

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 environment 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 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. Bradley 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) CREDIBILITY OF PRESENT AND FORMER CITY EMPLOYEE STATEMENTS AND THOSE OF THE CITY CLERK.**

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) MANIFESTATIONS OF THE CITY CLERK'S FAILURE OR REFUSAL TO FOLLOW LAW, POLICIES, OR PROCEDURES OF THE CITY OF CARSON.**

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) MANIFESTATIONS OF THE CITY CLERK’S CONDUCT UNBECOMING ANY ELECTED OFFICIAL IN THE CITY OF CARSON.**

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.

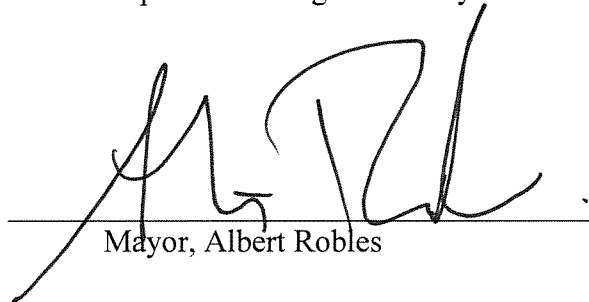
The City Council is of the opinion that the voters of the City of Carson elected the City Clerk for the purpose of serving as a professional city clerk with a salary of approximately \$120,000 a year and with the expectation that he would serve as a "professional" City Clerk who performs the duties as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

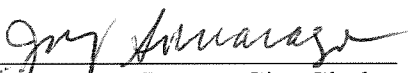
Moreover, the independent reports prepared by Attorney Aarvig, which have been incorporated herein, are, in the opinion of the City Council, sufficient to give rise to a duty on the part of the City to take immediate remedial action in order to avoid ongoing violations of the City’s Code of Ethics, and 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.

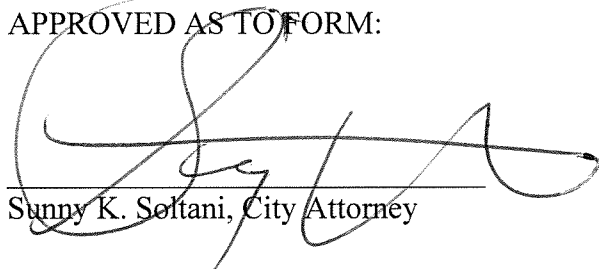
**PASSED, APPROVED and ADOPTED** at a special meeting of the City Council on this 27<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Mayor, Albert Robles

ATTEST:

  
\_\_\_\_\_  
Joy Silmaridge, Deputy City Clerk

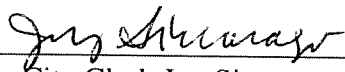
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sunny K. Soltani, City Attorney

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF CARSON             )

I, Joy Simarago, Deputy City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council is five; that the foregoing resolution, being Resolution No. 15-114 was duly and regularly adopted by said Council at a regular meeting duly and regularly held on the 27<sup>th</sup> of October, 2015, and that the same was passed and adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Santarina, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
Deputy City Clerk Joy Simarago

RESOLUTION NO. 15-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, GIVING NOTICE, PURSUANT TO MUNICIPAL CODE SECTION 2450(D), OF COMMENCEMENT OF THE PROCESS TO CONSIDER THE POSSIBLE CENSURE OF THE CITY CLERK FOR VIOLATION OF THE CITY'S CODE OF ETHICS

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; and

WHEREAS, the City has adopted a Code of Ethics as part of its Municipal Code through City Ordinance, Municipal Code section 2450, which establishes ethical standards for all City officials, including elected officials; and

WHEREAS, the City's Code of Ethics establishes that an elected official's responsibilities include compliance with federal, state and local laws, and that an elected official's conduct in his official affairs should be above reproach and avoid the appearance of impropriety; and

WHEREAS, the Code of Ethics provides that the City Council may take action in response to any violation of the Code of Ethics, including a resolution of censure; 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 discrimination, retaliation, creation of a hostile workplace and other alleged treatment of both City employees and non-employees, which if proven to be true could constitute multiple violations of the City's above-referenced Code of Ethics; and

WHEREAS, during the investigation, Investigator 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; and

WHEREAS, the independent report prepared by Attorney Aarvig finds and concludes that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear has violated the above-referenced Code of Ethics; and

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

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear regularly and pervasively made offensive and insulting remarks about nonwhite staff and elected officials, using terms such as "incompetent," "scumbag," "unprofessional," "liar," "corrupt," "evil," "stupid," "just no good," referring to someone as "an asshole" and commenting on hair in a racially derogatory context; and

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action 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; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear has angry outbursts, becomes agitated and red-faced, and behaves erratically and unpredictably in the workplace, resulting in staff being afraid of Mr. Dear and not knowing how far his behavior will go; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff feel unsafe in the workplace because of concern that City Clerk Jim Dear could just "snap" or go "Postal" and that he is unstable to the point there is a fear he could become violent; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff feel so shaken after confrontations with City Clerk Jim Dear in the office as to become physically ill or emotionally distraught; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff from multiple departments are concerned enough about personal safety that they have planned an escape route in case of an outburst by City Clerk Jim Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear threatens City staff with termination; bullies, threatens and intimidates staff; uses others to spy on City staff or does it himself; puts staff in the middle of conflicts with members of City Council or the City Manager; takes out his frustrations on staff and embarrasses and humiliates them in front of others; and interferes with the work of City staff; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take

immediate remedial action from which the City Council could make findings that City Clerk Jim Dear manipulated City staff into hiring his girlfriend, Monette Gavino and thereafter mistreated Ms. Gavino in front of City staff; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear treats non-blacks with favoritism, such as directing that an employee be given a raise "because he's white;" avoids giving work assignments to black employees; has insisted that a black employee be terminated if a white employee is terminated, regardless of performance; and criticized recommendations for black candidates to key positions because they were black; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make that City staff actively avoids City Clerk Jim Dear, including avoiding eye contact and staying behind locked doors as much as possible; and,

WHEREAS, the independent report prepared by Attorney Aarvig further that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff fears being caught alone with Mr. Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff has a widespread fear of retaliation for speaking out against Mr. Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear's conduct towards City staff creates a potential liability for the City, is inconsistent with federal and state law and City policy, and given the number of complaining parties and the frequency of the offensive conduct, could be found to be severe and pervasive; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that an atmosphere of fear of retaliation and retribution exists among City staff; and,

WHEREAS, as an elected official, the City Clerk is not subject to the same rules and restrictions applicable to City staff, although the conduct of an elected official in the workplace subjects the City to the same liabilities; and,

WHEREAS, WHEREAS, irrespective of the fact that the City Clerk is not subject to the same rules and restrictions applicable to City staff, the City still owes an affirmative duty to its employees pursuant to federal and state law, 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.

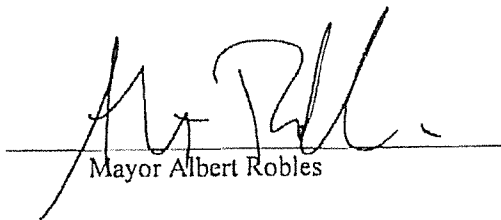
NOW, THEREFORE, be it resolved by the CITY COUNCIL of the CITY of CARSON, CALIFORNIA, as follows:

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

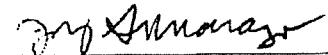
**Section 2.** The independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear's conduct has violated the City's Code of Ethics, likely violates 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, and this Resolution serves as a formal notice to Mr. Dear pursuant to Carson Municipal Code section 2450 that a hearing will be held on October 20, 2015, to consider whether there is sufficient evidence to publicly censure him for his conduct as described above ("Censure Hearing").

**Section 3.** The independent investigator has reached out to City Clerk Jim Dear to afford him an opportunity to respond to the employees' statements. Mr. Dear has declined to speak to the investigator. Mr. Dear is hereby afforded the options to contact the investigator to respond to the allegations prior to the Censure Hearing, *or* he may respond to same in writing, prior to the Censure Hearing, *or* if he wishes he may respond orally at the September 17th hearing. His failure to respond to this notice shall as prescribed herein, shall be deemed a waiver of his right to respond to the investigation.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 17<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Mayor Albert Robles

ATTEST:

  
\_\_\_\_\_  
Joy Simarago, Deputy City Clerk



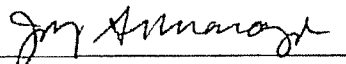
APPROVED AS TO FORM:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Joy Simarago, Deputy City Clerk of the City of Carson, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Carson City Council at its special meeting held on the 17th day of September, 2015, by the following vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Davis-Holmes, Hilton, and Gause
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	Santarina
ABSENT:	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
Joy Simarago, Deputy City Clerk

RESOLUTION NO. 15-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CONSIDERING CERTAIN REMEDIAL RECOMMENDATION WITH RESPECT TO THE FINDINGS RELATED TO THE CITY CLERK IN THE INDEPENDENT INVESTIGATION REPORT OF CREASON & AARVIG, LLP, DATED SEPTEMBER 14, 2015.

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; and

WHEREAS, the City has adopted a Code of Ethics as part of its Municipal Code through City Ordinance, Municipal Code section 2450, which establishes ethical standards for all City officials, including elected officials; and

WHEREAS, the City's Code of Ethics establishes that an elected official's responsibilities include compliance with federal, state and local laws, and that an elected official's conduct in his official affairs should be above reproach and avoid the appearance of impropriety; and

WHEREAS, the Code of Ethics provides that the City Council may take action in response to any violation of the Code of Ethics, including a resolution of censure; 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 discrimination, retaliation, creation of a hostile workplace and other alleged treatment of both City employees and non-employees, which if proven to be true could constitute multiple violations of the City's above-referenced Code of Ethics; and

WHEREAS, during the investigation, Investigator 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; and

WHEREAS, the independent report prepared by Attorney Aarvig finds and concludes that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear has violated the above-referenced Code of Ethics; and

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take

immediate remedial action from which the City Council could make findings that City Clerk Jim Dear fostered, encouraged, and promoted racial division and animosity within work environment; and

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear regularly and pervasively made offensive and insulting remarks about nonwhite staff and elected officials, using terms such as "incompetent," "scumbag," "unprofessional," "liar," "corrupt," "evil," "stupid," "just no good," referring to someone as "an asshole" and commenting on hair in a racially derogatory context; and

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action 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; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear has angry outbursts, becomes agitated and red-faced, and behaves erratically and unpredictably in the workplace, resulting in staff being afraid of Mr. Dear and not knowing how far his behavior will go; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff feel unsafe in the workplace because of concern that City Clerk Jim Dear could just "snap" or go "Postal" and that he is unstable to the point there is a fear he could become violent; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff feel so shaken after confrontations with City Clerk Jim Dear in the office as to become physically ill or emotionally distraught; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff from multiple departments are concerned enough about personal safety that they have planned an escape route in case of an outburst by City Clerk Jim Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear threatens City staff with termination; bullies, threatens and intimidates staff; uses others to spy on City staff or does it himself; puts staff in the middle of conflicts with members of City

Council or the City Manager; takes out his frustrations on staff and embarrasses and humiliates them in front of others; and interferes with the work of City staff; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear manipulated City staff into hiring his girlfriend, Monette Gavino and thereafter mistreated Ms. Gavino in front of City staff; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear treats non-blacks with favoritism, such as directing that an employee be given a raise "because he's white;" avoids giving work assignments to black employees; has insisted that a black employee be terminated if a white employee is terminated, regardless of performance; and criticized recommendations for black candidates to key positions because they were black; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make that City staff actively avoids City Clerk Jim Dear, including avoiding eye contact and staying behind locked doors as much as possible; and,

WHEREAS, the independent report prepared by Attorney Aarvig further that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff fears being caught alone with Mr. Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City staff has a widespread fear of retaliation for speaking out against Mr. Dear; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that City Clerk Jim Dear's conduct towards City staff creates a potential liability for the City, is inconsistent with federal and state law and City policy, and given the number of complaining parties and the frequency of the offensive conduct, could be found to be severe and pervasive; and,

WHEREAS, the independent report prepared by Attorney Aarvig further found that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action from which the City Council could make findings that an atmosphere of fear of retaliation and retribution exists among City staff; and,

WHEREAS, as an elected official, the City Clerk is not subject to the same rules and restrictions applicable to City staff, although the conduct of an elected official in the workplace subjects the City to the same liabilities; and,

WHEREAS, it has come to the City Manager's attention that Mr. Dear had, without the permission of the City Council or City Manager, brought in a lock-smith during none City Hall hours and had changed the key and lock to the office of the City Clerk without providing a copy or notice to anyone of doing same; and,

WHEREAS, pursuant to the City's municipal code, section 2107(1), the City Manager has the full authority to exercise general supervision over all public buildings, including the City Hall; and,

WHEREAS, as an elected official, the City Clerk is not subject to the same rules and restrictions applicable to City staff, although the conduct of an elected official in the workplace subjects the City to the same liabilities; and,

WHEREAS, irrespective of the fact that the City Clerk is not subject to the same rules and restrictions applicable to City staff, the City still owes an affirmative duty to its employees pursuant to federal and state law, 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,

WHEREAS, the current employees in City Clerk's office are employees of the City, who ultimately answer to the City Manager. The City Manager has the power and 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." CMC § 2107(b),(c); and,

WHEREAS, the City Council will hold a hearing on October 20, 2015 to consider the possibility of publicly censuring the City Clerk ("Censure Hearing").

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

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

**Section 2.** The City Council finds and determines that sufficient information has been conveyed to give rise to a duty on the part of the City to take immediate remedial action and that City Clerk Jim Dear has engaged in conduct that has potentially violated the City's Code of Ethics, conduct that potentially violated federal, including Title VII of the Civil Rights Act of 1964 and conduct that potentially violated state law, including California's Fair Employment and Housing Act, and is inappropriate and unacceptable for a public official representing the City of Carson.

**Section 3.** In light of this, the City Council has initiated a process which will afford the City Clerk an opportunity to respond to the evidence contained in the independent investigator's report prior to taking any possible City Council action to censure him and/or to formally counsel him to seek professional psychiatric assistance regarding his alleged behavior noted in the independent investigator's report.

**Section 4.** While lacking the legal authority to place the elected City Clerk on administrative leave pending completion of the investigation into his alleged conduct, the City Council does have authority and hereby directs the City Clerk as follows: (1) the City Clerk shall adhere to all existing City's rules, regulations, policies, and standard municipal practices ("SMP"s); (2) 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 (3) the City Clerk shall attend a City provided training program on his supervisory responsibilities over City employees, such training to be completed within 30 days of 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.

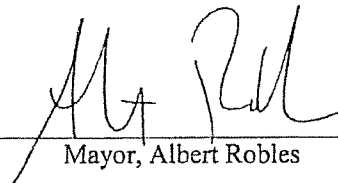
**Section 5.** The City Council hereby prohibits the City Clerk, or anyone one acting for or on his behalf, from communicating directly, or indirectly, with any member of City staff about such staff members' actual or perceived participation in, interview for, or providing information to, the City's independent investigator regarding the alleged conduct or other actions of the City Clerk noted hereinabove.

**Section 6.** The City Manager has determined that it is necessary for him to take the following actions until such time that the Censure Hearing is held: (1) bar the City Clerk 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; and (2) to exercise his sound discretion in implementing necessary directives, recognizing that, by law, the City Manager has the power and 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." CMC § 2107(b),(c). Consistent with this section, the City Manager is 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.

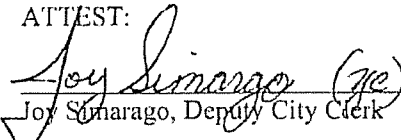
**Section 7.** The City Council further directs the City Manager to change the lock(s) on the City Clerk's office(s) so as to permit the City Manager access to all City offices, including all offices in the area where City staff work with the City Clerk.

**Section 8.** Pursuant to municipal code section 2107(1), the City Manager has the full authority to exercise general supervision over all public buildings, including the City Hall. The City Manager has determined out of concern for his employees and based on a modified version of the recommendation of the independent investigator Attorney Aarvig, that until such time that the Censure Hearing is held absent the advance authorization of the City Manager, the City Clerk be 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. 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.

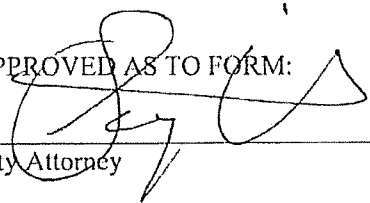
**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 17th day of September, 2015.

  
\_\_\_\_\_  
Mayor, Albert Robles

ATTEST:

  
\_\_\_\_\_  
Joy Simarago, Deputy City Clerk

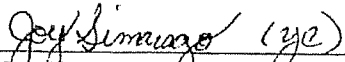
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, JOY SIMARAGO, Deputy City Clerk of the City of Carson, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Carson City Council at its special meeting held on the 17th day of September, 2015, by the following vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Davis-Holmes, Hilton, and Gause
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	Santarina
ABSENT:	COUNCIL MEMBERS:	None

  
Joy Simarago, Deputy City Clerk



**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
FEBRUARY 10, 2014**

Legend: DG (Donesia) / WH (Wanda) / JS (Joy) / YC (Yolanda) / LB (LaToya) / FY (Raquel)  
P (Primary) P2 (2<sup>nd</sup> Primary) / B1 (Backup) / B2 (2<sup>nd</sup> Backup) / B3 (3<sup>rd</sup> Backup) / B4 (4<sup>th</sup> Backup) / B5 (5<sup>th</sup> Backup) / X (Cross-trained)

	DG	WH	JS	YC	LB	RY
<b>AGENDA</b>						
Agenda Binders	X	B3	X	P	B1	B2
Agenda Binder (DG)	X	B2	P (DG)	P	B1	B3
Agenda Mailings	X	X	X	P	B1	X
Agenda Postage (Envelopes and Labels)	X	X	X	B1	B2	P
Agenda Review	X	P	B3	B1	B2	X
<b>BIDS / BONDS</b>						
Bids and Bid Openings	X	X	X	P	B1	X
Bonds/Posting and Release	X	X	X	P	B1	X
<b>BUDGET PREPARATION</b>						
Budget Preparation	P	P2	-	-	-	-
<b>C.A.R.E.S.</b>						
C.A.R.E.S. (Service Requests)	X	X	B	P	X	X
<b>FPPC FORMS</b>						
Campaign Docs/feDisclosure	P	P2	X	B1	X	X
<b>CITY-AFFILIATED ORGANIZATIONS</b>						
City-Affiliated Organizations	X	P	B1	B2	B3	X

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	DG	WH	JS	YC	LB	RY
<b>COMMISSION / COMMITTEE / BOARDS</b>						
Commission/Committee/Board Appointments	X	B1	P	X	X	X
Letters of Appointment / Certificates of Appointment / Oaths of Office	X	B1	P	X	X	X
Certificates of Appointment	X	B1	P	X	X	X
Oaths of Office	X	B1	P	X	X	X
Database update	X	B1	P	X	X	X
<b>CONTRACTS/AGREEMENTS</b>						
Contracts/Agreements	X	X	P	B1	B2	B3
Council Action Disposition (Staff Reports)	X	X	X	B1	P	X
Council Action Disposition (Unofficial Minute Excerpts)	B1	X	P	X	X	-
Council Committees	X	P	B1	X	X	-
<b>CITY COUNCIL SUPPORT</b>						
Council Support	P	-	-	-	-	-
Council Support (Over-the-Counter Requests)	X	X	X	X	X	X
<b>FRONT COUNTER GENERAL SERVICE</b>						
Incoming Calls	X	X	X	P	B1	B2
Mail	X	X	X	P	B1	X
Research/Reproduction	X	X	X	X	X	X
<b>DOCUMENT IMAGING</b>						
Document Imaging	P1	X	X	B1	B2	P2

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
FEBRUARY 10, 2014**

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	DG	WH	JS	YC	LB	RY

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P (Primary) P2 (2<sup>nd</sup> Primary) / B1 (Backup) / B2 (2<sup>nd</sup> Backup) / B3 (3<sup>rd</sup> Backup) / B4 (4<sup>th</sup> Backup) / B5 (5<sup>th</sup> Backup) / X (Cross-trained)

	DG	WH	JS	YC	LB	RY
<b>ELECTION ADMINISTRATION</b>						
Election Administration/Support	P	P2	-	-	-	-
<b>FPPC</b>						
Form 700	X	B1	P	X	X	-
Form 700 (Biennial Review)	X	P	B1	X	X	-
<b>IFAS</b>						
IFAS-Budget	X	P	-	B1	-	-
IFAS-Payroll	X	X	B1	P	X	-
IFAS-Purchasing	X	X	X	P	B1	X
<b>LEGAL SERVICE / SUMMONS</b>						
Legal Service/Summons	X	X	X	P	B1	X
<b>MEETINGS</b>						
Attend Council Meetings	P	B	P	B2	X	-
Special Meeting Notices	X	B1	P	X	X	X
<b>MINUTES</b>						
Minutes Preparation	X	B1	P	X	X	-
Minutes Processing	X	X	X	P	B1	B2

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
FEBRUARY 10, 2014**

Legend: DG (Donesia) / WH (Wanda) / JS (Joy) / YC (Yolanda) / LB (LaToya) / RY (Raquel)  
P (Primary) P2 (2<sup>nd</sup> Primary) / B1 (Backup) / B2 (2<sup>nd</sup> Backup) / B3 (3<sup>rd</sup> Backup) / B4 (4<sup>th</sup> Backup) / B5 (5<sup>th</sup> Backup) / X (Cross-trained)

	DG	WH	JS	YC	LB	RY
<b>NOTARY SERVICES</b>						
Notary Services (City / Public)	B3	B1	B2	-	P	-
<b>OFFICE MANAGEMENT</b>						
Office Management (Overall)	P	-	-	-	-	-
Office Management (Day-to-Day Operations)	-	P	-	-	-	-
Supervision/Training/Evaluations	P	P2	-	-	-	-
<b>CITY CLERK'S CALENDAR</b>						
City Clerk's Calendar (DG)	P	-	-	-	-	B1
<b>CITY CLERK'S E-BOARD / E-MAIL / E-NOTIFY</b>						
City Clerk's e-Board Postings	X	X	X	P	B1	X
City Clerk's e-mail (General)	X	P2	X	B1	P	X
City Clerk's e-Notify to Subscribers	X	X	X	P	B1	X
<b>PASSPORT ACCEPTANCE</b>						
Passport Acceptance	B5	B3	B4	B2	P	B1
<b>PUBLIC HEARINGS / NOTICES</b>						
Public Hearings (Log, Process & Clerk's Meeting Report)	X	X	X	P	B1	X
Public Notice Postings (Log and Process)	X	X	X	P	B1	X

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
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	DG	WH	JS	YC	LB	RY
<b>PUBLIC RECORDS ACT REQUESTS / REQUESTS FOR INFORMATION</b>						
Public Records Act Requests / Requests for Information (Screen, Log and Process)	X	X	X	B1	P	X
<b>RECORDS MANAGEMENT</b>						
Records/Document Management	P	X	x	B2	B1	X
Shared Drive File Structure	X	X	X	B1	P	-
<b>RESOLUTIONS / ORDINANCES</b>						
Resolution/Ordinances (Log and Process)	X	X	X	P	B1	X
<b>SPECIAL PROJECTS</b>						
Form Letters	P	X	X	X	P2	X
Special Projects	P	-	-	-	-	-
City Clerk's Handbook	P	X	X	X	B1	X
Commission/Committee/Board Handbook	P	X	X	X	X	X
<b>STAFF REPORTS</b>						
City-Affiliated Organizations	X	P	B1	X	X	X
Commissions / Committees / Boards	X	B1	P	X	X	X
Council Committees	X	P	B1	X	X	X
Re-organization	B1	P		X	X	X

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
FEBRUARY 10, 2014**

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	DG	WH	JS	YC	LB	RY
<b>SUPPLIES</b>						
Supplies Inventory	X	X	X	B1	P	X

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
SEPTEMBER, 2015**

	City Clerk	Staff
<b>AGENDA</b>		
Agenda Binders		X
Agenda Binder (JD)		X
Agenda Mailings		X
Agenda Postage (Envelopes and Labels)		X
Agenda Review		X
<b>BIDS / BONDS</b>		
Bids and Bid Openings		X
Bonds/Posting and Release		X
<b>BUDGET PREPARATION</b>		
Budget Preparation		X
<b>C.A.R.E.S.</b>		
C.A.R.E.S. (Service Requests)		X
<b>FPPC FORMS</b>		
Campaign Docs/eDisclosure (410/460/501)		X
<b>CITY-AFFILIATED ORGANIZATIONS/COUNCIL SUB COMMITTEES</b>		
City-Affiliated Organizations		X
City Council Sub-Committees		X



**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
SEPTEMBER, 2015**

	City Clerk	Staff
<b>PUBLIC RECORDS ACT REQUESTS / REQUESTS FOR INFORMATION</b>		
Public Records Act Requests / Requests for Information (Screen, Log and Process)		X
<b>RECORDS MANAGEMENT</b>		
Records/Document Management		X
Shared Drive File Structure		X
<b>RESOLUTIONS / ORDINANCES</b>		
Resolution/Ordinances (Log and Process)		X
Resolution/Ordinances (Original)	Attest	X
<b>STAFF REPORTS</b>		
City-Affiliated Organizations	Legistar Apprvl	X
Commissions / Committees / Boards	Legistar Apprvl	X
City Council Sub Committees	Legistar Apprvl	X
Re-organization	Legistar Apprvl	X
<b>SUPPLIES</b>		
Supplies Inventory		X

\*Reclamation Items only the Chief Deputy (Deputized Staff) can attest since City Clerk is on Board

**CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
SEPTEMBER, 2015**

	City Clerk	Staff
<b>NOTARY SERVICES</b>		
Notary Services (City / Public)		X
<b>OFFICE MANAGEMENT</b>		
Office Management (Day-to-Day Operations)	-	X
<b>CITY CLERK'S E-BOARD / E-MAIL / E-NOTIFY</b>		
City Clerk's e-Board Postings		X
City Clerk's e-Notify to Subscribers		X
<b>PASSPORT ACCEPTANCE</b>		
Passport Acceptance		X
<b>PUBLIC HEARINGS / NOTICES</b>		
Public Hearings (Log, Process & Clerk's Meeting Report)		X
Public Hearings Notices (CC/HA/SA)	Execute	X
Public Hearings (Reclamation)		X
Public Notice Postings (Log and Process)		X

CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
SEPTEMBER, 2015

	City Clerk	Staff
<b>ELECTION ADMINISTRATION</b>		
Election Administration/Support	X	X
<b>FPPC</b>		
Form 700		X
Form 700 (Biennial Review)		X
<b>IFAS</b>		
IFAS-Budget Entry		X
IFAS-Payroll		X
IFAS-Purchasing		X
<b>LEGAL SERVICE / SUMMONS</b>		
Legal Service/Summons		X
<b>MEETINGS</b>		
Attend Council Meetings	X	X
Special Meeting Notices (Prepares)		X
Special Meeting Notices	Executes	X
<b>MINUTES</b>		
Minutes Preparation (whoever attends prepares minutes)	Review	X
Minutes Processing (Log/Route/File)		X
Minutes (Original)	Attests	X

CITY CLERK'S OFFICE  
PRIMARY RESPONSIBILITIES  
SEPTEMBER, 2015

	City Clerk	Staff
<b>COMMISSION / COMMITTEE / BOARDS</b>		
Commission/Committee/Board Appointments		X
Letters of Appointment / Certificates of Appointment / Oaths of Office	Execute	X
Oaths of Office	Administrators	X
Database update		X
<b>CONTRACTS/AGREEMENTS</b>		
Contracts/Agreements	Attests	X
Council Action Disposition (Staff Reports)		X
Council Action Disposition (Unofficial Minute Excerpts)		X
<b>FRONT COUNTER GENERAL SERVICE</b>		
Incoming Calls		X
Mail		X
Research/Reproduction		X
<b>DOCUMENT IMAGING</b>		
Document Imaging		X