



## MEMORANDUM

### ITEM NO. 5

**DATE: JANUARY 29, 2021**

**TO: BOARD OF DIRECTORS**

**FROM: ROB KATHERMAN, CHAIR, CAPITAL IMPROVEMENT PROJECTS COMMITTEE**

**SUBJECT: RESCIND ELECTION OF VERA ROBLES-DEWITT AS BOARD PRESIDENT**

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### SUMMARY

Over the past 2 months President DeWitt has attempted to hire her good friend, Mr. Albert Robles, first as an Assistant General Manager then as a General Manger, a Special Interim General Manager and finally as the new permanent WRD General Manager under a 3-year contract. During this time President DeWitt has ignored the vehement objections of numerous State and Federal Legislators, 2 - Los Angeles County Supervisors, 16-local Cities and numerous environmental and community groups.

President DeWitt has impugned the motives of the community water producers in the WRD Service Area who have attempted to voice legitimate concerns on important matters of public policy.

President DeWitt has violated the public trust, the Brown Act as well as the Policies and Procedures of the WRD requiring a transparent and thorough process in hiring a new General Manager.

President DeWitt's blatant effort to hire her friend, Albert Robles, for a job that he is clearly not qualified for is an attempt to either pay back some political debt or simply reward a good friend with hundreds of thousands of dollars of public funds now; and in the future with millions from his CalPERS lifetime retirement – a clear gift of public funds.

A letter signed by 9 local members of Congress states:

“The conduct by the Board raises serious issues that may be best investigated by the public integrity unit to preserve the public trust. We would encourage the Board to reconsider how it conducts its business, whether it is to undergo a transparent search process for a new general manager or noticing items in compliance with the Brown Act so that the public trust is maintained and not abused. “

## **BACKGROUND**

In May 2020, President Robles-DeWitt ignored the WRD General Counsel's legal advice that hiring a former State Legislative staff member with a sexual harassment history in Sacramento may expose WRD to liability for negligent hiring. President DeWitt ignored that advice of legal counsel and a Board approved hiring freeze and lobbied 2 Directors to recommend hiring of the former State Legislative staff member. The District General Manager refused to hire the individual.

On November 19, 2020, President Robles-DeWitt led the WRD into chaos by pausing the management search firm, the Roberts Group and then, ignoring the written agenda, attempted to hire Rob Beste as General Manager and former Board member, Albert Robles a political ally, as Assistant General Manager (AGM) at \$265,000 annual salary without any recruitment process.

On December 3, 2020, President Robles-DeWitt placed a personally written item to the Board agenda proposing a blatant quid pro quo in an effort to secure an Assistant GM position for her confederate as follows:

*"Promote and hire Assistant General Manager (Chief Administrative Officer) Rob Beste to the WRD General Manager position pursuant to a contract similar with the same salary and benefits to that of the current WRD General Manager, subject to the hiring of Albert Robles for the vacated Assistant General Manager pursuant to a job offer similar in salary and benefits to that of the current Assistant General Manager (Chief Administrative Officer)."*

Rather than moving her recommendation as written on the agenda, President DeWitt after many letters and speakers protested, instead, erratically and impulsively moved to make Albert Robles the WRD General Manager (GM). Refusing to follow Robert's Rules of Order, President DeWitt did not allow any discussion and forced a vote, which after much confusion, passed by a vote of 3 to 2.

During the ensuing week, WRD received a letter signed by 9 local members of Congress, a letter signed by 7 State Legislators and a letter signed by 2 LA County Supervisors all requesting that the WRD Board reinstate the Roberts Group to conduct a search for qualified applicants. These letters also strenuously objected to the lack of transparency and the blatant violation of the Brown Act. In addition, there were dozens of letters from local cities, environmental groups and basin producers objecting to the lack of due process in hiring Albert Robles as General Manager.

After the December 3, 2020 Board meeting, the WRD Chapter of AFSCME 1902 sent numerous emails and letters to express deep concerns regarding the actions of the Board of Directors taken at its December 3, 2020 Board Meeting. The Union's concerns included the WRD employees' fears that WRD's relations with its pumpers and the public may have been gravely injured by the substance and manner by which the December 3<sup>rd</sup> meeting was conducted. The Union filed more than 7 Grievance complaints and 5 Public Records Act requests.

On December 17, 2020, President DeWitt personally submitted a report that among other things contained a six-page contract, written entirely and exclusively by Albert Robles without input by WRD's General Counsel. The contract proposed hiring Mr. Robles for six months as Special Interim GM at a salary of \$275,000 while specifically stating he would be an WRD employee

and therefore included in WRD's CalPERS system. Including Mr. Robles in the WRD CalPERS system would result in spiking his pension and costing WRD millions in additional payments to CalPERS when Mr. Robles retired in a few years. After President DeWitt abruptly left the Board meeting without giving a reason or an excuse, the WRD Board denied a proposed contract with Mr. Albert Robles to serve as a Special Interim General Manager on a vote of 2 to 1.

On December 23, 2020, two days before Christmas, President DeWitt called a Special WRD Board meeting solely for the purpose of going into closed session. The 2 Closed Session Items were to discuss the GM's performance and possible Discipline /Dismissal /Release. After a few minutes in closed session, it was clear that President DeWitt had no idea what she wanted to discuss or accomplish. The Board took no action.

At the Board Meeting on January 7, 2021, President DeWitt included an item stating that Information has surfaced concerning certain questionable practices related to WRD operations that requires an independent, objective outside investigation.

Areas of concern, include but are not limited to:

- Hiring practices within the District
- Possible violations of WRD's legal hiring practices of outside contractors.
- Finance Department interference.
- Illegal use of friends as consultants without an RFP/RFQ.
- Direct interference, undermining and sabotaging of the WRD Board.

After Directors Katherman and Allen moved to expand the investigation to include Directors and Mr. Robles, President DeWitt referred the matter to the Administration Committee. There was also a closed session item titled "Public Employee appointment pursuant to Government Code Section 54957 Position: General Manager". That item was removed from the agenda by President DeWitt and no action was taken.

On January 21, 2021, a Board agenda item from the Capital Improvement Projects Committee recommended that the Board of Directors enter into a Professional Services Agreement with Cordoba Corporation for the services of Mr. Stephan Tucker, a retired former Assistant GM with 33 years of experience at LADWP, to serve as the Interim General Manager of WRD in the amount of \$35,750 per month for a period not to exceed 6 months. The contract would commence on April 1, 2021 or upon General Manager Robb Whitaker's retirement. In an effort to thwart the CIP Committee's recommendation, President DeWitt submitted a new 3-year contract for her friend Mr. Robles to serve as the General Manager of WRD on the agenda.

After many letters and speakers supporting the hiring of Stephan Tucker through Cordoba Corp, the contract submitted by President DeWitt to hire Mr. Robles was moved for approval by President DeWitt and seconded by Director Calderon. The motion to hire Mr. Robles as GM for 3 years was defeated 2 votes to 3 votes. Subsequently, a motion by Director Murray to hire Stephan Tucker through a contract with the Cordoba Corporation was approved by a vote of 3 to 1 with President DeWitt voting no. In response to that vote President DeWitt said she would not sign the contract that was approved by a Board majority.

Based on President DeWitt's action over the past 6 months, It is my belief that President DeWitt's conduct has been legally questionable and not in the best interest of the District, its

employees and our 4 million constituents. Her actions could lead to an overall loss of faith in the Board's ability to carry out its duties in a free, fair and transparent manner.

### **FISCAL IMPACT**

There will be no impact to the FY 2020-21 budget.

### **CAPITAL IMPROVEMENT PROJECTS COMMITTEE RECOMMENDATION**

The Capital Improvement Projects Committee recommends that the WRD Board of Directors, under Section 6.5.2 of the WRD Administrative Code, rescind its vote electing Vera Robles-DeWitt as Board President and hold a new election for the position of Board President and any subsequent vacancies created by such an election.