statement on the Carson Connected website:

"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

CEASE AND DESIST

"You are hereby ... demanded by the unanimous Carson Council to within 48 hours of receipt of this letter to CEASE AND DESIST any further libelous publication and remove any previous libelous publications posted on the Carson Connected website, any subsidiary or connected sites, or any other website or web page that you maintain."

City Attorney Sunny Soltani references California Civil Codes and case files to support the Cease and Desist all of which are referring to false statements. The statements City Attorney Sunny Soltani is referring to are true and correct. Below are examples.

"You are alleging that the Council has twice violated the law. This is not true and your persistent assertions indicate a fundamental and willful disregard for the law on your part."

Telling the truth is not a willful disregard for the law! Look at the court documents below from the hearing District Attorney of the Los Angeles County v. Albert Robles you will see Albert Robles' willful disregard for the law. You will see how Albert Robles much like Sunny Soltani in the Cease and Desist I received has omitted, manipulated, and misrepresented the facts. You will see how city resources (taxpayers money) is being utilized to assist Albert Robles in continuing to hold two incompatible elected offices.

8107/58/18
The People of the State of California on the
Relation of the District Attorney of Los
Angeles County v. Albert Robles, et al.,
BC 608075

Tentative decision on petition for
warranto: granted

FILED
Superior Court of California
County of Los Angeles
153 27 2018
By: [Signature]
Shirley R. Lacey, Clerk of the Court
Deputy

The People of the State of California on the
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Tentative decision on petition for
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FILED
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County of Los Angeles
APR 17 2018
By: [Signature]
Shirley R. Lacey, Clerk of the Court
Deputy

Plaintiff The People of the State of California on the Relation of the District Attorney of
Los Angeles County ("Relator") seeks *quo warranto* to remove Defendant Albert Robles
("Robles") as a director of the Water Replenishment District of Southern California ("WRD").
The court has read and considered the moving papers, opposition, and reply,¹ and renders
the following tentative decision.

A. Statement of the Case

1. Complaint

Plaintiff Relator commenced this proceeding on January 25, 2016, alleging violations of
Government Code section 1099 ("section 1099"). The *quo warranto* Complaint alleges in
pertinent part as follows.

At all times relevant to this action, Defendant Albert Robles ("Robles") was a director of
WRD. On March 6, 2013, Robles was elected to the City Council of the City of Carson
("Carson" or "City"). On April 1, 2015, Robles was appointed to the office of Mayor of Carson.

As of March 6, 2013, Robles has unlawfully held the office of director of WRD in
violation of section 1099. The positions of City Councilman/Mayor of Carson and director of
WRD are incompatible under section 1099 because WRD and Carson have overlapping territory,
duties, and responsibilities.

Relator seeks a judgment determining that Robles is not entitled to hold or exercise the
office of director of WRD. Relator further seeks to fine Robles \$5,000 pursuant to CCP section
809.

2. Course of Proceedings

On October 18, 2016, Department 15 granted Relator's special motion to strike under
CCP section 425.16 and struck Robles' Cross-Complaint.

On May 17, 2017, Relator applied *ex parte* for a protective order to prevent the
deposition of District Attorney Jackie Lacey ("Lacey"). The court granted the application, and
set a hearing on a noticed motion for June 15, 2017. The taking of the deposition was stayed
until after the hearing.

On June 15, 2017, the court granted Relator's protective order preventing the deposition
of Lacey. The court also ordered case BC608075 and BC642232 related. The court ordered that
all discovery in both cases could be used in either case. The court then set a briefing schedule
for the instant case.

B. *Quo warranto*

¹ The court has not considered Robles' sur-reply, which is not authorized by statute and
not supported by a proof of service.

Plaintiff The People of the State of California on the Relation of the District Attorney of
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of Lacey. The court also ordered case BC608075 and BC642232 related. The court ordered that
all discovery in both cases could be used in either case. The court then set a briefing schedule
for the instant case.

On February 27, 2018, the court adopted its tentative with respect to the conflict analysis,
not the express exemption analysis. The matter was continued to April 17, 2018 for

¹ The court has not considered Robles' sur-reply, which is not authorized by statute and
not supported by a proof of service.

Tentative Ruling filed February 27_ 2018

Final Ruling Filed April 18_ 2018

The final ruling of the judge on April 18, 2018 is as follows: "The Complaint for quo warranto is granted." The judge did not grant Robles' request for a stay of the judgment against him removing him from office pending appeal. "Robles is removed from the office of WRD director... Judgment is set for May 29, 2018 at 1:30 pm."

For 5 years Albert Robles has refused to abide by the law, when he accepted the position as council by law he needed to resign the WRD seat. For 5 years, Albert Robles has robbed the City of Carson even in the case of an emergency its right to place a moratorium on oil drilling, conducted the illegal appointments of people to elected positions, conducted illegal council meetings (see below District Attorney letter regarding June 12, 2015 illegal council meeting and appointment of elections clerk), and going against the wishes of the people every step of the way.



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. ESPINOZA - Assistant District Attorney

SCOTT K. GOODWIN - Director

July 29, 2015

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

Re: Complaint of Brown Act Violation, Case P15-0365

Dear Honorable Council Members,

We have received a complaint alleging violations of the Ralph M. Brown Act at the June 12, 2015
Carson City Council meeting. Specifically, it was alleged that the Carson City Council violated
California Government Code section 54953(b)(3), which states:

"If the legislative body of a local agency elects to use teleconferencing, it shall post agendas
at all teleconference locations and conduct teleconference meetings in a manner that protects
the statutory and constitutional rights of the parties or the public appearing before the
legislative body of a local agency. Each teleconference location shall be identified in the
notice and agenda of the meeting or proceeding, and each teleconference location shall be
accessible to the public."

We note that Carson Mayor Pro Tempore Elio Santarini was not present at the June 12, 2015
council meeting, but participated by way of cellular telephone from the emergency room of a local
hospital. No mention was made that the meeting would be held by teleconference, and the only
location listed for the meeting was the Carson City Hall Helen Kawagoe Council Chambers.
Additionally, the emergency room of a hospital does not qualify as a location "accessible to the
public" for purposes of an open meeting. Based on these facts, it is clear that the Carson City
Council meeting on June 12, 2015, failed to comply with the requirements of California
Government Code section 54953(b)(3).

At the June 12, 2015 meeting, the Carson City Council voted 2-1 to appoint former Compton City
Clerk Charles Davis to perform the second count and certify the vote from the June 2, 2015 special
election, instead of Carson City Clerk Jim Dear. This was the only action taken by the city council
at this meeting.

Hall of Justice
211 West Temple Street, Suite 1000
Los Angeles, CA 90012
(213) 207-5475
Fax: (213) 633-0885

Link to District Attorney letter regarding June 12,
2015 illegal council meeting



June 12, 2015 Council Meeting

"The proceedings which lead to the selection of Councilman Hilton to serve as Mayor Pro Tempore for the City of Carson were legally permissible and valid Council actions... This provision does not establish requirements, conditions, qualifications, or any other substantive obligation for the selection of the mayor pro tempore, but simply sets the date for making such a selection."

The one thing the ordinance does call for is the date and they did not abide by it. As such, they did not follow the Carson Municipal code.

"It is generally recognized that a council may abolish, suspend, modify, or waive its own rules."

This statement would be true if city council followed state law and city ordinances. There is a process and based on that process the appointment of Jawane Hilton as Mayor Pro Tempore violated the Carson Municipal code.

On January 23, 2018, Carson city council voted to changed the date of selection of Mayor Pro Tempore to be the second regular council meeting in January of each year. On that date, Carson municipal code called for the Mayor Pro Tempore to be selected the second regular council meeting in March of each even numbered year. That same night in January two months prior to when the municipal code calls for the selection, council selected Jawane Hilton as Mayor Pro Tempore.

The second reading took place on February 20th, and on March 8, 2018, the ordinance went into effect, more than a month after they made the selection. Based on the new ordinance a new Mayor Pro Tempore is not to be selected until the second meeting in January 2019.

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 56801.***"

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.

EXHIBIT NO. 1

3

[Link to complete ordinance](#)

"The proceedings which lead to the appointment of Mr. Hilton to the City Council for the City of Carson were also legally permissible and valid Council actions."

Incorrect in the letter from the district attorney's office regarding the appointment of Jawane Hilton to the vacant council seat clearly states the appointment was not legal.



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. ESPINOSA - 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 54962.2.

At the City Council meeting on June 16, 2015, three members were present: Mayor Albert Robles, Mayor Pro Tem Elito M. Santarina, and Councilmember Luis 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) 537-0410
Fax: (213) 633-0985

[Link to District Attorneys letter regarding the illegal appointment of Jawane Hilton](#)

Video Highlights from June 16, 2018 Council Meeting



Various Speakers



Charles Davis



Jim Dear



Entire Council Meeting

"This letter, and the legal precedents cited herein, are further notice to you that the City Council's appointments of Mayor Pro Tempore/Councilman Hilton were legally permissible and valid exercises of the Council's authority."

Neither the first appointment of Jawane Hilton as councilmember nor the selection of Jawane Hilton as Mayor Pro Tempore followed the order of city or state law.

First appointment of Jawane Hilton

As determined by the District Attorney's office the first appointment was not legal. However, because he stepped down prior to the District Attorney's determination and stepping down is what the law requires no further action was required.

It was months after the determination of the District Attorney's office that a complaint was sent in because it seemed the illegal appointment was to defraud the State of California and the residents of Carson. Council did not have the votes to appoint Jawane Hilton by the deadline; the state would have forced a special election, giving the people of Carson the power to elect their choice. Instead, they appointed Jawane Hilton someone who has voted against the residents wishes and has aligned himself with Albert Robles a man who time and time again has shown a willful disregard for the law.

June 2, 2015 Municipal Election Timeline

Not only was the appointment illegal but everything about the June 2, 2015 Municipal Election has problems hopefully Justice Department has taken up the case.

June 2, 2015 The City of Carson held a Special Municipal Election.

June 12, 2015 City council held illegally council meeting and voted to replace Jim Dear as election clerk with Charles Davis.

June 13, 2015 Jim Dear entered city hall, took sole possession of the live ballots, and changed the combination to the vault.

City council in turn had the locks at city hall changed, once again breaking the chain of command on our live ballots.

June 16, 2015 City Council acknowledged Jim Dear as the elections clerk.

June 20, 2015 City council illegally appointed Jawane Hilton what seemed to be to avoid the state forcing them to hold a special election for the seat left vacant by Albert Robles when he was appointed mayor.

June 25, 2015 Deadline to appoint for seat left vacant by Albert Robles.

July 14, 2015 The election was certified; Jawane Hilton was announced winner by 18 votes.

Below is the email Carson City Attorney and Council is trying to stop.

Is the Mayor Pro-Tempore 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 Tempore to be selected the second regular council meeting in March of each even numbered year. After appointing Mr. Hilton as Mayor Pro Tempore, 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 Tempore 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 Tempore.

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:

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"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.

EXHIBIT NO. 1

3



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. ESPOSITO - Assistant District Attorney

SCOTT K. GOODWIN - Director

December 2, 2015

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City of Carson
701 E. Carson Street
Carson, California 90745

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Case P15-0435

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Hall of Justice
211 West Temple Street, Suite 1000
Los Angeles, CA 90012
(213) 257-0475
Fax: (213) 633-5885

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

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, ADOPTING SECTION 286, 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 efficient 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
unapologetically 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, in a city ordinance, if any significant clash 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, auditing, or financial power over the other who is
appointed or elected to another public office; *"People ex rel. Chapman v. Raposo (1940) 16
Cal.2d 636, 644; 105 P.2d 481, 483; Cal. App. 1st 113 (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-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 local ordinance provides an
exception." (*Emphasis added*); and
EXHIBIT 1 (Version 2)

5

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.

1 JACKIE LACEY
2 DISTRICT ATTORNEY
3 MARIAN M.J. THOMPSON, SBN 100729
4 BJORN E. DODD, SBN 191612
5 LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
6 PUBLIC INTEGRITY DIVISION
7 211 West Temple Street, 10th Floor
8 Los Angeles, CA 90012
9 Phone: (213) 257-2475
10 Fax: (213) 633-0985
11 Email: mthompson@da.lacounty.gov
12 Email: bjdodd@da.lacounty.gov

FILED
Superior Court of California
County of Los Angeles
NOV 08 2017
Sherrill B. [Signature] Officer/Clerk
By [Signature] Deputy
Jennifer De Luna

ORIGINAL

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

12 The People of the State of California on the
13 Relation of the DISTRICT ATTORNEY OF LOS
14 ANGELES COUNTY,
15 Petitioner and Plaintiff,
16 v.
17 ALBERT ROBLES, an individual,
18 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]

107/5/2017

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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