CITY OF CARSON
RECLAMATION AUTHORITY

WEDNESDAY, NOVEMBER 4, 2015
701 East Carson Street
Helen Kawagoe Council Chambers
4:00 P.M. – Regular Session

AGENDA

ADJOURNED REGULAR MEETING OF THE CARSON RECLAMATION AUTHORITY

"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's office at 310-952-1720 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

CALL TO ORDER: CARSON RECLAMATION AUTHORITY

ROLL CALL:

CLOSED SESSION (Item 1)

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1. 2015-847 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Recommendations: A closed session will be held, pursuant to Government Code § 54956.8, to enable the Reclamation Authority to consider negotiations with Carson Holdings, LLC and it's negotiator, Law Firm of Latham & Watkins, with whom Reclamation Authority and City Council are negotiating, for lease and price and terms, and to give direction to its negotiator(s) Authority and Council Attorney Sunny K. Soltani, regarding that certain real property known as Assessor Parcel Nos. 7336-010-24 and 7336-010-25

ORAL COMMUNICATIONS – CLOSED SESSION ITEMS ONLY

ANNOUNCEMENT OF CLOSED SESSION ITEMS

RECESS INTO CLOSED SESSION

RECONVENE: OPEN SESSION

REPORT ON CLOSED SESSION ACTIONS

ORAL COMMUNICATIONS – MEMBERS OF THE PUBLIC (LIMITED TO ONE HOUR)

The public may address the members of the Carson Reclamation Authority on any matters within the jurisdiction of the Carson Reclamation Authority or on any items on the agenda of the Carson Reclamation Authority, other than closed session matters, prior to any action taken on the agenda. Speakers are limited to no more than three minutes, speaking once. Oral communications will be limited to one(1) hour unless extended by order of the Chair with the approval of the Authority Board.

APPROVAL OF MINUTES: (None)

CONSENT (Item 2)

These items are considered to be routine items of AUTHORITY business and have, therefore, been placed on the CONSENT CALENDAR. If AUTHORITY wishes to discuss any item or items, then such item or items should be removed from the CONSENT CALENDAR. For items remaining on the CONSENT CALENDAR, a single motion to ADOPT the recommended action is in order.

2. 2015-849 CONSIDER RESOLUTION NO. 15-08-CRAJPA APPROVING CLAIMS AND DEMANDS IN THE AMOUNT OF $394,414.04

Recommendations: TAKE the following actions:

1. APPROVE RESOLUTION NO. 15-08-CRAJPA, A RESOLUTION OF THE CARSON RECLAMATION AUTHORITY APPROVING CLAIMS AND DEMANDS IN THE AMOUNT OF $394,414.04.
2. AUTHORIZE the Chairman to execute the Resolution following approval as to form by the City Attorney.

SPECIAL ORDERS OF THE DAY (None)

Public testimony is restricted to three minutes per speaker, speaking once (excepting applicants who are afforded a right of rebuttal, if desired), unless extended by order of the Chair with the approval of the Authority.

DISCUSSION (Item 3)

3. **2015-850** **CONSIDERATION OF REMOVAL OF CITY CLERK FROM THE CARSON RECLAMATION AUTHORITY**

Recommendations**:** TAKE the following actions:

BY A MAJORITY VOTE, REMOVE JIM DEAR FROM THE CARSON RECLAMATION AUTHORITY BOARD.

ORAL COMMUNICATIONS (MEMBERS OF THE PUBLIC)

The public may at this time address the members of the Carson Reclamation Authority on any matters within the jurisdiction of the Carson Reclamation Authority. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once.

ORAL COMMUNICATIONS (AUTHORITY MEMBERS)

ANNOUNCEMENT OF UNFINISHED OR CONTINUED CLOSED SESSION ITEMS (AS NECESSARY)

RECESS TO CLOSED SESSION

RECONVENE TO OPEN SESSION

ADJOURNMENT

File #: 2015-849, **Version:** 1

Report to Carson Reclamation Authority

Wednesday, November 04, 2015

Consent

SUBJECT:

CONSIDER RESOLUTION NO. 15-08-CRAJPA APPROVING CLAIMS AND DEMANDS IN THE AMOUNT OF $394,414.04

I. SUMMARY

This action approves invoices in the amount of $394,414.04 submitted for work pursuant to contracts and agreements previously approved by the CRA Board.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE RESOLUTION NO. 15-08-CRAJPA, A RESOLUTION OF THE CARSON RECLAMATION AUTHORITY APPROVING CLAIMS AND DEMANDS IN THE AMOUNT OF $394,414.04.

2. AUTHORIZE the Chairman to execute the Resolution following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE another action the AUTHORITY deems appropriate.

IV. BACKGROUND

Since May, 2015 the CRA Board has taken a number of actions to move the remediation of the former Cal-Compact Landfill project forward and to create systems that allow the review and approval of the work undertaken by the remediation contractor, Tetra Tech, and other contractors and consultants in a fair but transparent manner.

This action includes the approval of a Claims and Demands Resolution approving several Tetra Tech invoices, which have been reviewed and approved by the CRA's Project Manager (SEG Advisors) and Environmental Services Advisor (SCS Engineers), prior to staff approval. It also approves payments to SCS and SEG as well.

V. FISCAL IMPACT

The total expenditure in this period is $394,414.04.

VI. EXHIBITS

1. Resolution No. 15-08-CRAJPA approving claims and demands in the amount of $394,414.04. (pgs. 3-5)

1.

Prepared by: John Raymond, Community Development Director

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RESOLUTION NO. 15-08-CRA

RESOLUTION NO. 15-08-CRA, A RESOLUTION OF THE CARSON RECLAMATION AUTHORITY APPROVING CLAIMS AND DEMANDS IN THE AMOUNT OF $394,414.04

THE CARSON RECLAMATION AUTHORITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION I: The following claims and demands have been audited as required by law and are hereby approved in the amount hereinafter set forth:

Payee Name	Payment Number	Purpose	Invoice Number	Payment Amount
TETRA TECH, INC.	29	COR 201 Perimeter Air Monitoring	50957693	$33,043.63
TETRA TECH, INC.	38	COR 201 Perimeter Air Monitoring	50970031	$58,472.40
TETRA TECH, INC.	39	COR 202 Vector control	50970022	$3,520.97
TETRA TECH, INC.	40	COR 206 Quarterly soil gas monitoring	50970010	$20,132.92
TETRA TECH, INC.	41	COR 203 Site security & site maintenance	50970018	$54,965.59
TETRA TECH, INC.	42	COR 204 Watering the prescriptive cover	50970016	$8,322.43
TETRA TECH, INC.	43	COR 207 Waterproof vaults & close liner windows	50971116	$20,721.68
TETRA TECH, INC.	44	COR 211 Alternative Compliance Plan for the Landfill Gas Collection and Control Systems	50969967	$6,945.27
TETRA TECH, INC.	45	COR 209 SWPPP Design and Implementation	50970006	$19,533.99
TETRA TECH, INC.	46	COR 206 Quarterly soil gas monitoring	50970013	$4,173.68
TETRA TECH, INC.	47	COR 214 Support the CRA in Developing a Request for AIG Coverage for LFG OM&M	50969968	$5,894.22
TETRA TECH, INC.	48	COR 200 Project Management	50971052	$77,928.06
TETRA TECH, INC.	49	COR 212 Landfill Gas System OM&M for Cells 3 and 5	50971064	$34,595.97

EXHIBIT NO. 1

SCS ENGINEERS, INC.	Environmental Consulting Services – September 1 to September 30, 2015	0264824	$24,899.49
SCS ENGINEERS, INC.	Contract Review – September	0264536	$1,263.74
SEG ADVISORS, INC.	Project Management – October	SEG - 2015 - 00029	$20,000.00
TOTAL			$394.414.04

ON NOVEMBER 4, 2015, THE CARSON RECLAMATION AUTHORITY APPROVED THE ABOVE DEMANDS AND THE CITY TREASURER IS HEREBY DIRECTED TO PAY, OUT OF THE FUNDS NAMED HEREON, TO EACH OF THE CLAIMANTS LISTED ABOVE, THE AMOUNT OF WARRANT APPEARING OPPOSITE THEIR RESPECTIVE NAMES, FOR THE PURPOSE STATED ON THE RESPECTIVE DEMANDS, MAKING A TOTAL OF $394,414.04.

PASSED, APPROVED and ADOPTED this 4TH DAY OF NOVEMBER, 2015.

CARSON RECLAMATION AUTHORITY, a
public body

By: _____
Chairman Albert Robles

ATTEST:

_____
Secretary Jim Dear

C E R T I F I C A T I O N

In accordance with Section 37.202 of the California Government Code, I hereby certify that the above demands are accurate and that funds are available for payment thereof. I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED THE _____ DAY OF

_____ AT CARSON, CALIFORNIA

_____
EXECUTIVE DIRECTOR
JOHN S. RAYMOND

File #: 2015-850, **Version:** 1

Report to Carson Reclamation Authority

Wednesday, November 04, 2015

Discussion

SUBJECT:

CONSIDERATION OF REMOVAL OF CITY CLERK FROM THE CARSON RECLAMATION AUTHORITY

I. SUMMARY

On October 27, 2015, the City Council of the City of Carson adopted Resolutions No. 15-114 and 15-115, censuring City Clerk Jim Dear for conduct unbecoming a Carson elected official and for violations of ethical principles applicable to every Carson elected official, and imposing remedial measures arising therefrom. One of the recommendations in City Council Resolution No. 15-115 was to remove the City Clerk from all Boards and Commissions of which he is a member. The bylaws of the Carson Reclamation Authority ("CRA") require that any member be removed by action of the CRA Board and not the appointing body. City Council Resolutions Nos. 15-114 and 15-115 are attached hereto as Exhibit Numbers "1" and "2," respectively, and incorporated herein by reference.

II. RECOMMENDATION

TAKE the following actions:
BY A MAJORITY VOTE, REMOVE JIM DEAR FROM THE CARSON RECLAMATION AUTHORITY BOARD.

III. ALTERNATIVES

TAKE no action.

IV. BACKGROUND

In August of 2015, outside investigator Maria K. Aarvig, Esq., commenced an investigation into complaints made by various members of City of Carson staff related to conduct attributed to City Clerk Jim Dear, including allegations of racial animus, creation of a hostile workplace and other acts of mistreatment of both City employees and non-employees, which if established could amount to conduct unbecoming an elected official, conduct constituting violation(s) of the City's Code of Ethics, and/or conduct that could expose to City to claims of violation of state and/or federal law.

During the initial investigation, Attorney Aarvig interviewed thirteen (13) employees, including men and women of various races and from multiple departments within the City, gathered certain evidence, tested for corroboration the allegations made, and prepared a written report summarizing the results of this independent investigation.

On September 15, 2015, at a regular City Council meeting, Attorney Aarvig presented to the City Council in closed session her initial confidential report dated September 14, 2015, and the City Council voted unanimously to make the executive summary of the report public on the same night and added an urgency item on the same night agenda for Attorney Aarvig to present her findings and recommendations to the public.

On September 17, 2015, at the special City Council hearing, following presentation of the investigator's public report, the City Clerk's response(s) to the same, public comment on the same, and the deliberations of the City Council, Resolutions 15-102 and 15-103 were adopted (true and correct copies attached as Exhibits “A” and “B” to Resolution No. 15-114). Resolution 15-102 set forth procedures for a censure hearing to be held on October 20, 2015. Resolution 15-103 adopted certain interim remedial safety measures modified slightly from those recommended by Attorney Aarvig. The Council then set the date of October 20, 2015 to consider the possible censure of the City Clerk; and to consider status of the temporary remedial measure after allowing City Clerk Jim Dear to seek proper supervisory and sensitivity training paid for by the City.

Between the September 17, 2015 and the October 20, 2015 City Council meetings, attorney Aarvig then interviewed eight (8) additional employees or former employees following the same process and procedures as the previous interviews with the initial thirteen (13) employees, subsequent to which attorney Aarvig prepared a supplemental report dated October 15, 2015.

City Clerk Jim Dear, despite assurances that he would cooperate with the investigation and would comply with City Council’s directives, refused to be interviewed by Attorney Aarvig, and repeatedly violated the restrictions placed on him by the Council, as outlined in detail in Resolution No. 15-114, including bringing unauthorized individuals into restricted areas of City Hall, which required the City to obtain a temporary restraining order.

As a result of the investigation report, the supplemental investigation report, and the City Clerk’s conduct subsequent to the September 17, 2015, City Council hearing, the City Council adopted Resolutions 15-114 and 15-115, articulating the factual support for its censure of Mr. Dear, and imposing certain remedial measures, respectively, including removing the City Clerk from all Boards and Commissions of which he is a member.

Resolutions No. 15-114 and 15-115 are attached hereto as Exhibits “A” and “B,” and incorporated herein by reference.

To wit, the City Council concluded that: Mr. Dear refused to follow the law and the policies and procedures of the City of Carson; Mr. Dear’s conduct is unbecoming of a City of Carson elected official; that Mr. Dear’s conduct evidences racial animus and bias in his decision-making; Mr. Dear’s conduct undermines the integrity of the City’s governance; and Mr.

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Dear's conduct has created and fostered, and continues to foster, a hostile work environment.

Pursuant to Section 10 of City Council Resolution No. 15-115, the City Council removed City Clerk Jim Dear from all at-will boards, commissions, and committees. The removal action did not apply to any seat which requires approval of an independent authority, such as a seat on the CRA Board. By resolution the City Council petitioned all such authorities to promptly remove City Clerk Jim Dear from their membership as soon as possible, as the City Council has determined that Mr. Dear should not be representing the City of Carson in any official capacity other than as City Clerk.

The City Council of the City of Carson is therefore petitioning that the Carson Reclamation Authority by a majority vote remove Mr. Jim Dear from the Board of the Carson Reclamation Authority, pursuant to Section 2.02 of the Bylaws of the Carson Reclamation Joint Powers Authority and Section 3.07(b) of the First Amended Joint Powers Agreement of the Carson Reclamation Authority dated March 17, 2015

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. RESOLUTION NO. 15-114, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CENSURING CITY CLERK JIM DEAR FOR CONDUCT UNBECOMING A CARSON ELECTED OFFICIAL AND FOR VIOLATIONS OF ETHICAL PRINCIPLES APPLICABLE TO EVERY CARSON ELECTED OFFICIAL. (pgs. 4-15)

2. RESOLUTION NO. 15-115, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AND IMPOSING CERTAIN REMEDIAL MEASURES ARISING OUT OF AND BASED UPON RESOLUTION NO. 15-114 CENSURING CITY CLERK JIM DEAR FOR CONDUCT UNBECOMING A CARSON ELECTED OFFICIAL AND FOR VIOLATIONS OF ETHICAL PRINCIPLES APPLICABLE TO ANY CARSON ELECTED OFFICIAL. (pgs. 16-20)

Prepared by: John Raymond, Community Development Director

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RESOLUTION NO. 15-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CENSURING CITY CLERK JIM DEAR FOR CONDUCT UNBECOMING OF A CARSON ELECTED OFFICIAL AND FOR VIOLATIONS OF ETHICAL PRINCIPLES APPLICABLE TO EVERY CARSON ELECTED OFFICIAL

WHEREAS, the City of Carson (hereinafter the "City") has determined that it is essential for the proper operation of the City for the public to have confidence in the integrity of its local government officials; and

WHEREAS, the City Council adopted a Code of Ethics, Municipal Code section 2450, which establishes ethical standards of conduct for elected members of the City Council and appointees to City boards, committees, and commissions; and

WHEREAS, the City's Code of Ethics, though not made directly applicable to the elected positions of City Clerk or City Treasurer, nonetheless articulates standards of behavior and aspirational codes of conduct that every Carson elected or appointed public official should adhere to and aspire to achieve, including, but not limited to, compliance with all federal, state and local laws, the conducting of his or her official actions in a manner that such actions are "above reproach," and engaging in behaviors in a manner so as to avoid even "the appearance of impropriety;" and

WHEREAS, on August 27, 2015, outside investigator Maria K. Aarvig, Esq., commenced an investigation into complaints made by various members of City staff related to conduct attributed to City Clerk Jim Dear, including allegations of racial animus, creation of a hostile workplace and other acts of mistreatment of both City employees and non-employees, which if established could amount to conduct unbecoming an elected official, conduct constituting violation(s) of the City's Code of Ethics, and/or conduct that could expose to City to claims of violation of state and/or federal law; and

WHEREAS, during the initial investigation, Attorney Aarvig interviewed thirteen (13) employees, including men and women of various races and from multiple departments within the City, gathered certain evidence, tested for corroboration the allegations made, and prepared a written report summarizing the results of this independent investigation; and

WHEREAS, no elected officials were interviewed or consulted by the investigator during the course of her interviews; and

WHEREAS, on September 14, 2015, Attorney Aarvig finished an initial confidential report which summarized the interviews with the thirteen (13) employees (the same report made public in a redacted version dated September 29, 2015), and Attorney Aarvig also prepared an executive summary of the initial confidential report dated September 14, 2015; and

WHEREAS, on September 15, 2015 at a regular City Council meeting, Attorney Aarvig presented to the City Council in closed session the initial confidential report dated September 14, 2015, and the City Council voted unanimously to make the executive summary of the report

public on the same night and added an urgency item on the same night's agenda for Attorney Aarvig to present her findings and recommendations to the public; and

WHEREAS, at the September 15, 2015 Council meeting Attorney Aarvig presented findings and conclusions that sufficient information had been conveyed from which the City Council could make findings that City Clerk Jim Dear has violated the City's Code of Ethics, and which would give rise to a duty on the part of the City to take immediate remedial action; and

WHEREAS, the independent report prepared by Attorney Aarvig found that sufficient information has been conveyed from which the City Council could make findings that City Clerk Jim Dear fostered, encouraged, and promoted racial division and animosity within the work environment, bullied City staff leading to the creation of a hostile workplace environmentwhich would give rise to a duty on the part of the City to take immediate remedial action; and

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed from which the City Council could make findings that City Clerk Jim Dear's public *persona* is entirely different from the way he behaves towards staff behind closed doors, that he created a hostile workplace environment for staff, and City staff have a widespread fear of retaliation for speaking out against City Clerk Jim Dear which would give rise to a duty on the part of the City to take immediate remedial action; and

WHEREAS, based on the findings of the initial confidential report dated September 14, 2015, Attorney Aarvig, among other recommendations, during the public session, recommended that the City Council consider formally censuring City Clerk Jim Dear based upon her findings of potential violations of federal and state laws applicable to the workplace and her findings of violation of the Carson Code of Ethics; and

WHEREAS, after hearing Attorney Aarvig's findings and recommendations, on September 15, 2015 the City Council determined to call, and then called, a special City Council meeting on September 17, 2015 to consider whether to adopt the findings and/or recommendations of Attorney Aarvig; and

WHEREAS, at the September 15, 2015 City Council meeting City Clerk Jim Dear, in response to the allegations against him of racial animus, creation of a hostile workplace environment, and other alleged acts mistreatment of both City employees and non-employees, stated publically (while addressing the Carson City Council and as recorded on videotape starting at approximately 1 hour and 21 minutes into the meeting) that, in response to the actions the City Council was contemplating taking in response to the Aarvig report, with "all due respect to the elected officials, whatever you decide, I respect your office, I respect your office as City Council member, your office as Mayor, Mayor *Pro Tem*, and whatever you decide I will certainly cooperate with you…."; and

WHEREAS, on September 16, 2015, Attorney Aarvig unsuccessfully attempted to interview City Clerk Jim Dear, only to be informed that she would have to talk to the City Clerk's attorney, while, at the same time, the City Clerk refused to provide Attorney Aarvig with the name or contact information of his attorney; and

WHEREAS, City Clerk Jim Dear personally appeared at the September 17, 2015 City Council hearing with legal counsel and requested that the City Council delay its consideration of his possible censure to allow more time to respond to the allegations and findings and to allow the City Clerk an opportunity to personally participate in the investigation and to be interviewed by the investigator; and

WHEREAS, on September 17, 2015 at the special City Council hearing, following presentation of the investigator's public report, the City Clerk's response(s) to the same, public comment on the same, and the deliberations of the City Council, Resolutions 15-102 and 15-103 were adopted (true and correct copies attached hereto as Exhibits "A" and "B" and their findings and provisions are hereby fully incorporated herein). Resolution 15-102 set forth procedure for a censure hearing to be held on October 20, 2015. Resolution 15-103 adopted certain interim remedial safety measures modified slightly from those recommended by Attorney Aarvig. The Council then set the date of October 20, 2015 to consider the possible censure of the City Clerk, and to consider the status of the temporary remedial measure after allowing City Clerk Jim Dear to seek proper supervisory and sensitivity training paid for by the City; and

WHEREAS, on September 17, 2015 at the special City Council hearing, the City Clerk and his legal counsel publically expressed a willingness to participate in the investigation and to be interviewed by the investigator and the City Council encouraged City Clerk Jim Dear both to participate in the investigation and/or to provide responses to the independent investigative report in writing, orally or in any form he and his counsel deemed appropriate; and

WHEREAS, between the September 17, 2015 and the October 20, 2015 City Council meetings, Attorney Aarvig then interviewed eight (8) additional employees or former employees following the same process and procedures as the previous interviews with the initial thirteen (13) employees, subsequent to which Attorney Aarvig prepared a supplemental report dated October 15, 2015; and

WHEREAS, between the September 17, 2015 and the October 20, 2015 City Council meetings, the City Clerk declined to participate in the investigation, repudiated his public expression of willingness to be interviewed, and failed or refused to provide any written response(s) to the initial or supplemental investigative reports provided to him and his legal counsel. On September 25, 2015, the City Clerk's counsel formally corresponded with the City indicating that his client would not be willing to be interviewed as a part of the investigation; and

WHEREAS, although City Council Resolution No. 15-103 adopted on September 17, 2015 provided that, out of concern for the safety of City employees, City Clerk Jim Dear was "barred from access to all non-public and/or restricted areas of City Hall, with the exception of access to the Office of the City Clerk and its environs;" and

WHEREAS, in direct violation of this directive, City Clerk Jim Dear repeatedly entered non-public/restricted areas of City Hall: twice on October 6, 2015 he entered the City Council Office; and, on September 24, on or about October 1, and on October 8, 2015 he entered the Field Deputy Office; and

WHEREAS, City Council Resolution No. 15-103 adopted on September 17, 2015 further provides that, for the safety of City employees, City Clerk Jim Dear was barred "from direct

supervision of, or directing the performance of the duties of, any member of City staff…" and all requests for work for him have to be in writing or have to be coordinated through the City Manager's office for the protection of the employees; and

WHEREAS, in direct violation of this directive, on September 23, 2015 City Clerk Jim Dear directly requested that a Senior staff member in the Carson Department of Human Resources complete work for him, causing concern by this senior employee who has worked at Carson City Hall since 1979 that she was being implicated in the breaking of City rules; and

WHEREAS, in further direct violation of this directive, shortly after the independent investigative report about his behavior was released and he was asked not to directly give orders to staff, City Clerk Jim Dear directed Carson staff hang his picture in the City Clerk's Office, prompting the staff member to ask the Assistant City Manager for assistance in addressing this directive; and

WHEREAS, City Council Resolution No. 15-103 further provided that, out of respect for the requests from the employees involved in the investigation and the understandable fears of witnesses who had come forward to give testimony to the independent investigator, the City Clerk was prohibited "from communicating directly, or indirectly, with any member of City staff about such staff members' actual or perceived participation in, interview for, or providing information to, the City's independent investigator regarding the alleged conduct or other actions of the City Clerk…;" and

WHEREAS, in direct violation of this directive, on October 1, 2015, the City Clerk confronted the Principle Administrative Analyst for the City of Carson, while she was performing her duties as Elections Official, and attempted to engage her in conversation about her testimony in the investigation, and further attempted to correct her version of the events; and

WHEREAS, only a few short days after promising to cooperate and in direct violation of City policies and procedures, the City Clerk purported to "deputize" certain of his political allies as "volunteers," giving the same access to non-public and/or restricted areas of City Hall. This action was taken without complying with established City protocols for utilization of volunteers, without obtaining necessary security clearances, and without determining if these "volunteers" were qualified to work with, handle, or create, maintain and preserve the official records of the City of Carson, or have access to the City's safes and vaults. When these "volunteers" initiated the steps necessary to comply with City's security procedures (after being repeatedly requested to do so by the Interim City Manager, City Attorney and the Assistant City Manager), the City Clerk directed such "volunteers" to fail or refuse to comply with these standard City protocols. As a direct and immediate consequence of his acts of insubordination, the City was compelled to expend the legal fees in order to successfully obtain a court order restraining the City Clerk's illegal conduct and that of his "volunteers."

WHEREAS, in connection with the legal action the City filed, on October 15, 2015, a Los Angeles Superior Court Judge in the case of *City of Carson vs. James Dear, et al.* (Case No. BC 595892) found that "[Defendant Jim] Dear's actions in allowing non-City employees to enter non-public and restricted areas of City Hall contributes to the atmosphere of fear and discomfort pervasive at City Hall. The City has an affirmative obligation to provide its employees with a

safe and non-hostile work environment, which is compromised by [Defendant Jim] Dear's behavior;" and

WHEREAS, on or about September 23, 2015, a Carson resident lodged a complaint with the City that, while in the Office of the City Clerk for the sole purpose of obtaining a copy of certain meeting minutes, one of the City Clerk's purported "volunteer" deputy city clerks was utilizing the Offices of the City Clerk to publically lobby, along with the City Clerk himself, this resident about certain ongoing efforts to recall the City Clerk. The Carson resident also complained that she felt harassed by the City Clerk and his "volunteer" deputy city clerk and reported to the City that such actions were "very inappropriate and not how she thought tax monies should be used;" and

WHEREAS, on October 20, 2015, at a duly noticed regular meeting of the Carson City Council, the City Council considered possible censure of City Clerk Jim Dear based upon the findings in the independent investigative report by Attorney Aarvig. The council entertained the report from City staff, the report and findings and conclusions from Attorney Aarvig concerning her joint September 14, 2015 initial report and her October 15, 2015 supplemental report, the response from legal counsel for City Clerk Jim Dear, extensive public comment from Carson residents, and extensive public comment from present and former Carson City employees who were involved in the independent investigation (no less than 6 of those involved in the investigation provided emotional public statements concerning their personal and first hand experiences in the workplace with City Clerk Jim Dear -- these statements involved accounts of racist comments, bullying, interference with the City Council/City Manager form of government, complete disregard for City rules and procedure, and creation of an overall hostile work environment). The current Carson Director of Community Services who, although having not participated in the investigation up to that point, also felt compelled to provide statements to his well-founded belief that City Clerk Jim Dear (in his capacity as former Carson Mayor) wanted him fired solely because of his race and later opposed his promotion again solely based on his race; and

WHEREAS, at the October 20, 2015 meeting, the City Council also considered the possible adoption of permanent remedial safety measures and other recommendations of Attorney Aarvig with respect to City Clerk Jim Dear; and

WHEREAS, City Clerk Jim Dear chose not to appear at the October 20, 2015 meeting and only his attorney of record, Mr. Bradly Hertz, appeared.

NOW THEREFORE, the City Council of the City of Carson, hereby FINDS, DETERMINES and RESOLVES as follows:

1. The foregoing recitals are true and correct and are incorporated herein as is set forth in full.

2. The two (2) written reports of Attorney Aarvig and the testimony of all the employees who spoke at the October 20, 2015 Censure Hearing are incorporated into this resolution as set forth in full.

3. Based upon these reports, the responses of legal counsel for the City Clerk, and the comments of residents, the interviews of present and former employees of the City, and the

public comments of present and former employees of the City, the City Council is of the following opinions:

(a) <u>CREDIBILITY OF PRESENT AND FORMER CITY EMPLOYEE STATEMENTS AND THOSE OF THE CITY CLERK.</u>

The present and former employees interviewed were cooperative but reluctant to speak out of fear of retaliation; each had a genuine fear of consequences by City Clerk Jim Dear; they were not in concert or in any organized manner; they represent a breadth of departments, races and background; they were consistent on substance of testimony;

City Clerk Jim Dear has a pattern and practice of making inconsistent statements and disregarding promises he makes publicly and his public *persona* is entirely different from the way he behaves towards staff behind closed doors,

City Clerk Jim Dear's refusal to participate in the investigation after publically agreeing to be interviewed, his refusal to offer an apology to any of the individuals who provided the investigator with information about his conduct and behavior, and his response that employee statements reflected in the investigative reports were entirely politically motivated and/or were lies, demonstrates that City Clerk Jim Dear: fails or refuses to take the investigative reports seriously; has a lack of empathy for City staff; shows no remorse for statements even his legal counsel acknowledged were "in artful;" and demonstrates a lack of respect for protocols or directives set by the City or the Court.

(b) <u>MANIFESTATIONS OF THE CITY CLERK'S FAILURE OR REFUSAL TO FOLLOW LAW, POLICIES, OR PROCEDURES OF THE CITY OF CARSON.</u>

The Carson Code of Ethics provides in Principle No. 2, "Comply with the Law," that "[m]embers shall comply with the laws of the nation, the State of California and the City of Carson in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Carson Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Members shall also comply with all applicable City policies and procedures."

City Clerk Jim Dear has, in the opinion of the City Council, violated Carson Code of Ethics Principle No. 2, and exposed the City to possible workplace liabilities, among other things discussed at the October 20, 2015 hearing in detail, by:

1) Exhibiting an attitude and a long-standing pattern and practice of racial animus and abusive behavior (pre-dating his election as City Clerk and continuing to the present), including:

i) City Clerk Jim Dear's treatment of non-blacks with favoritism, such as directing that an employee be given a raise "because he's White;"

ii) Insisting that a black employee be terminated if a white employee is terminated, regardless of performance;

iii) Criticizing recommendations for black candidates to key positions because they were black;

iv) Insisting that the office of the former Black City Clerk be "fumigated" when he took office;

v) Passing over a Black employee in his department for work assignment, including the taking of the minutes by giving the assignment to the non-city employee;

vi) Disparately treating the Black employee in his department by refusing to give her the combination to the Clerk's safe though it was given to all other department employees who are not black; and

vii) Overall, attributing community security problems to race, generalizing citizens and employees into racial groups and making comments in the workplace to his staff about not letting "Blacks take over" thereby creating a hostile work environment and creating racial division in the community.

2) Bullying and creating an unsafe environment and threatening retaliation against employees;

3) Singling out female employees for abusive behavior and comments when they are alone or there is limited staff; and

4) Ignoring City policies and procedure and the council-manager structure of Carson City government (Govt. Code §§ 34851-59) as described in detail below.

Furthermore, at the September 15, 2015 City Council meeting, in response to the first report prepared by Attorney Aarvig, City Clerk Jim Dear publically pledged to the City Council that he would cooperate and follow the directives of the Council, but then proceeded at the same meeting to threaten Captain Christopher Marks of the Los Angeles County Sheriff's department in front of witnesses; and

Despite his public promise at the September 15, 2015 City Council meeting, as set forth above in this Resolution, City Clerk Jim Dear has also blatantly disregarded the City's recent efforts to apply proscriptions on his conduct by violating the provisions of Resolution No. 15-103 and the rules set by the City in that Resolution for the protection of the City's employees.

(c) <u>MANIFESTATIONS OF THE CITY CLERK'S CONDUCT UNBECOMING ANY ELECTED OFFICIAL IN THE CITY OF CARSON.</u>

The Carson Code of Ethics provides in Principle No. 3, "Conduct of Members," that "[t]he professional and personal conduct of members must be above reproach and should take steps to avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, commissions, boards and committees, the staff or the public."

City Clerk Jim Dear has, in the opinion of the City Council, violated Carson Code of Ethics Principle No. 3 by engaging in conduct unbecoming any elected official in the City of Carson as manifested in his disparaging of City staff and the public, including: repeatedly

referring to other elected officials as "stupid," incompetent," "unprofessional," a "liar," "corrupt," or even "evil;" referring to management staff using demeaning terms such as "scumbag" or "a**hole;" characterizing those who oppose his views "crazy" or "psychotic;" attempting to involve City staff in what his lawyer characterized as the "rough and tumble" of City politics; having temper tantrums, threatening staff with the loss of their jobs, verbal attacks on staff and residents, staff-bashing, bullying, and attempting to intimidate staff; easily becoming agitated and red-faced, and behaving erratically and unpredictably in the workplace, resulting in staff being afraid of the City Clerk and not knowing how far his behavior will go, which also violates Principle 2 of the Code of Ethics discussed above.

(d) MANIFESTATIONS OF THE CITY CLERK'S CONDUCT EVIDENCING RACIAL ANIMUS AND BIAS IN HIS DECISION MAKING.

The Carson Code of Ethics provides in Principle No. 6, "Decisions Based on Merit," that "Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations."

City Clerk Jim Dear has, in the opinion of the City Council, violated Carson Code of Ethics Principle No. 6 by engaging in decision making not based on merit, including: calling for the termination of a Black employee to balance the termination of a White employee for no reason other than the race of the employee; commenting that blacks are "taking over" Carson political or social functions; treating white employees with favoritism; and criticizing applicants because they were black; manipulating hiring decisions in favor of people with whom he had a personal friendship, relationship or who are political allies; manipulating terminations of valued staff members without cause; and advocating for the termination of City Managers and department heads who sought to prevent his acts of retaliation; directing City staff to hire and/or promote his friend(s).

(e) MANIFESTATIONS OF THE CITY CLERK'S CONDUCT IN UNDERMINING THE INTEGRITY OF CITY GOVERNANCE.

The Carson Code of Ethics provides in Principle No. 14, "Policy Role of Members," that "[m]embers shall respect and adhere to the council-manager structure of Carson City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, commissions, boards, committees, and City staff."

City Clerk Jim Dear has, in the opinion of the City Council, violated Carson Code of Ethics Principle No. 14 and engaged in a long-standing pattern and practice (pre-dating his election as City Clerk and continuing to the present) of disregarding and actively undermining the council-manager structure of Carson city government (Govt. Code §§ 34851-59), including: directing the then-City Manager, Mr. Nelson Hernandez, to terminate a Black department head, specifically because he was Black; directly intervening in two City Manager employment decisions; expressing his anger for the hiring of two female Black department heads; pressuring City management to create a position, then hire and then promote as a field deputy a female with whom he has a personal relationship with; pervasively directing City staff with assignments unrelated to his duties as City Clerk; ignoring City management and directly injecting himself in day-to-day operations of City business; cultivating and promoting an atmosphere where staff fear

retaliation for their failure to comply with City Clerk directives; directly interfering in the administrative functions of staff; empowering City vendors and favored City Commissioners to make inappropriate demands on or purport to direct City staff; demanding multiple times a day to increase the font size on City Clerk's parking sign; pressuring a former City Manager to support unfavorable contracts benefiting favored associates; threatening to fire this City Manager for his resistance to such.

(f) MANIFESTATIONS OF THE CITY CLERK'S CONDUCT IN CREATING OR FOSTERING A HOSTILE WORKPLACE ENVIRONMENT.

The Carson Code of Ethics provides in Principle No. 16, "Positive Workplace Environment," that "[m]embers shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff" as well as Principles 2 & 3 of the Code of Ethics discussed above; and

City Clerk Jim Dear has, in the opinion of the City Council, violated Carson Code of Ethics Principle No. 16 by his conduct as detailed above in this Resolution under his violation of Principles 2 and 3 in addition to engaging in a long-standing pattern and practice (pre-dating his election as City Clerk and continuing to the present) of cultivating a hostile and antagonistic workplace, by acts of bullying City staff; subjecting City staff to his mean-spirited and condescending comments about other staff, themselves or City Managers, City department heads, and City elected officials; creating and cultivating an environment where City staff (past and present) are fearful of exercising their right to complain in anticipation of retaliation; creating a workplace described as "tense," "toxic," "awkward," "strained," "embarrassing," "pervasively intimidating," "scary," "uncomfortable," "chaos," and "unsafe."

(g) MANIFESTATIONS OF THE CITY CLERK'S CONDUCT GIVING RISE TO A DUTY ON THE PART OF THE CITY COUNCIL TO TAKE REMEDIAL ACTIONS, CONSISTENT WITH THE REQUIREMENTS OF LAW, TO ASSURE A SAFE, HOSPITABLE, AND PROFESSIONAL WORK ENVIRONMENT FOR CITY EMPLOYEES AND CARSON RESIDENTS.

City Clerk Jim Dear has, in the opinion of the City Council, engaged in a pattern and practice of his conduct and statements (pre-dating his election as City Clerk and continuing to the present) which gives rise to a duty on the part of the City to take immediate remedial actions, consistent with the requirements of law, to foster and assure a safe, hospitable, and professional work environment within Carson City Hall for City employees and City residents alike.

Based on the foregoing, the City Council is of the opinion that the actions, statements, and objectively manifest attitudes of the City Clerk are unbecoming any elected official in the City of Carson and violate the ethical standards that should apply to all elected public officials of the City.

The City Council hereby censures City Clerk Jim Dear and condemns, in the strongest manner legally permissible given his status as an elected official, his objectively

manifest attitudes, his statements, and his conduct as an elected official detailed in this resolution and the two (2) reports prepared by the City's independent investigator.

The City Council expresses its profound disappointment that the City Clerk failed and refused to attend the October 20, 2015 City Council meeting or to provide his personal response to any of the investigator's reports, findings, or recommendations or to offer any apologies to the affected employees and/or members of the public and instead that same night attended a political function as a guest.

The City Council is troubled that legal counsel for the City Clerk summarily dismissed as "lies" the statements of almost 20 employees from different races, genders and departments (past and present) reflected in the two (2) detailed independent investigative reports without offering any explanatory response(s) to the same.

The City Council is shocked that legal counsel for the City Clerk would seek to reduce the disturbing pattern and practice of racially hostile and other demeaning statements as simply "in artful" expressions of his client and if so, the City Council expresses its profound disappointment that the City Clerk refused to apologize for his "in artful" expressions and refused to complete the required supervisory and sensitivity trainings which all City non-elected supervisors must complete which if his defense of being "in artful" is genuine, could have assisted him in developing better and more appropriate supervisory skills.

The City Council is further shocked that legal counsel for the City Clerk would seek to "blame the victims" of his client's conduct by demeaning their perceptions and their statements to the investigator as matters of "misperception" of the City Clerk's intent.

The City Council is further shocked that legal counsel for the City Clerk would seek to dismiss his client's actions as simply the "rough and tumble" of Carson politics. Even if true, employees of the City are not elected into office -- they should not be subject to nor purposely be put in the middle of the "rough and tumble" of Carson politics.

The City Council has learned from City Clerk internal office documents and the investigator's interviews, as shown in her Supplemental Report of Investigation of City Clerk Jim Dear dated October 15, 2015, that City Clerk Jim Dear performs limited tasks, primarily certain ceremonial functions, and that Deputy City Clerks are tasked with performing the professional duties of this office. Attached hereto as Exhibits "C" and "D" to this resolution, and incorporated herein by this reference, are true and correct copies of City Clerk office charts evidencing the foregoing, comparing the function of the City Clerk's office under the predecessor City Clerk and now.

The City Council is further troubled that City Clerk Jim Dear has "self-limited" his duties as City Clerk by directing his staff to perform almost all of the City Clerk's duties, and thereby voluntarily stripping himself of personally discharging most of, if not all, of his duties of the Office of the City Clerk to his Deputy City Clerks.

The City Council is of the opinion that the voters of the City of Carson elected the City Clerk for the purpose of serving as a professional city clerk with a salary of approximately $120,000 a year and with the expectation that he would serve as a "professional" City Clerk who performs the duties as performed by his predecessor City Clerk.

On October 15, 2015, a Los Angeles Superior Court Judge in the case of *City of Carson vs. James Dear, et al.* (Case No. BC 595892) found that "[Defendant Jim] Dear's actions in allowing non-City employees to enter non-public and restricted areas of City Hall contributes to the atmosphere of fear and discomfort pervasive at City Hall. The City has an affirmative obligation to provide its employees with a safe and non-hostile work environment, which is compromised by [Defendant Jim] Dear's behavior."

Moreover, the independent reports prepared by Attorney Aarvig, which have been incorporated herein, are, in the opinion of the City Council, sufficient to give rise to a duty on the part of the City to take immediate remedial action in order to avoid ongoing violations of the City's Code of Ethics, and prevent possible violations of federal and state law, including Title VII of the Civil Rights Act of 1964 and California's Fair Employment and Housing Act, and is inappropriate and unacceptable for a public official representing the City of Carson.

Accordingly, in addition to this resolution of censure and condemnation, the City Council, in conformance with the directives of the Superior Court, adopts a companion resolution herewith implementing certain remedial measures to correct and eliminate the statements, conducts, and attitudes censured herein and to provide protections for its employees.

PASSED, APPROVED and **ADOPTED** at a special meeting of the City Council on this 27th day of October, 2015.

_____
Mayor, Albert Robles

ATTEST:

_____
, Deputy City Clerk

APPROVED AS TO FORM:

_____
Sunny K. Soltani, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, Deputy City Clerk of the City of Carson, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the _____ City Council at its special meeting held on the 27th day of October, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

RESOLUTION NO. 15-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AND IMPOSING CERTAIN REMEDIAL MEASURES ARISING OUT OF AND BASED UPON RESOLUTION NO. 15-114 CENSURING CITY CLERK JIM DEAR FOR CONDUCT UNBECOMING A CARSON ELECTED OFFICIAL AND FOR VIOLATIONS OF ETHICAL PRINCIPLES APPLICABLE TO ANY CARSON ELECTED OFFICIAL

WHEREAS, the City Council of the City of Carson, California, has simultaneous to the this Resolution adopted Resolution No. 15-114 censuring City Clerk Jim Dear as is more fully set forth therein and that Resolution is hereby fully incorporated herein; and

WHEREAS, the City Council expresses its opinion, in Resolution No. 15-114, that in conformance with the findings and conclusions of the judge in the Los Angeles Superior Court case of *City of Carson vs. James Dear, et al.* (Case No. BC 595892) the City Council should adopt companion resolution implementing certain remedial measures to correct and eliminate the statements, conducts, and attitudes censured in that resolution; and

WHEREAS, the City Council further expresses its opinion, in Resolution No. 15-114, that "the independent reports . . . are, in the opinion of the City Council, sufficient to give rise to a duty on the part of the City to take immediate remedial action in order to avoid on-going violations of the City's Code of Ethics, and prevent possible violations of federal and state law, including Title VII of the Civil Rights Act of 1964 and California's Fair Employment and Housing Act, and is inappropriate and unacceptable for a public official representing the City of Carson."

NOW, THEREFORE, be it resolved by the CITY COUNCIL of the CITY of CARSON, CALIFORNIA, as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. The City Council directs the City Clerk as follows:

(a) the City Clerk shall adhere to all existing City's rules, regulations, policies, and standard municipal practices ("SMPs");

(b) the City Clerk shall adhere to all federal and state laws in his dealings with City staff, including, but not limited to, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Federal Whistleblower Protection Act, the California Fair Employment and Housing Act, the California Labor Code, including Labor Code section 1102.5, and the California Whistleblower Protection Act; and

(c) the City Clerk shall attend a City provided training program on his supervisory responsibilities, over City, and an Anger Management Course such trainings

to be completed promptly from the effective date of this resolution and the same to be provided through the Human Resources Department of the City at no expense to the City Clerk. It is important to note this training is necessary in light of the unique position of an elected City Clerk wherein he directly supervises staff at times.

3. The City Council hereby prohibits the City Clerk, or anyone acting for or on his behalf, from communicating directly, or indirectly, with any member of City staff about such staff members' actual or perceived participation in, interview for, or providing information to, the City's independent investigator regarding the alleged conduct or other actions of the City Clerk noted in such reports without prior permission of such City staff member.

4. Based upon the conclusions and recommendations of the independent investigator Attorney Aarvig, the City Council confirms and ratifies the directives of the City Manager as follows:

(a) the City Clerk is barred from *direct* supervision of, or directing the performance of the duties of, any member of City staff including City employees assigned to the Office of the City Clerk until such time City Council or City Manager deem otherwise appropriate.

(b) the City Clerk may communicate any directives necessary to staff (whether City employees assigned to the Office of the City Clerk or otherwise) to carry out his statutory duties through the City Manager or e-mail communications with a copy to the City Manager.

(c) recognizing that, by law, the City Manager has the duty "[t]o control, order, give directions to, appoint, promote, discipline and demote or remove all heads of groups and divisions, except the City Clerk, the City Attorney, and the City Treasurer, and all subordinate officers and employees of the City . . . [and] [t]o exercise control over and to supervise in general all groups and divisions of the City Government and all appointive officers and employees thereof except the City Clerk, the City Attorney, and the City Treasurer," the City Manager is hereby afforded the exercise of his sound discretion in his supervision of City employees assigned to the Office of the City Clerk, including, as appropriate, directing such staff to report to him directly and to take directive from him exclusively until such time that the City Manager deems it otherwise appropriate. However, the City Council directs the City Manager to assure that sufficient staff assistance is provided through the City Manager's office to the City Clerk to permit the City Clerk to discharge his statutory duties;

6. Based upon the conclusions and recommendations of the independent investigator Attorney Aarvig and the fact that pursuant to the City's municipal code, section 2107(l), the City Manager has the full authority to exercise general supervision over all public buildings, including the City Hall, the City Council confirms and ratifies the directives of the City Manager as follows:

(a) without the prior authorization of the City Manager, the City Clerk is permanently barred from access to all non-public and/or restricted areas of City Hall,

with the exception of access only, during normal business hours for City Hall from 7:00 a.m. to 6:00 p.m., to the Office of the City Clerk and its environs;

(b) without the prior authorization of the City Manager, the City Clerk is permanently barred from the non-public City Council Offices or lunch room/closed session chamber, irrespective of whether City Council meetings are in session or in recess, including the City Council dais within the City Council Chambers, the non-public seating areas provided for City staff just below the dais of the City Council, and the walk-way behind the City Council dais;

(c) the City Clerk shall be assigned a seat for City Council meetings in the "press box" located in the City Council Chambers.

(d) Notwithstanding the foregoing restrictions, the City Council directs the City Manager to assure that there is sufficient access to such non-public and/or restricted areas of City Hall to permit the City Clerk to discharge his statutory duties.

8. The foregoing restrictions placed upon the City Clerk herein shall be revisited by the City Council for modification and/or revision or possible removal within approximately three (3) months from the effective date of this resolution, with the exception of the City Council meeting seating assignment, which shall not be revisited for six (6) months from the effective date of this resolution.

9. None of the foregoing restrictions placed upon the City Clerk provided herein shall be revisited until or unless the City Clerk demonstrates, to the reasonable satisfaction of the City Council, that the City Clerk has completed the training program(s) as set forth in this Resolution, such proof to include but not be limited to submission of certificates of completion from the training program.

10. Pursuant to the authority of Chapter 7 of the Carson Municipal Code which provides that tenure of various members of City of Carson Boards, Commissions and Committees are terminable at will, without cause, by removal on the motion of any member of the Council, duly seconded, and with the approval a majority of the entire City Council present, including the Mayor, the City Clerk Jim Dear shall be, and hereby is, removed as of the effective date of this resolution from membership on any and all City of Carson Boards, Commissions and Committees over which this authority applies, upon which he is a member as of October 26, 2015, and those seats on all City of Carson Boards, Commissions and Committees held by City Clerk Jim Dear are all hereby declared vacant as of the effective date of this resolution.

These removal actions shall not apply to any seat which requires the approval of an authority independent of the City Council, such as seats with a Joint Power Authority; however, the City Council hereby petitions all such authorities to cooperate promptly with the City Council to provide for such removal of City Clerk Jim Dear from all such memberships and/or seats as soon as possible for the reasons set forth herein, pursuant to applicable regulations and procedures for those memberships and/or seats, and requests that the City Manager promptly

provide such written petition to all such authorities in the name of the Carson Mayor and the Carson City Council.

11. The City Council further authorizes the City Manager, consistent with the requirements of law and through the Office of the City Attorney, to seek such law enforcement assistance and/or judicial relief as may be warranted for the enforcement of this Resolution and the mandates provided herein, including but not limited to requesting the immediate assistance of law enforcement officers, as well as the issuance from a judicial officer of appropriate restraining orders, injunctive relief and any other judicial remedy, as determined necessary and proper by the City Manager in his professional judgment for the enforcement of these measures.

PASSED, APPROVED and **ADOPTED** at a special meeting of the City Council on this 27th day of October, 2015.

_____
Mayor, Albert Robles

ATTEST:

_____
, Deputy City Clerk

APPROVED AS TO FORM:

_____
Sunny K. Soltani, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, Deputy City Clerk of the City of Carson, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the _____ City Council at its special meeting held on the 27th day of October, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

, Deputy City Clerk