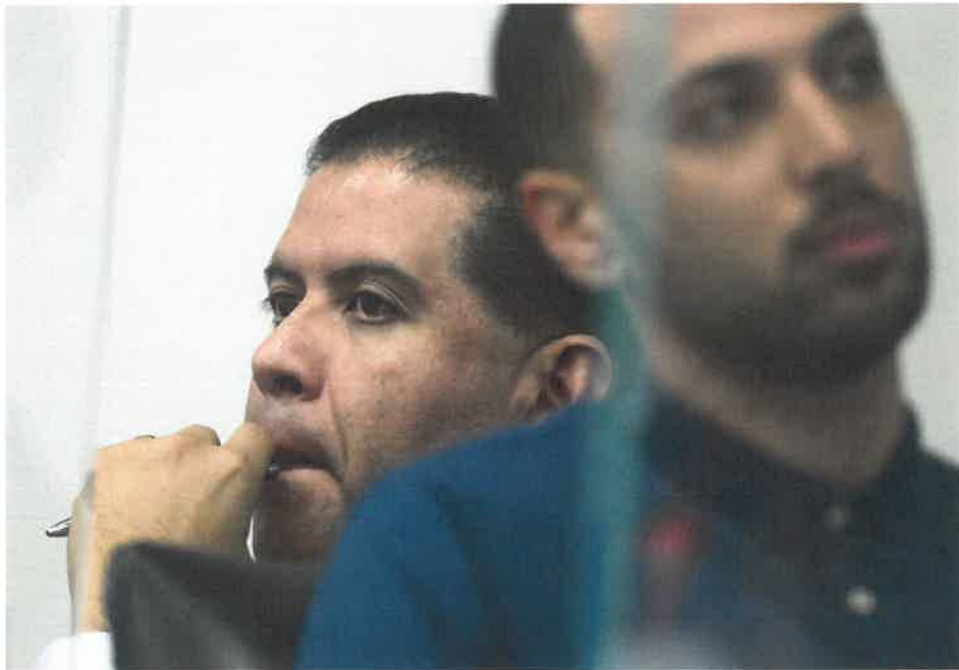


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San Bernardino City Council censures Mayor John Valdivia, saying he misused public funds, resources

All council members favored the move



San Bernardino leaders voted 7-0 to censure Mayor John Valdivia, at left, on Wednesday, Dec. 1, 2021, saying he misused city funds and resources for personal



By **BRIAN WHITEHEAD** | bwhitehead@scng.com | The Sun

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San Bernardino leaders censured Mayor John Valdivia on Wednesday, Dec. 1, saying he misused public funds and resources for political and personal purposes.

All seven council members favored the move.

“This man has been advised and asked and been given all the opportunities,” Council Member Fred Shorett said before the vote, “and he has never believed that he has to operate or should operate according to the rules.”

Valdivia is the first elected official in 20 years to be censured by the San Bernardino City Council.

Valdivia’s personal attorney, former Riverside County District Attorney Rod Pacheco, defended him against the allegations, saying, in part, “He is the mayor of the city of San Bernardino and he has a right to interact with people in this community.”

While the move does not remove Valdivia from office, it conveys to the public that the elected body finds his behavior unacceptable.

Valdivia’s term ends in December 2022.

“We must purge City Hall of all corruption and members who choose to do the exact opposite of the oath we’ve voluntarily taken,” Council Member Kimberly Calvin said ahead of the vote.

Wednesday’s proceedings capped a months-long, independent investigation into a VIP reception Valdivia held at Hilltop Restaurant following his State of the City Address on June 15.

Valdivia declined to participate in the probe.

In a report prepared for the City Council before Wednesday’s hearing, Kendra L. Carney Mohr, an attorney with Costa Mesa-based Garcia Rainey Blank &



Additionally, Valdivia failed to report a \$5,000 contribution from the Inland Empire Health Plan to be paid to the city for the purpose of securing tickets to and offsetting the costs of the VIP reception, Mehr wrote.

Lastly, Mehr found Valdivia commingled out-of-town campaign fundraising events with possible city business, submitting several requests for reimbursements between September 2019 and April 2021 without disclosing the person or people he dined with and/or the reason for the travel.

In the time he was afforded Wednesday to respond to the allegations, Pacheco first questioned the council's authority to censure.

"Nowhere in the city charter," he said, "does it authorize the city council to hear a resolution of this nature against one of your own, the mayor included."

Secondly, Pacheco argued that certain exceptions to state law allowed Valdivia to promote his post-State of the City reception on the taxpayers' dime, forgo submitting the proper documentation for Inland Empire Health Plan's \$5,000 donation and blend activities on business trips.

"A political assassination of this mayor," Pacheco called the objective of the meeting.

"Without a basis in law," he added, "what other reason could there be?"

Norma García Guillén, an attorney and founding partner of Garcia Rainey Blank & Bowerbank, contested each of Pacheco's assertions, claiming the attorney attempted to mislead the council as far as its power to censure.

Pacheco also manipulated the exceptions he cited, García contended.

The VIP reception was not a public event as Pacheco argued, García said, and the \$5,000 donation was not for the use of a public project, which would exempt an elected official from reporting it.

Furthermore, García added, in all his expense reports between September 2019 and April 2021, Valdivia failed to properly note the business purpose of a meeting and who he met with only when the meeting overlapped with campaign and fundraising events.



“Mayor Valdivia knew exactly what he was doing when he chose not to write down exactly what he was required to under board policy,” García said, adding: “We all know poverty all too well. ... It is the reason why safeguarding public funds in a city like San Bernardino is more critical, more important, and it doesn’t matter, \$1, \$10,000, \$5,000, it is city funds and it is the law not to deviate from safeguarding those tax funds and from safeguarding the integrity of public office.”

Several who spoke at the hearing commended the council for bringing the action forward Wednesday, calling the move to censure Valdivia a first step toward promoting accountability and transparency.

Some urged Valdivia to resign.

Speaking before the council, former City Attorney Gary Saenz said the city “cannot tolerate corruption,” adding that “corruption is one of the worst things San Bernardino has endured for decades.”

A handful of public speakers supported Valdivia, asserting he has brought businesses to town in his three years and generated jobs and sales tax dollars.

Other supporters called the proceedings “politics,” “a total waste of time and resources” and “political shenanigans.”

“This is not politics at all, not politics at all,” Shorett responded later in the evening. “We are holding a member of this body accountable for misusing public funds and not really doing what he was elected to do by the city of San Bernardino.”

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