

# The San Bernardino County Sentinel

News of Note  
from Around the  
Largest County  
in the Lower  
48 States

Friday, February 14, 2014 A Fortunado Publication in conjunction with Countywide News Service 10808 Foothill Blvd. Suite 160-446 Rancho Cucamonga, CA 91730 (909) 957-1146

## Allegations Of Irregularities In Awarding Of \$40M Indigent Defense Contract

A delay in the selection and approval process for four lucrative county contracts for the provision of what is known as conflict representation for indigent defendants in the county's courts has resulted in the exposition of a series of apparent irregularities in the rating and recommendation system being used in the competition



Earl Carter

for the contracts.

One of the competi-

tors has now launched a challenge of the rating system that favored the politically connected firm that currently holds two of the county's four regional conflict representation contracts, after evidence surfaced to show that the incumbent firm was allowed to revise its bid after several of its competitors came in at prices well below

its offer.

The Constitution and California law provide for the right of all persons against whom criminal court proceedings are brought to be represented by counsel. The public defender provides legal representation to the criminally accused in the county who do not have sufficient money to secure lawyers on

their own. In a number of cases, primarily ones in which there is more than one indigent defendant, a conflict arises that prevents the public defender's office from representing both parties in preparation for trial as well as at trial.

California Penal Code Section 987.2 allows counties to contract with pan- See P 3

## Mojave Water Agency Holds Off On Purchasing Arrangement With Cadiz, Inc

The Mojave Water Agency's Tactical Advisory Committee has recommended against the agency relying upon water available from the Cadiz Water Project as part of its integrated water management plan.

Los Angeles-based Cadiz, Inc. is undertaking what is officially known as the Cadiz Valley Water Conservation,

Recovery and Storage Project, a plan to siphon billions of gallons of water from the East Mojave Desert for use elsewhere. Since the 1980s, Cadiz, Inc. has operated a 500-acre organic grape, citrus, melon and pepper farm in the Cadiz Valley, thereby obtaining water pumping rights. In 2012 Cadiz, Inc. arranged to have the Santa Margarita

Water District, to which it is contracted to deliver a portion of the water to be extracted from the desert, assume lead agency status for the project's approval. Many of those opposed to the project considered that to be a conflict of interest.

San Bernardino County contemplated, but in March 2012 ultimately elected against,

challenging Orange County-based Santa Margarita's assumption of that lead agency status on the project. Instead on May 1, 2012 the county entered into a memorandum of understanding with that district and Cadiz, Inc. and its corporate entities, including the Fenner Valley Mutual Water Company, allowing Santa Margarita

to oversee the environmental impact report for the project and conduct the public hearings related to project approval.

On July 31, 2012, the Santa Margarita Water District Board of Directors approved the Cadiz Water Project and certified the environmental impact report for the Cadiz Water project.

On October See P 9

## Miller Withdrawal Sets Up 31st District Baca Vs. Aguilar Slugfest



Gary Miller

It now appears that the real dogfight in this year's 31st Congressional District race will be

between Democrats Joe Baca and Pete Aguilar, now that the incumbent, Republican Gary Miller, has announced he will not seek re-election.

Ever since Miller in 2012 gained election in the 31st District, which leans Democratic, the prospects for the 2014 race have been closely watched and there has been much speculation about the eventual final matchup and See P 4

Chino Hills Public Works Commissioner Barry Fischer on January 29 tendered his resignation in apparent protest over the city's policies and actions with regard to animal control.

The 72-year-old Fischer, who was named by the major newspaper in Chino and Chino Hills, *The Chino Champion*, as Chino Hills Outstanding Citizen of the Year in 2013, has been



Barry Fischer

active for several years in advocating that Chino Hills operate on its own

or contract with a no-kill animal shelter.

He has decried city policies and city council decisions which run counter to that goal, in particular the city's ongoing contract with the Inland Valley Humane Society, which has a policy of euthanizing animals that come under its stewardship if adoptions are not effectuated within a 30-day deadline.

An out- See P 5

## Board Delays Decision On Appeal Of Rejection Of Helendale Solar Field



commission conducted a public hearing to consider Sunlight Partner's application for the conditional use permit pertaining to the project. The planning commission heard testimony from the general manager of the Helendale Community Services District, who expressed concern that the project would impact the adjacent property owned

by the district, which is currently used as a park. The district stated impacts to scenic vistas from the park related to dust and blow sand originating from the project

findings for denial of the conditional use permit based on the project being inconsistent with the goals and policies of the general plan, which require land use compatibility. County Land Use Services Department staff indeed prepared and presented findings for the denial of the project to the planning commission.

At its See P 5

## Generous Pensions Have City In Red, Bozar Says



Glenn Bozar

Upland City Councilman Glenn Bozar this week sounded an alarm to his city's residents, warning that the City of Gracious Living must deal with a pension liability that is on the verge of overwhelming it.

Fully 73.6 percent of the city's operational costs consist of paying for personnel, including meeting current payroll, covering workers' compensation and paying the pensions of retired employees. Projections are that those costs will increase, leaving less and less of the money in city coffers available for taking care of its physical needs, such as paving streets, maintaining trees, sidewalks and parks and the upkeep of other city infrastructure.

In 2013-2014 the city's pension costs stand at \$6 million. The most reliable figures currently available show the city will incur an additional \$1.5 million in pension costs next year, 2014-15, escalating to \$7.7 million the annual amount city pays into the public employees' retirement system.

Bozar said he had made an in-depth effort to study the issue and had learned that the increases in pension costs were outpacing the city's growth in revenue.

"The most stunning revelation that came out was when city manager [Stephen] Dunn See P 2

## Top Forensic Pathologist's Pay Increased

The county board of supervisors this week gave the coroner's office's lead forensic pathologist a \$6,000 raise to ensure that her pay grade is not exceeded by her lesser-experienced colleagues.

Dr. Chanikarn Changsri has been with the coroner's division since March 2006. The coroner's division investigates deaths within its jurisdiction to determine the manner and means of death. In certain instances,

forensic pathologists conduct autopsies to provide expert diagnosis as to the cause of death.

One year ago, on February 12, 2013, the board of supervisors updated benefit language and contribution levels for the top tier of employees within the coroner's division to ensure consistency with all employment groups in the county and included a salary increase to maintain parity with other counties.

On August 6, 2013,

the board of supervisors approved Agreement No. 13-671 with Dr. Brian Hutchins to provide services as a forensic pathologist. Dr. Hutchins' contract included an updated salary schedule starting at \$72.12 per hour with 2.5% step advancement to a maximum hourly rate of \$101.90 per hour. Sheriff John McMahon, who also serves as the county's titular coroner, requested that the board approve "an amendment

to Dr. Changsri's contract to align her salary at the top step of this new pay scale given her nearly eight years of service to the county."

According to McMahon, "This increase will also enhance the department's ability to retain this critical position."

The board approved upping Dr. Changsri's pay from \$98.55 per hour to \$101.90 per hour.



### Bozar Points Out Pension Crisis from front page

was talking about this issue and he disclosed that the \$4.2 million generated out of the Colonies [commercial subdivision] goes to paying these pension costs," Bozar said.

"How did we get here?" Bozar asked. He then referenced page

4-10 os a 13-year-old budget task force report which explicated how city officials in the year 2000 assumed "a false sense of security" by relying on data and projections provided by representatives of the California Public Employees' Retirement System (CalPERS). Those pension fund representatives maintained that the retirement system, including coverage for

Upland, was "superfunded" well into the future. City officials, who were influenced by the public employees retirement system board, believed, Bozar said, that the city could continue providing generous retirement benefits to employees without having to make equally escalating contributions to the system.

"In 2001, the city was told that we could [rely upon available money

from the California Public Employees Retirement System to pay for the pensions of city public safety employees for 35 years and our miscellaneous employees indefinitely," Bozar said. "That was what was put forth by the Public Employees Retirement Board."

Bozar said those board members, who also participate in the retirement system, had a conflict of

The San Bernardino County

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*10808 Foothill Blvd., Suite 160-446*

*Rancho Cucamonga, CA 91730*

*Editor@SBCoSentinel.com*

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interest in making that false projection.

"They benefited from this," he said.

The city relied upon false projections, Bozar said. "When we look at the dates, you can see that in the first four years [1999-2000 to 2003-04] we paid nothing into this Public Employee Retirement System fund. This was a dream world the Public Employee Retirement System board was in."

Then things went wacky in 2004-5. The city paid over \$2 million

in 2004. Then it doubled the following year. It went down the following year. After that, our previous city manager negotiated a higher formula and you can look and see our pension liability from that point is going up and up and up. The projected cost for the next fiscal year is \$7.7 million."

Also appearing before the city council on February 10 was one of Bozar's appointees to the most recently formed city fiscal task force, Robert Nelson, a former corporate chief financial officer and certified public accountant. Nelson said the city had been far too generous in making promises to its employees in the past with regard to guaranteeing their pensions and it now must take action to either undo what was done or significantly curtail operations to be able to afford providing those too-generous payments to people who are no longer working for the city.

"The biggest cost driver of this general fund is high wages and benefits that amount to 74 percent of the budget," Nelson said, saying the financial burden was putting the city into "a death spiral. This is impossible to sustain. Today the public is slow in waking up to what this means, but we see the evidence in many of the bankruptcies of California cities. Upland is now on that road."

Bozar said, "We're very grateful and appreciative of the employees who now contribute,"

*Continued on Page 4*

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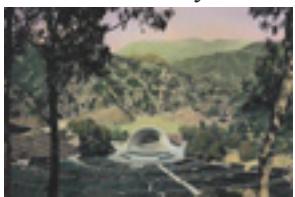
## Glimpse Of SBC's Past

# The Beatles From Tall Trees In San Bernardino County

By Ruth Musser-Lopez

Beatlemania was in full force this week while everyone remembered the band's debut in the U. S. when an estimated 73 million of us, 40% of the viewing audience, watched them on the Ed Sullivan show 50 years ago, February 9, 1964. I was ten years old, too young to be going to a concert but just as much a Beatles fan as anyone.

The Rolling Stones aggrandized San Bernardino County with



**The Hollywood Bowl framed by trees**

their very first concert in the United States performed at the Swing Auditorium at the Orange Show Fairgrounds, on June 5, 1964, but the closest Beatles' concert was in Las Vegas or Los Angeles. The Beatles didn't even come to the west coast during the first visit from February 7-21; we had to wait until later that year for their

The question is, where did they go during their two-day break in southern California?

Just west of Grove Avenue, I grew up next

second tour when they performed at the Convention Center in Las Vegas on August 20th—two sold out shows with 16,000 fans each.

On August 23, 1964, all 18,700 seats were sold out at the Hollywood Bowl with other fans trying to view the concert by climbing up trees in the nearby hills. The Beatles went onstage at 9:30 p.m. with John Lennon announcing "Welcome to you in the trees."

This concert was taped for possible future record release. At 10:05 p.m., the Beatles left the stage, and were driven away in a limousine to a rented mansion where a private party had been arranged. There the Beatles would get a short two-day break before resuming their tour, next in Colorado. It would be another year before they returned to the Hollywood Bowl for the second time, on August 29 and 30, 1965.

to a lemon grove bound by a row of tall Eucalyptus trees bordering 7th Street wherein a tree fort had been built by my big brother, Gordie. I remember the Chaffey twins and I climbing up to that tree fort, pretending it to be in a tall stage and singing "I wanna hold your hand" wildly

curing us of our worries, some ten weeks after she had earlier pronounced the assassination of JFK to a frightened class of 5th graders. Now, none of us wanted to be "President" when we grew up. We all wanted to either be a Beatle or marry a Beatle. We each had our favorite...John,

ate the positive" and get ready to dance with our sweethearts. Swinging us that direction was *In The Mood*, the 1940s style musical revue, touring in its twentieth anniversary year on February 6 at the California Theater in San Bernardino. From 1994 to 2013 this show had traveled to

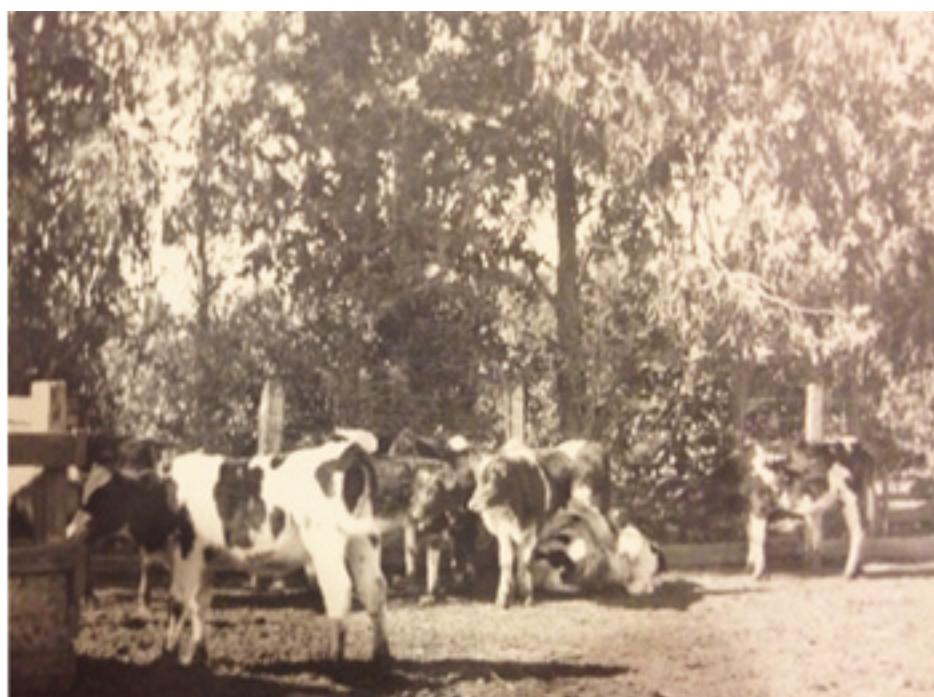
stanza-authentic representations of popular sounds of the era setting the mood for a future filled with promise, hope and prosperity.

The performance was a rollicking way to end the Glimpse series on the 1940s and 50s "Atomic Age" architecture on Route 66 and transition into the 60s when Beatlemania and psychedelia came along and turned us from outer space to inner space, love, peace—and oh, for some—acid trips instead of airplane flights. You've heard it: "be here now" "tune in, turn on, drop out," "make love, not war," "flower power" and, oh yes, "love-ins."

Forget the Fab Four and all that 60s stuff—*In The Mood* is mind blowing. The costumes are adorable; the band is terrific. Though called the String of Pearls "Orchestra," it's musicians with trumpet, trombone, sax, drums, bass and piano bring back the big band and the swing that represents "the time when music moved the nation's spirit." All together, the sound, dance and lights are perfected. It was about a 2-hour fast paced performance with an intermission in between and I enjoyed every minute of it.

This show has been evolving, getting bet-

*Continued on Page 6*



**The tree fort on 7th street in Upland (now Ontario) was in the Eucalyptus tree windrow surrounding a citrus orchard at the Shady Grove Dairy in the 1960s. Circa 1950s photograph shows the trees when they were not as large.**

at the top of our lungs while on the look out for any Beatle (or cute, long haired neighborhood boy) that might pass our way.

At Ontario's Vineyard Elementary in 1964, our teacher, Miss Brink, let us don our heads with mops and hold brooms like guitars while we performed our own rendition of the Beatles. Miss Brink had a sweet way of

Paul, George... classmate Johnny wanted to be Ringo, play the drums and grow his crew cut into long hair. Yeah, yeah, yeah! He was always welcome in the tree fort.

**GlimpSnips  
"In The Mood" For Twenty Years**

This is Valentine's Day and everyone seems to be in the mood for upbeat music to "accentu-

over 48 states, Canada, Europe, New Zealand and Australia. Much more than a concert this Smithsonian acclaimed presentation features the *In The Mood Singers and Dancers* with the sensational String Of Pearls Big Band Orchestra. The music and the arrangements are a combination of up-tempo big band instrumentals and intimate, romantic

accusations of contract bidding irregularities from front page

els of attorneys, known as "conflict panels," to provide defense representation services for indigent defendants the public defender is unable to represent. The county has contracted for adult indigent defense representation services since 1993. The costs for such appointed services are an obligation of the county. The county of San Bernardino Indigent Defense Program ad-

ministers appointed representation service contracts, and the services of other court-appointed attorneys, investigators and experts for the county's impoverished defendants.

Through December 31, 2013, four law firms had contracts to serve as conflict attorneys representing defendants in San Bernardino County. The Law Firm of David Goldstein had a \$9.35 million contract to provide conflict attorney representation in the West Valley region of San Bernardino County. The law firm

digent defense representation service providers. A proposal evaluation committee consisting of representatives of the county and the Superior Court was formed to review the submitted proposals. When that committee did not arrive on a decision on which firms to extend the conflict representation contracts to by December, the board of supervisors extended the contracts with Carter Spring, Shank & O'Connor, headed by Earl Carter and Jim Spring, had an \$18.75 million contract to represent defendants in the East Valley as well as a \$12 million contract to represent defendants in the county's North Desert Region. Attorney John Burdick had a \$1.875 million contract to do conflict representation in the East Desert region.

On September 26, 2013, County Chief Executive Officer Greg Devereux approved the solicitation of bids for court-appointed adult in-

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# CWCapital Sells Montclair Plaza To Los Angeles-Based CIM Group

**MONTCLAIR**—Heavily debt-laden CWCapital has sold Montclair Plaza to Los Angeles-based CIM Group, it was announced on Wednesday.

Since 1969, Montclair Plaza has been one of the largest commercial ven-

ues in San Bernardino County, and the sales tax revenue generated there has given Montclair a level of financial clout beyond its relative size. With its 36,664 residents, Montclair is the 16th most populous of San Bernardino Coun-

ty's 24 cities.

In recent years, the once grand plaza has seen its stature diminish as other large-scale shopping operations such as The Mills in Ontario, Victorian Gardens in Rancho Cucamonga, The Shoppes in Chino

Hills and the Tanger Outlets in Lenwood near Barstow have lured shoppers away.

Nevertheless, Montclair Plaza remains viable and its sale to CIM Group is an indicator that the plaza will reach its half-century mark as

an ongoing and energetic mercantile concern.

In selling the Plaza, CWCapital, with a reported \$2.57 billion in debt, simultaneously sold six other properties.

CIM Group has a reputation for committing to upscale commercial and

hospitality properties in urban areas such as the Two California Plaza, a 52-story building in downtown Los Angeles and the Redbury Hotel in Hollywood.



## Upland Pension Crisis from page 2

but he reiterated that employees who have worked with the city for most or all of their careers are eligible to retire and get 90 percent of their top pay while they were with the city. That formula is breaking the city's bank, he said.

"What we are faced with in the immediate and near term is 'How do we come up with this money?' We have to work with our employees who do a great job" to find a solution,

he said, or face dire consequences for both the city's residents and employees.

He said he was against outsourcing, that is, closing out city departments wholesale and contracting with other municipal agencies or private companies for services. But he warned that the outsourcing solution would become increasingly attractive in the future because it would allow the city to get out from under its pension obligation with regard to its future workforce.

"Why do we want to

outsource?" he asked, pausing for effect before answering, "To get rid of these salaries and pension costs." He noted that under the current pension system, the formula for calculating pensions is tied to salaries, so that increasing employee salaries automatically increases pensions.

After his assessment of the city's financial state, Bozar nevertheless expressed confidence that a solution could be found. "We have to work together with employees and get costs under control," he said.

City manager Stephen Dunn was less sanguine, saying, "It's not a problem that we can solve." He noted that outsiders had a too simplistic notion of how the city's listing financial ship could be righted. "It's really easy to fix what you are not responsible for," he said. "We do have a lot of work ahead of us."

He said he had been unfairly set upon by critics who had complained that he had advocated unpalatable solutions to the city's financial problems, such as selling the city's water assets.

"People are saying [about me] 'You want to do this and are wanting to do that.'" The truth is, he said, he was merely providing the city council with money generating or money saving options to consider and that it was up to the council to make the decisions.

"I want to give you guys ideas, and have staff do the work so you guys can make decisions based on the best information available. People get the feeling we can just go to the expenditure side [and make cuts]. Our pension costs are eating us

from the inside out. We have reduced our work force in the last two years by 25 percent. The amount of work hasn't decreased."

Bozar, pointing out that contracts with employees will remain in place until June 2015, said the council and senior staff should begin to chart now how they will approach the issue of getting concessions from employee unions on salary and pensions in the succeeding contracts.

"We need to start laying the foundation now," he said.

## Miller Abandons 31st Congressional District To The Democrats from front page

outcome in the district race.

With the Republicans holding a majority of the seats in the House of Representatives and California being an overwhelming Democratic state, Miller's hold on the 31st Congressional District provoked the Democrats to begin early and in earnest in their efforts to unseat him as part of a larger strategy to capture control of both houses of the legislature.

Miller's 2012 victory in the 30th Congressional District, which had been redrawn after the 2010 Census, was an extraordinary occurrence.

In 2012, California had switched to an open primary system, which ended sequestered party ballots and effectively ended the tradition of guaranteeing that a Democrat would face a Republican in the November general election.

In the 31st District, which encompasses parts of Upland and Rancho Cucamonga,

and stretches eastward across San Bernardino County through a large portion of Fontana, Rialto, Colton, San Ber-



Pete Aguilar

nardino and Redlands, four Democrats — Pete Aguilar, Justin Kim, Rita Ramirez-Dean, and Renea Wickman — sought election in 2012, as did Miller. In addition, another Republican, Bob Dutton, joined the fray in the 2012 primary. Despite the seven percent Democratic voter registration advantage in the 31st, simple mathematics hurt the Democrats as their vote was divided four ways, while the Republican vote was split two ways. Dutton and Miller proved to be the two top vote-getters and under California's open primary arrangement, the November general election came down to

a race between Republicans Miller and Dutton. Miller prevailed in that race.

With no little justification, the Democrats consider the 31st District to be one that should naturally fall to them. Of the district's registered voters, 127,690 or 41 percent, are affiliated with

the Democratic Party. Registered Republicans in the district number 104,938, or 33.7 percent. Independent political appraisers see the 31st as a Democratic asset as well.

Even before Miller outpolled Dutton in November 2012, Democratic strategists were

conferring about what steps could be taken to ensure that Democratic disarray in 2014 would not perpetuate Miller's incumbency beyond the current Congress. In short order, a game plan was hatched by which Aguilar, who had polled the most votes among the four Democrats in

the 2012 primary, was chosen as the logical party standard bearer. By promoting Aguilar early, engaging in brisk fundraising on his behalf and warding off any other Democrats so a concentrated party elec-

*Continued on Page 6*

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## County Yet To Be Visited by Light Brown Apple Moth Devastation

San Bernardino County remains free of the peril represented by the Light Brown Apple Moth, according to county agricultural commissioner John G. Gardner.

The Light Brown Apple Moth, a serious pest impacting grapes, citrus, pome fruits and stone fruits, is a threat to California agriculture and to the economy of California, causing barriers to the export market. Damaging to a broad range of

plant species, the Light Brown Apple Moth will take as a host many trees and ornamental species, giving it the potential to cause serious damage to natural areas and urban settings as well as to agricultural crops.

According to Gardner, "The Light Brown Apple Moth was first discovered in the San Francisco Bay Area in the fall of 2006; since then it has been detected in 24 California counties. To date, San Bernardino

County has not detected the Light Brown Apple Moth. A Federal Domestic Quarantine Order was established on May 2, 2007 that required, in addition to other actions, additional Light Brown Apple Moth trapping to ensure continued interstate movement of regulated plants and plant products. San Bernardino County has performed Light Brown Apple Moth detection and trapping services on behalf of the state through

annual agreements since July 1, 2007."

Those traps have been placed on trees and near crops at various locations throughout the county.

Gardner indicated the county would continue to monitor the situation.

"Traps will be placed alongside existing detection trap sites, so no additional personnel or resources will be required to fulfill this agreement," Gardner said.

The state has agreed to compensate the coun-

ty in an amount not to exceed \$52,491 to reimburse the county department of agriculture for its staffing costs from last October through September of this year, based on the number of trap placements and time spent inspecting/servicing the traps.

By participating in the program, Gardner said, the county is benefiting itself through taking steps to see that "economic value is maintained by ensur-

ing continued interstate movement of regulated plants and plant products. Performing these detection activities to prevent the Light Brown Apple Moth from taking hold in the county and causing damage is far less expensive than remediation costs if a significant presence occurs as a result of delayed detection activities."



### Helendale Solar Plant Approved from front page

November 7, 2013, meeting, only four of the planning commission's five members were present. In addition to staff's findings for the denial of the project, the commissioners who were present were provided with the applicant's revised site plan that incorporated an increased setback from the park property to reduce impacts related to aesthetics and blow sand. The revised site plan showed an increase in setback from the park property to the fence line from 15 feet to 249 feet.

According to Tom Hudson, the director of

the Land Use Services Department, "This design change solves an inconsistency in the initial study/mitigated negative declaration related to the minimum distance from the proposed facility to the existing off-site residences. The revised plan was presented to the planning commission for consideration."

Additional testimony was provided by the Helendale Community Services District reiterating concerns regarding the potential impacts on the adjacent property, including blow sand and impacts to view qualities. The representative of the Helendale Community Services District also stated that she did

not agree that the revised site plan presented at the hearing would reduce those impacts.

At the conclusion of the public hearing, the planning commission voted 2-2 on the item with one commissioner not present. By rule, the project was denied for not having the required majority vote for approval.

On November 18, 2013, the applicant filed a timely appeal of the planning commission action to deny the project. The issues raised in the appeal application included making reference to the consideration that the planning commission dismissed staff's original recom-

mendation to approve the project based on findings that the project complies with the county's general plan and development code that was supported by analysis contained in the planning commission staff report.

Moreover, according to the appeal, the findings for denial were not supported by evidence, and the denial of the project violated the California Solar Rights Act.

Three months later, in his report to the board of supervisors on Tuesday, Hudson said, "Notwithstanding the outcome at the planning commission, staff is recommending that the appeal be granted and that the project be approved.

Staff believes that the revised site plan submitted by the applicant between the October 17, 2013, and November 7, 2013 planning commission meetings mitigated the concerns initially raised by the Helendale Community Services District and the planning commission. The significant increase in project

setbacks assuages the concerns expressed as to aesthetics and blow sand. The increase in setbacks also resolves the issue of the minimum distance from the proposed facility to the existing off-site residences. Findings for approval have been provided based upon these revisions."

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### Fischer Resigns From Chino Hills Commission In Protest from front page

growth of Fischer's dedication to that issue was his inability to accept the city's code enforcement and ensuing legal action against Charles and Lisa Price, who had taken it upon themselves to operate a private non-kill animal adoption clinic which had saved hundreds of dogs and cats from being put to sleep at the Inland Valley Humane Society facility. Ultimately, the Prices were prosecuted and convicted and sentenced to jail time for what Fischer saw as their acts of compassion and courage.

Fischer said that Charles Price was an individual of "high moral character" whose military service and volunteer work demonstrated a personal value system that should have been embraced by the community.

Fischer was councilman Peter Rogers' appointee to the com-

mission. In tendering his resignation, Fischer sought to vector the community's attention to the upcoming annual renewal of the city's contract with the Inland Valley Humane Society in July, and suggested that city residents insist that the council either end its relationship with the society or alter the contract it has with it for animal control services to disallow the euthanizing of animals originating in Chino Hills that are taken in at its shelter.



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**Glimpse**

from page 3

ter over the years and really has keened in on capturing the spirit of those truly remarkable and significant years in American history surrounding World War II.

According to [www.InTheMoodLive.com](http://www.InTheMoodLive.com), "The National Archives in Washington, DC brought IN THE MOOD to their audiences as part of their commemoration of the 50th Anniversary of WWII, and the re-



**In The Mood** dancers and vocalists with the String Of Pearls big band orchestra circuits through southern California this month with one stop in San Bernardino County. [www.InTheMoodLive.com/](http://www.InTheMoodLive.com/).

**Miller's Exit Presages Baca Aguilar Showdown** from page 4

toral effort to advance Aguilar can be mounted, they believed Aguilar could beat Miller in a toe-to-toe slugfest in November 2014, despite Miller's incumbency and formidable fundraising capability.

Relatively early on, well-connected Democratic-functionaries acted to boost Aguilar. In May 2013, the Democratic Congressional Campaign Committee selected Aguilar as one of five candidates nationwide to be included in its Jumpstart Program, which is intended to assist early-emerging Democrats seeking to unseat incumbent Republicans deemed to be

vulnerable.

Party leaders convinced California's two senators, Dianne Feinstein and Barbara Boxer, to endorse Aguilar. Party donors, inside and outside California, were encouraged to provide him with campaign cash, and money started pouring into Aguilar's political war chest. More attention was drawn to him, ensuring even more contributions, when the Washington-based news organization, Politico, in July named Aguilar one of "50 Politicos to watch in 2013."

Joe Baca, who since 1999 had represented California in the Washington D.C.'s lower house in the heavily Democratic-leaning 42nd and 43rd Congressional districts with solid Democratic support, in

2012 found himself unseated when he was opposed by another Democrat, then-state senator Gloria Negrete-McLeod, in the race to represent

**Joe Baca**

the newly drawn 35th Congressional District. In the June 2012 primary Baca comfortably outpolled Negrete-McLeod 12,619 votes or 47.17 percent to 9,078 or 33.93 percent in a race that also featured Green Party Candidate Anthony Vieyra. Nevertheless, in November 2012 Baca was vanquished by Negrete-McLeod, 61,065

votes or 54.35 percent to 51,281 votes or 45.65 percent, after Negrete-McLeod's campaign was boosted by an infusion of \$3.8 million in donations from a political action committee controlled by Republican New York Mayor Michael Bloomberg, which paid for a \$2.3 million television advertising blitz during the last week of the campaign.

Baca for the last ten months has defied members of his own party in their promotion of Aguilar, and he is using the name recognition he has with local voters, his indirect and residual political clout as a former member of Congress, together with an insider's knowledge of issues and alliances to obtain big money backing from national and even international play-

ers to regain entrance to the House of Representatives. He is joined by Democratic Party activist Eloise Reyes and San Bernardino school board president Danny Tillman in challenging Aguilar.

With Miller out of the picture and no other Republicans having immediately stepped in to make an attempt to succeed Miller, the National Democratic Party's emphasis on promoting Aguilar is very likely to be tempered in the days ahead, as it now appears quite likely that the seat will fall to a Democrat, as Miller and his prodigious fundraising capability are out of the picture.

There was nonetheless a minor indication that a Republican candidate might crop up to show the flag for the GOP in the 31st. Paul Chabot,

and 1940s now in their 70s and 80s causing me to wonder if I was going to be able to get into this rehash of oldies music.

Was I ever "blown away." This is not a show for "ol' fogies"—this is a skilled performance for the young of heart—education for those who have no memory of the era. I immediately went out the next day and bought tickets for my daughter, now living in San Diego, for the performance that would be in Escondido *Continued on Page 7*

who is already seeking state office as a successor to Michael Morrell should Morrell need to vacate his current position in the Assembly as a result of his candidacy to succeed resigned 23rd District State Senator Bill Emmerson, said he has been approached by members of his party to run for Congress in the 31st District. Chabot said he would not diverge from his current ambition with regard to the state Assembly unless Dutton does not leap into the breach.

"I am humbled by the overwhelming number of calls and emails offered by my friends and supporters to run for the congressional seat," said Chabot. "My position is clear—I am 100 percent behind Dutton who ran for the seat in 2012, if he chooses to run. If he decides not to run, I am seriously considering making a bid."

In announcing he would not seek reelection, Miller said he was doing so for "family reasons," making no mention of the consideration that the Democratic Party was targeting him.

"When I came to Congress in 1999, my children were grown and out of the house. Today, we have a full house again. My wife and I are raising our three grandchildren," he said. "It has been a great honor to spend so many years in public service, striving to make a difference for Southern California families. While there is still a lot of work to be done, it is now time for me to pass the baton."

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## Another Collision On Treacherous Yucca Trail Results In Two Deaths

**YUCCA VALLEY**—A double fatality collision on Yucca Trail on February 6 underscored the extremely dangerous traffic conditions on that road.

The deadly mishap occurred at the corner of Yucca Trail and Warren Vista Avenue at approximately 1:09 p.m., when a red 1984 Ford Bronco driven by 64-year-old

Jesse Torres, 64 of Yucca Valley, was broadsided by a westbound black 1997 Jeep Grand Cherokee driven by 23-year-old Brooke Nemeth, of Yucca Valley.

Torres and the passenger in his vehicle, Melissa Torres, 36, also of Yucca Valley, were northbound on Warren Vista and attempting to cross Yucca Trail. Both were killed

in the collision and were pronounced dead at the scene.

Nemeth was treated and released at the scene.

According to a witness, the Bronco approached the stop sign at the intersection and was moving slowly into the intersection when it was struck. The accident report contained a statement from Nemeth that

she was traveling at the posted speed limit of 50 mph and did not see the Bronco in the intersection.

The Jeep impacted the passenger side of the Bronco with tremendous force, resulting in both vehicles careening northwest through the intersection until they ended their deadly progress in the right shoulder

of the westbound lane on Yucca Trail.

San Bernardino County firefighters extricated Jesse Torres from the vehicle but were unable to revive him. Melissa Torres had recently relocated to Yucca Valley from Junction City, KS.

The Major Accident Investigation Team from the Morongo Basin Sher-

iff's Station is investigating the collision. Driver impairment from both alcohol and drugs has been ruled out as a factor in the crash.

The accident has renewed public calls a four-way stop sign at the intersection and a reduction of the speed limit along that span of Yucca Trail, where several other serious traffic accidents have occurred.

### Glimpse from page 6

this Saturday night. She was delighted.

Anyone who has never seen this performance should see it—should enjoy the performance live. To broaden their music perspective and just for the fun of it, I wish all of our youth could see this show and feel the energy.

Here are some of the songs that they sing and dance to: "Boogie Woogie Bugle Boy" (of course), "St. Louis Blues March," Yes, Indeed" Well All Right," Saturday Night," I'm Beginning to See the Light," "Tangerine," "Don't Get Around Much Anymore," "Elmer's Tune," "Well, Git It!" "I'm Getting Sentimental Over You," "Moon light Serenade," "Dream," "All Or Nothing At All," "I know Why," "There I've Said It Again," "Say That We're Sweethearts Again," "It Don't Mean

A Thing," "The Sisters and Brothers Medley," "Over There," "La Vie En Rose," "The Last Time I Saw Paris," "All the Things You Are," "What Do You Do In the Infantry?," "The Bugle Call Rag," "Big Band Medley," "Taking a Chance on Love," "Accentuate the Positive," "He! Ba Ba Re Bop,"

Meet Again," "When the Lights Go On Again," "The White Cliffs of Dover," "It's Been A Long, Long Time," "On the Sunny Side of the Street," and of course, "In the Mood."

The Salute to Arms, as the credits were given, was impressive with the only branch not represented being the Coast

they proudly stood when their corps was called out.

Elizabeth Baumgartner, the dancer/vocalist, is a "cute little button" returning for her 4th year with IN THE MOOD. She started dancing in the 2nd grade and now puts on the best 50s style acrobatic dance performance ever. Her

debut year with the tour.

Joining Baumgartner are Stephanie Gaertner and Laura LaCara, vocalists who together sound "better than the Andrews Sisters" according to an older gal I overheard while leaving the theater.

After the performance, speaking with Bud Forrest, the "Creator" who is truly god-like and was standing in the foyer greeting the guests as they left. As producer, director and pianist "Bud" is not new to the traveling production scene. He was trained at Julliard and at Ithaca College and was the accompanist in the world famous "Singing Sergeants," and for many touring Broadway shows. He served as pianist at many political events including performances at the U. S. Senate, U. S. House of Representatives, the Smithsonian Institution and at one of the inaugural balls given for

the President and Mrs. Bill Clinton for the 53rd Presidential Inauguration. Bud assured me that it is most likely that the show will circulate back around to San Bernardino in the future. Right now the closest show is at the Alex Theatre in Glendale on Feb 16 and 17 before circulating north to the Bay area.

The next time this show comes to town... I want to see a packed San Bernardino County audience. This is a must see...music history, like the Beach Boys, the Beatles or the Stones. Its like turning back the clock... "get back to where you once belonged" as the Beatles chimed.

*Ruth Musser-Lopez may be reached at the San Bernardino County Archaeological Heritage Association (SBCoAHA) 760/885-9374 or Ruth@RiverAHA.org.*

### Solar Plant from page 5

In his presentation

to the board of supervisors this week, Hudson recommended that the board overturn the plan-

ning commission's denial of project approval in November, be he also made available the pro-

posed findings for denial that were prepared at the direction of the planning commission and which were adopted by virtue of the 2-2 vote.

The board did not vote on the matter on February 11, postponing its decision until February 25.

The proposed project site is situated in an unincorporated county area in the desert. The primary facility access point is proposed on Smithson Road, which runs along the southern project boundary. A secondary access point is proposed on Wild Road along the northern project boundary.

The project is to entail photovoltaic panels mounted on single axis trackers, supported by steel piers driven into the ground to an appropriate depth, as determined by soil conditions. The height of the panels will not exceed nine feet. The trackers will form rows running north and south. The design proposes five concrete pads, approximately 20 feet by 40 feet that would support 500KV inverters and mechanical components. Electricity generated onsite will be delivered to the existing electrical transmission system at the connection point along Smithson Road. The site will be surrounded by an eight foot high chain link fence with a security video monitoring system. The electricity produced by the panels will be sold to Southern California Edison under two long-term power purchase agreements. The first agreement was executed in January 2012 and required power generation by July 2013. An extension has been requested. A second agreement was executed in December 2012 and requires power generation by June 2014.



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### **Alleged Competitive Bid Irregularities from page 3**

through March 2014 for \$2,450,000, \$1,070,000 and \$200,000, respectively.

In response to the September 26 bid solicitation, six law firms submitted bid proposals for the work, including Earl Carter's firm, under the name Inland Defenders; Burdick under the name Contract Defenders; Greenline Partners, headed by attorneys Daniel Greenberg and Raj Maline; Robert Ponce; the law firm of Brown, White and Newhouse; and the law firm of Skipper, Singer & Associates.

The selection committee, the *Sentinel* has learned, was leaning in favor of hiring Carter as the conflict panel attorney for all four of the county's geographical areas, having carried out a ranking of each firm based upon administrative, fiscal, record-keeping and audit compliance

capability and resources; company reliability and financial resources; strength of representative capability and coordination and oversight of investigators; and cost evaluation.

The four members of the selection committee, which included Superior Court judges Annemarie Pace and John Vander Feer as well as chief assistant county counsel Michelle Blakemore and deputy county counsel Phoebe Chu, participated in that evaluation in which each committee member could assign the competitors up to 100 points each, for a total maximum score of 400 based upon the rankings of all four evaluators.

Carter Spring Shank & O'Connor scored a rank of 353. Contract Defenders scored 315. Greenline Partners were ranked at 309. The Ponce law firm achieved a 306 ranking. Skipper, Singer and Associates as well as Brown, White & Newhouse scored an identical 240.

In late January, Greenline Partners caught wind of the intended recommendation of Carter and Spring as the contract recipient. On January 31 it submitted a letter of appeal in which the firm charged there was "faultiness [in] the evaluation process" or "biases" on the part of the evaluators.

The pending conclusion that Carter Spring Shank & O'Connor should receive the contract, potentially worth more than \$40 million, Greenline maintains, "does not reflect the best interest of the county, nor does it support any notion of fairness."

The bias in favor of Carter Spring Shank & O'Connor, also known as Inland Defenders, was demonstrated, according to Greenline, by the consideration that the committee ranked Carter Spring Shank & O'Connor more favorably than Greenline in terms of cost evaluation despite Greenline having significantly underbid

Carter Spring Shank & O'Connor.

"This is notwithstanding the fact that over three years, Greenline Partners is approximately \$2.25 million less expensive to the county than is Inland Defenders," the appeal states. Moreover, according to Greenline, after all of the competitors had submitted their bids, the county permitted Carter Spring Shank & O'Connor to submit a lower bid than it had previously submitted.

"While Greenline Defenders was contacted to verify the low fees for some services, Greenline Defenders was never afforded the opportunity to adjust its bid to further compete. A January 2, 2014 fax from Inland Defenders to the county contained a revised fee schedule, merely one day before the intent to award was declared. Greenline Defenders believes that this was unfair and potentially a violation of due process of law," according to the

appeal letter.

Greenline took issue with the unfair treatment another of the firms bidding on the contract was accorded by the county.

"While Greenline Partners was not directly affected by this particular example, Evaluator A gave Brown, White and Newhouse a 32/100[ranking]," the protest states. "They were awarded particularly low scores in categories that do not justify the low scores (cost, for example, receiving far lower scores than other bidders with the same fee schedule). Clearly there was significant bias against that bidder. The integrity of the entire process is compromised in that result."

There were two significant conflicts of interest in the favorable treatment accorded Carter Spring Shank & O'Connor, Greenline asserted.

One involved Judge Pace, who afforded the Inland Defenders access to her during the eval-

uation process not given to others. The other involved district attorney Mike Ramos, who provided a written recommendation for the law firm, despite the consideration that the current and future contracts for conflict attorney service directly involve attorneys acting in an adversarial role to the district attorney's office.

"During the bidding process, Earl Carter and Sean O'Connor were observed entering evaluator Hon. Annemarie Pace's chambers," the appeal letter states. "Carter and O'Connor remained there, according to the letter, "for approximately 40 minutes." The letter goes on to say, "While the conversation that took place was not observed, the potential for impropriety and the conflict of interest is apparent."

According to Greenline Partners, "Michael Ramos, the district attorney and professional adversary of the award

*Continued on Page 9*

## **Scott Markovich Candidate for Assembly District #33**

Thomas Jefferson said it best, "We hold these truths to be self-evident; that all men are created equal, that they are endowed by their creator with unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whatever any form of government becomes destructive of these ends, it is the right of people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such a form as to them shall seem most likely to affect their safety and happiness."

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**MWA Says No To Cadiz H<sub>2</sub>O from front page**

1, 2012, the San Bernardino County Board of Supervisors gave approval to a groundwater monitoring plan to facilitate completion of the project.

Cadiz intends to im-

port the lion's share of the water to Orange and Los Angeles counties but is also looking to sell water to other entities in Riverside and San Bernardino counties.

The Mojave Water Agency, which oversees water usage in the western Mojave communities of Apple Valley, Adel-

anto, Hesperia, Baldy Mesa, Victorville and Barstow, Helendale and Oro Grande, is interested in augmenting that region's water supply and has done so by purchasing water from the State Water Project.

As part of its Integrated Water Management Plan, the agency contem-

plated becoming one of Cadiz, Inc.'s customers.

Last week, however, the Mojave Water Agency heard protests from various individuals opposed to the Cadiz project.

Historically, entities in San Bernardino, Redlands, Riverside, Rialto, Anaheim and Los

Angeles have sought to commandeer water originating in the western Mojave Desert, all of which included elaborate schemes involving large scale aqueducts to carry the water down the Cajon Pass. None of those succeeded after residents of the Victor Valley opposed those efforts. In-

deed, the Mojave Water Agency was formed in part to manage the West Mojave's water resources and prevent it from being diverted elsewhere.

At least one of those protesting against incorporating Cadiz, Inc.'s water into the MWA In-

*Continued on Page 10*

**Allegations Of Irregularities In Bidding Process For Indigent Criminal Defense Contract**

*from page 8*

recipient, not only listed himself as a professional reference, but wrote a letter of recommendation for Inland Defenders. This is clearly improper, and the potential for abuse and bias is readily apparent. A district attorney should not be endorsing any individual or organization as an adversary."

The *Sentinel* has obtained a copy of that letter. It reads, in part:

*"I have been the district attorney for the county of San Bernardino since 2003. We have the largest criminal*

*caseloads in the state and I can say that our law and justice partners, including the defense bar, work hard at being efficient and seeking justice in our criminal courts. Mr. Carter's defense attorneys' work is no exception. These attorneys do not shy away from jury trials and are tough advocates for their clients, according to my attorneys who work with them and against them on a daily basis... One may wonder why the district attorney is writing a letter for indigent defense attorneys, but it's basic. They are tough, yet fair and ethical advocates as we seek justice for victims while protecting the rights of the accused."*

In the aftermath of the Greenline appeal, the county has postponed

ratifying the Carter firm as the conflict panel attorney. Meanwhile, further information has surfaced, raising questions about the county's readiness to confer all four



**Mike Ramos**

of the regional conflict representation contracts upon Carter's firm.

Documents on file with the county registrar of voters' office and the California Secretary of State's office show that Earl Carter, together with his recently de-

ceased law partner Jim Spring, and his law firm, Carter, Spring, Shank & O'Connor, donated a total of \$120,500 to district attorney Mike Ramos from 2004 until 2012. Additionally, together with his law firm and law partners, Carter has made \$88,500 in political donations to all five current county supervisors, including \$38,000 to Gary Ovitt, \$32,050 to Josie Gonzales, \$12,750 to Janice Rutherford, and \$1,500 each to both Robert Lovingood and James Ramos.

The more than \$200,000 in political donations made by Carter and his law partners to San Bernardino County politicians raised the specter of pay-to-play politics having tainted the judicial process. This tawdry image was wors-

ened when allegations were made that Carter and his firm had earlier captured the two conflict panel contracts it currently holds and was about to take on all four such contracts because it made a practice of providing lackluster legal defense to indigent clients as a means of lessening the burden on the county's clogged court system.

By putting up weak or non-existent defenses for the accused the firm represents or by persuading its clients to enter guilty pleas or accept plea bargains, criminal cases were disposed of expeditiously and court calendars cleared, critics of the Carter Spring Shank & O'Connor law firm alleged.

To facilitate quick pleas, some who had been convicted reported,

investigators from Earl Carter's firm arrived at the county's jails and detention facilities to interview clients with a plea arrangement document in hand. Those investigators would in many cases, it was alleged, persuade the defendants to sign the plea document at that point. Thus, many of the Carter firm's clients never actually met with an attorney before paperwork on their cases was filed with the court, according to those questioning the quality of work done by Carter's firm.

Repeated phone calls to Blakemore for comment went unreturned.

County spokesman David Wert told the *Sentinel* that the board has

*Continued on Page 11*

**Luellia G. Hairston, Esq.**

**Family Law Attorney**

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## San Bernardino County Coroner Reports

Coroner Case #701401311 - On 02/12/14 at 11:37 AM, 911 calls were received by the San Bernardino Police Department from citizens' reporting shots fired in the 1600 block of east Highland Avenue in San Bernardino. Officers responded to the location and found Nelly Chi Salazar-Kantun, a 39 year-old resident of Highland, down to the front of a pizza business there. She had sustained upper body trauma and was transported by paramedics to the St. Bernardine's Medical Center for treatment. Salazar-Kantun succumbed to her injuries at 12:30 PM. The San Bernardino Police Department Homicide Detail is investigating the circumstances of the death. An autopsy will be conducted later this week to determine the exact cause of death. [021214 1730 SY]

Coroner case 701401185 -- On 02/07/14, at 10:45 PM, Ceasr Lozano a 72 year old resident of Tujunga, was traveling westbound on Interstate 210 west of the Amethyst St. overpass, in Rancho Cucamonga, in a white 2001 Ford Excursion. Lozano pulled his vehicle to the shoulder of the Interstate. He exited his vehicle and was struck by the driver of a white/green Dodge Dart. Lozano was pronounced dead at the scene. The California Highway Patrol is investigating. [020814 1245 TC]

Coroner case 701401182 -- On 02/07/14 at 6:25 PM, 25 year old Jeremy Hernandez, a resident of Barstow, was driving southbound on Lenwood Road south of West Main Street in Barstow when he crossed the double yellow line and struck another vehicle head-on. He was taken to Barstow Community Hospital where he died from his injuries at 7:09 PM. Barstow CHP is investigating this traffic collision. [020814 1245 TC]

Coroner case 701401173 -- On 02/07/2014 at 4:02 PM, 75 year old Sylvia Miguel,a resident of Las Vegas, was a passenger in a Chevy Suburban traveling north-bound on Interstate 15, south of Zzyzx Road in Baker, CA. The driver of the vehicle lost control and came to rest on an embankment. Miguel was ejected from the vehicle and died at the scene. Barstow CHP is investigating this traffic collision. [020814 1245 TC]

Coroner case 701401110 – On 02/05/2014 at 6:48 pm the Riverside County Sheriff's Department was notified of a traffic collision at the intersection of Van Buren Blvd and Etiwanda Ave. in Jurupa Valley. Officers and paramedics arrived on scene to find Margarita Maxey, a 53 resident of Chino, had been the driver of a 2004 Ford Explorer that was traveling eastbound on Van Buren Blvd. Maxey's vehicle entered the intersection with Etiwanda Ave and collided with other vehicles causing the Ford to over turn. Maxey was found on scene with trauma and was transported to Kaiser Ontario Medical Center. On 02/06/2014, Maxey succumbed to her injuries and was pronounced dead. The Riverside County Sheriff's Department is investigating the incident.[02072014 0734 SY]

*The Coroner Reports are reproduced in their original format as authored by department personnel.*

### MWA Says No To Cadiz H<sub>2</sub>O from page 9

Integrated Water Management Plan referenced those earlier efforts to seize the Victor Valley's water for distant use, asserting the Mojave Water Agency would set a

bad legal precedent and lose its moral authority to oppose any efforts to take local water if it went along with the Orange County raid on the East Mojave's water supply.

Those opposed to the Cadiz project object to the use of the terms

"conservation" and "storage" in the official name of the project, maintaining that the project purports to "conserve" water by exporting it for consumptive use. Legal challenges to the project, which are ongoing, contend that Cadiz, Inc.

and the Santa Margarita Water District should have included the Metropolitan Water District, state or regional water resources control boards, and the California Department of Fish and Game, and the state Department of Water

Resources as responsible agencies in the environmental impact reporting drafting process. The Santa Margarita Water District did not do so.

Opponents of the project also maintain that the county of San Bernardino should have been the

lead agency overseeing the approval of the project and its environmental certification as opposed to the Santa Margarita Water District.

The MWA's Tactical Advisory Committee on

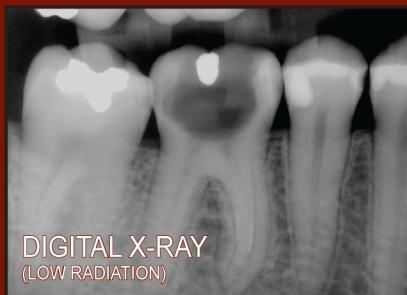
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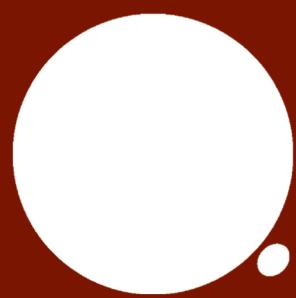
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### Alleged Bidding Process Irregularities

from page 9

yet to award the conflict panel contracts but will very likely have the contracts in place and ratified by March, when the current contract extensions expire.

With respect to district attorney Ramos's letter of recommendation on behalf of Carter's law firm, Wert said, "That letter from the DA is not something over which the board of supervisors would have any jurisdiction. I am not aware of anything that would curtail the district attorney's ability to write a letter like that. As to why he wrote it, that is something you have address to the district attorney. It is up to each individual [on the selection panel] as to whether the recommendation means anything. I do not think a letter like that would have any influence over the process because a recommendation from the DA was not one of the contract qualification criteria."

With respect to Greenline's contention that Carter's law firm was given an unfair advantage in being able to submit a revised fee schedule after all of the competitors had submitted their bids at a point just before the panel made its recommendation, Wert said that submission "wasn't a second bite at the apple. The competitors had already been eliminated. What happens in these things is the panel decides who the top bidder was. At that point, county staff began negotiating to get a better price. In the ex-

change with Carter at that point the first issue was can we get a better price. It wasn't an opportunity to get an advantage in the competition with Greenline because Greenline was out of it. It was an effort by county staff, not the panel but county administrative staff, to go and get a better price once the panel had chosen and before this went before the board of supervisors."

As to the Carter firm being given a more preferential rating with regard to cost than firms that had submitted lower bids, Wert defended the panel's ratings by asserting, "First of all, cost was only 30 percent of the consideration for awarding the contract. This is not a dump truck full of sand or cement. You don't automatically go with the lowest price. Submitting the lowest price doesn't make you the best bidder. When

you compare Carter to the other firms, you are comparing apples to oranges. Carter's bid reflected prices for the entire county. Greenline only bid on two regions of the county. To make sure we were clear on the price evaluation, what the panel did is it broke down the prices by region and found that Carter was in fact lower than in the two regions Greenline bid in. Greenline was only bidding for the East Valley and High Desert. Carter's price represented the entire county."

Wert said he was not in a position to respond to the charges leveled at the Carter Law Firm regarding the alleged practice of having its investigators approach clients

By Diane Dragotto Williams

Sometimes called the Chicken Hawk by farmers, because of their fondness for poultry,



the Cooper's Hawk is a permanent resident of Southern and Northern California. Found in open woods and streamside groves, *Accipiter cooperii*, is also a common visitor at backyard feeders in residential areas. Especially hunters of songbirds, pigeons and doves, their prey also includes American Kestrel, Sharp-shinned Hawks, rodents, bats and chipmunks. Accipiters are the family of hawks distinguished by short, broad wings adapted for fast flight in wooded country.

Crow-like in size, their length is 14 to 21 inches, weight 12.3 ounces, with a wingspan of 27 to 36 inches. Juveniles have heavily streaked underparts, and brown upperparts, while adults have blue-gray upperparts with a blue-gray back.

with plea agreements in hand before any investigation or evaluation of the cases or allegations or facts involved took place.

"I don't know anything about that," Wert said. "That is not something the county needs to respond to. That is something Carter needs to be accountable for if someone is making that statement."

By press time, Earl Carter did not return any of nine phone calls from the *Sentinel* made to his office on February 11, 12 and 13 seeking his input. Nor did his law firm or the county supply data with regard to how many court appearances the Carter law firm's lawyers have made on behalf of the indigent cli-

## County Wildlife Corner

### Cooper's Hawk: *Accipiter cooperii*

Juveniles have bright, yellow eyes, and adults have deep, red ones. The colorful adult has a yellow cere (above beak); reddish bars across the breast and belly; dark gray or black on top of the head; and a rounded tail of dark bars with a white band on the tip!

Flying low over the ground for a surprise attack, the Cooper's also hunts by waiting in dense vegetation in ambush, or by dashing through wooded areas with swift, rapid wing beats, followed by a short glide. After the capture, the hawk squeezes its prey to death with its yellow feet and strong talons,



holding the poor subject away from its body, until it dies. Sometimes the Cooper's cleverly carries its prey to water, killing it by drowning!

Extremely territorial, they defend their home area with vigor. A solitary, platform nester, they use twigs and sticks lined with chips, and conifer needles. This large construction performed mostly by the male, is

ents the firm represents or how many of those cases were taken to trial.

Maline told the *Sentinel*, "I don't have personal knowledge of Inland Defenders' investigators obtaining plea agreements from their clients in the jails."

He did say, however, that he believed the way in which the county structured the arrangements for retaining criminal conflict attorneys was "flawed. The system has a built-in incentive that facilitates quick pleas. The indigent conflict attorneys do not have an incentive to fight the cases they take. They get the same amount of money if they make one court appearance or multiple court appearances."

Wert said the sugges-

built in the crotch of pine, oak and fir trees, near the trunk, 10 to 60 feet above ground. The submissive male bows after courtship, and before building the nest, and calls out to the ruthless female, listening for reassuring calls



before approach! If she does not recognize him, he may end up badly beaten. She lays 4 to 5 bluish white, or greenish white, brown spotted eggs in one brood a year. Then the patient female sits on the nest almost continuously, to keep the embryos at the right temperature for a successful hatch! Her mate provides food for her during the whole process, and up to 4 to 5 weeks after the nestlings are born.

Juveniles have a high mortality rate of 70 to 80% due to starvation, injuries, disease and natural predators. Red-tailed Hawks, Great Horned Owls, Peregrine Falcons, Goshawks and Golden Eagles shorten the adult lifespan to ap-

proximately 12 years. Among the world's most skillful fliers, the Cooper's Hawk tears through cluttered tree canopies in high speeds in pursuit of other birds. But, in doing so, the hawk endures many fractures of bones in the chest as we have experienced in rehabilitating them at Wildhaven Ranch. Their dangerous flight behavior to capture



prey on the wing, drives them to be an agile and brave Aerial Forager!

*Wildhaven Ranch is a wildlife sanctuary in the San Bernardino Mountains specializing in educating the public about wildlife in our ecosystem. Visit them at www.wildhavenranch.org or call for tours at (909) 337-7389.*

nature of things."

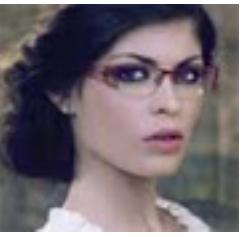
Wert said the "appeal has not made its way through the process. It is still going on. There is always the possibility the appeal will cause the panel to rethink things.

"The court system is a separate entity from the county," he said. He dismissed the Greenline appeal of the panel's recommendation as grousing that is typical of entities that fail to capture county contracts.

"The county administrative office feels the process has gone how it was expected to go and how it should go," Wert said. "We would never expect someone who did not come out on top of the bid process to be happy about how things went. Those that lose do protest, and there are a lot of appeals. That is the

# California Style Bring Sexy Back!

By Grace Bernal



people don't need corrective eye wear but they

Middle age glasses aren't what they used to be and neither are read-

ing glasses. Over the counter "Readers" or "Cheaters" as they call them have become a conscious style statement.



Bergdorfs, Anthropologie, Nordstrom, Kate Spade and online. With more than 50 styles and color combinations available to choose from, you can spend some time making a decision on how you will frame your windows to your soul. Their purpose isn't solely functional and unsexy any-



more. "Readers" have brought sexy back to the face. Fashion means fashion and today you wouldn't leave the house

without your sexy and stylish "Readers." To-



do need to cheat a little with readers. The stylish options are surprising. Today "Readers" are not only available at drugstore carousels, but also at fancy department stores like



They're a lot like new shoes because they come in different styles. Some



day, many young people purchase Readers just for style. Eyeglass holders are very much a thing of the moment. In fact it really brings on the sexy. Try a pair this Valentine's Day



*"Women have served all these centuries as looking glasses possessing the power of reflecting the figure of man at twice its natural size."*

-Virginia Woolf

As always, if there's anything you need, I'd love to hear from you: Greygris@aol.com or visit my page I Love Your Style on Facebook

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## MWA Says No To Cadiz H<sub>2</sub>O from page 10

February 6, after a protracted debate, voted to advise the Mojave Water Agency board of directors to not incorporate Cadiz Water Project water as an element of its water management plan.

Cadiz, Inc. and the Santa Margarita maintain that there is adequate legal precedent for diverting water from one region to another.

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