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State Okays \$142M Loan To Build Yucca Valley H₂O Treatment System

The California Water Resources Control Board on Tuesday, March 17 voted to make a tentative commitment to a \$142,349,314 one percent interest loan to the Hi-Desert Water District to help in the financing of the construction of a sewer system in Yucca Valley.

That loan will likely stave off drastic action

by the state that would impose severe sanctions on the town and its residents, and which would have potentially rendered Yucca Valley a ghost town by 2022.

The community of Yucca Valley is under a mandate by the California Regional Water Quality Control Board to complete, or have made substantial progress to-

ward completion of, the first phase of the town's sewer system in less than 14 months.

In 2007, the California Regional Water Quality Control Board, the state agency responsible for protecting water quality, adopted a resolution identifying the town of Yucca Valley as one of 66 communities throughout the state with



Roger Mayes

groundwater threatened by the continuing over-

use of septic systems. Lacking the financial wherewithal to undertake the construction of a sewer system, local officials resisted taking immediate action. Nor did the city have the will to impose any kind of building or development moratorium that would stabilize the problem. Town and water district officials delayed **See P 4**

Upland Gives Up On Brown Lawn Criminal Prosecution

Bowing at last to political, legal and environmental reality, the city of Upland this week dismissed the criminal case it had lodged last year against Fernand Bogman, the city resident who was being prosecuted for his refusal to water his lawn during the ongoing California drought.

As California was entering the third year of an historic drought, Bogman in 2013 installed a drip irrigation system to water the plants and shrubs in his front yard located in the 1000 block of 14th Street and ceased watering his grass. His intention, he said, was to replace the water-intensive lawn with drought tolerant plants. He said he believed it was "immoral to pour buckets and buckets of water on grass and landscaping while the entire state is in the middle of a drought."

He was contacted by a city code enforcement officer, who informed him that it was a violation of the city's code for him to neglect his lawn. Bogman made inquiries at City Hall to ascertain what types of drought tolerant landscaping would be permissible under the city code as a replacement for his grass. According to Bogman, however, city officials were unable to give him a clear answer to his questions, and they blurred the distinction between drought tolerant plants and California native plants, many of which are themselves water intensive. Unable to obtain reliable clearance from the city for landscaping his yard with plants that would reduce his water usage, Bogman did not proceed with replanting, concerned that **See P 9**

Despite Setbacks, Ontario Confident In Airport Return Lawsuit Against LA

The cities of Ontario and Los Angeles are on track to go to trial in the lawsuit the San Bernardino County city has brought against the megapolis in the attempt to win back ownership and control of Ontario International Airport.

In 1967, when 200,000 passengers were moving through Ontario Airport's gates, the city of

Ontario entered into a joint powers agreement with Los Angeles to have LA use its division of airports to manage and run the airport. Los Angeles was able to use its leverage with many airlines based on its control of gate positions and other perks at Los Angeles International Airport to induce airlines to fly into and out of Ontario



Andre Cronthall

Airport. Under Los Angeles's

guidance, Ontario airport prospered and ridership there increased dramatically. Los Angeles saw to it that Ontario Airport's gravel parking lot was paved and its runway was extended to become the longest commercial runway in Southern California. In 1985, after performance criteria laid out in the original joint powers

agreement were met, the Ontario City Council, with then-mayor Robert Ellingwood absent, voted to deed the airport to Los Angeles for no consideration. Ontario Airport continued to grow in the years thereafter, as Los Angeles and the corporate entity it had created to run its airport division, Los Angeles World Airport, up- **See P 2**

Bankruptcy Judge Permits SB To Alter PD Contract

RIVERSIDE—U.S. Bankruptcy Judge Meredith Jury, the federal judge hearing San Bernardino's bankruptcy case who in September ruled the city could abrogate its contract with firefighters, this week extended that ruling to include the city's police officers.

San Bernardino's bankruptcy filing in 2012, following years of touch-and-go problems



Meredith Jury

with its finances, set off a series of hard fought battles with its employee unions and the California Public Em- **See P 7**

With SBPEA/Teamsters Merger Pending, County's Professional Group Jumps To SEIU

The more than 800 county employees defined as working within the professional unit have voted to decertify the San Bernardino Public Employees Association (SBPEA) as their labor representative in favor of the Service Employees International Union (SEIU). The California State Mediator's Office, to which counting of the ballots had been entrusted, announced the results. In the final tally

SEIU affiliation was favored by 441 of those who participated in the vote, while staying with SBPEA was supported by 137. Thirteen casted votes for no representation. More than 200 of those eligible to vote did not participate.

For three quarters of a century, the San Bernardino Public Employees Association had remained in a relatively secure position as the representative of the

lion's share of county workers, but beginning four years ago internal and external events and pressure have threatened to shatter the association.

But last year a contingent of SBPEA members dissatisfied with the association's leadership urged their fellow union members to reject the contract San Bernardino County Chief Executive Officer Greg Devereaux was proposing, while seeking a spe- **See P 2**

Administrative Law Judge Rebuffs Ontario In Effort To Halt Towers' Erection

Noting that Ontario officials had been aware of the Tehachapi Renewable Transmission Project and its local impacts since 2007 but waited nearly seven years to file a petition to have the project's power lines buried, administrative law judge Jean Vieth denied the city of Ontario's request that Southern California Edison's erection of 197-foot

high power towers at the extreme south end of the city be halted.

Essentially, Ontario is seeking to replicate the rather improbable success the city of Chino Hills had in persuading the California Public Utilities Commission to force Southern California Edison to underground the 500 kilovolt electrical lines that are part of its Tehachapi Re-

newable Transmission Project traversing that city. Last fall, Ontario officials filed with the commission a petition and an amended petition to modify the massive utility corridor through the portion of the city annexed from the former Chino Agricultural Preserve, where the city intends to complete the so-called New Colony retail and residential subdivi-



sions. The New Colony project will entail the addition of roughly

12,000 residents once it is completed.

The 173-mile Tehachapi line is intended to connect what is planned as the world's largest windfarm, consisting of hundreds of electricity-producing windmills in Kern County, with the Los Angeles metropolitan basin.

The Public Utilities Commission in 2009 over **See P 6**

Ontario Advancing Despite Setbacks In Airport Return Lawsuit *from front page*

graded, improved, modernized and expanded the airport, including the addition of two state-of-the-art, world-class terminals and a concourse in the late 1990s. Ontario Airport had become a primary asset to the city of Ontario, though Ontario technically did not own it, and in 2007, ridership reached an all-time high of 7.2 million passengers.

But with the economic downturn that settled over the nation, state and region that year, passenger traffic at Ontario Airport dropped off precipitously the next year and continued to decline as the recession lingered. By 2010, Ontario officials were pressuring Los Angeles officials to do something about the declining numbers at Ontario Airport. Simultaneously, Los Angeles World Airport officials

were pushing ahead with a modernization and upgrading undertaking at Los Angeles International Airport initiated in 2006. As the number of passengers at Ontario Airport dwindled and some airlines discontinued flying into and out of Ontario while ridership increased at Los Angeles International Airport, Ontario officials began to suggest that Ontario Airport was being neglected. Soon Ontario officials were charging Los Angeles with purposefully mismanaging Ontario Airport as part of a strategy to benefit Los Angeles International Airport. Ontario then initiated a public relations campaign aimed at pressuring Los Angeles to return the airport to Ontario. The terms and stridency of this campaign escalated, poisoning relations between the two cities and their officials. As the 2013 Los Angeles municipal election approached, Ontario officials sought to make alliances with both of the

candidates who qualified for the May 2013 run-off for mayor, Wendy Gruel and Eric Garcetti. Ontario officials expressed hope that they would be able to make headway in dealing with Garcetti, who proved the eventual victor. Nevertheless, in June 2013, just prior to Garcetti being sworn in as mayor, Ontario sued Los Angeles, using the high powered and well connected Washington-D.C.-based law firm of Sheppard Mullin Richter and Hampton, which also has an office in Los Angeles, to represent it.

Ontario aggressively pursued the lawsuit, and Ontario councilman Alan Wapner, in particular, was highly visible and vocal in asserting Ontario's position outside the context of the court and Sheppard Mullin Richter and Hampton's court filings.

Ontario had five prongs in its suit. The first prong was that the entire deal between Ontario and Los Angeles was invalid in that the

Joint Powers Agreement was flawed and unenforceable. The second prong was that the transfer of the airport to Los Angeles in 1985 was illegal in that it had taken place as a consequence of a simple vote of the city council and should have entailed a full vote of the city's electorate. The third prong was that Los Angeles had breached its contract with Ontario i.e., the terms of the joint powers agreement. The fourth prong was breach of the fiduciary duty Los Angeles has toward Ontario as a consequence of the joint powers agreement. And the fifth prong is breach of good faith and fair dealing on the city of Los Angeles's part.

The case was filed in Riverside Superior Court to avoid any conflicts that might occur because of bias toward one party or another in San Bernardino or Los Angeles counties. Judge Gloria Connor Trask is hearing the case in Riverside.

The San Bernardino County

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With regard to the first two prongs, Trask in January tentatively ruled and then in February confirmed that Ontario's efforts to have the 1967 joint powers authority agreement invalidated and 1985 agreement giving Los Angeles the airport declared void had come too late and were barred by the statute of limitations even if the agreement and the transfer were flawed on legal or procedural grounds.

Thus, three-fifths of Ontario's lawsuit has *Continued on Page 7*

SBPEA Out, SEIU In To Represent County Professional Unit *from front page*

cial election to decertify the San Bernardino Public Employees Association as the county general line employees' representative. They instead sought to install Service Employees International Union Local 721 as their bargaining unit. Their effort did not succeed at that time, and SBPEA's leadership retaliated against the dissidents by expelling those members advocating the change and obtaining a restraining order against the Service Employees International Union (SEIU) in June 2014, effectively ending SEIU's ability to lobby SBPEA members.

On February 11, the SBPEA board informed the association's membership an affiliation with the Teamsters was under consideration, asserting such an affiliation with the Teamsters would increase SBPEA's leverage at the bargaining table. There is a contingent within the association adamantly opposed to affiliating with the Teamsters. Some dissatisfaction with the current SBPEA board exists and the move to associate with the Teamsters would virtually lock in the current set of union bosses, some members believe. But by affiliating with the Teamsters, some SBPEA loyalists believe, further erosion of their membership by SEIU can be prevented.

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Cost On Devore RR Overpass Rises To \$22.78M

The cost of the Glen Helen Parkway Overpass project at the Union Pacific/Burlington Northern/Santa Fe Railroad lines near Devore has increased by \$1,050,000. Simultaneously, the accounting on the contributions toward the project's completion now reflects an increase of \$3.05 million to \$22,785,000.

The San Bernardino County Board of Supervisors this week amended the original \$19,735,000 undertaking to include the recent receipt of \$2,320,000 in funding from Burlington Northern Santa Fe Union

Pacific, an increase in the county's contribution of \$202,940 and an increased contribution of \$527,060 in funding from the San Bernardino County Transportation Authority.

Simultaneously, the cost jumped, according to Gerry Newcombe, the county's director of public works and transportation, because of additional railroad flagging services, estimated to be \$391,000; additional right-of-way funding needed for on-going eligible property acquisition expenses that occurred beyond the termination of the right-of-way funding agreement previously obtained for the project and other re-

lated costs, estimated to be \$409,000; and the discovery during construction of an unknown underground storage structure that contained unknown hazardous material(s), estimated to be \$250,000 for the initial response for remediation. Newcombe said the hazardous materials handling costs may yet increase. "Further investigation is underway to determine the full extent of soil contamination and appropriate remediation, and the costs for this continued work are still being determined," he said.

The additional railroad funding contributions of \$320,000 and project costs of \$1,050,000 will result in an overall cost increase of \$730,000, of which \$202,940 is the county's share and \$527,060 is the transportation authority's share.

All told, the Burlington Northern Santa Fe/Union Pacific will put up \$2,320,000 toward the completion of the project, the county will cover \$5,689,270 of the cost and the transportation authority will cover \$14,775,730 of the price tag.

County Changes Special District Formation Policy

San Bernardino County has instituted a new policy with regard to the formation of special government services districts.

Based on a recommendation of the county's chief executive officer, Greg Devereaux, and the county's division of special districts, Jeff Rigney, the board of supervisors this week mandated that a financial analysis of the impact the creation of a new special district will have before such an entity is created.

According to Devereaux and Rigney's report to the board, "Residents or other authorized individuals within the unincorporated area of San Bernardino County can form what is generically referred to as 'special districts' to provide new municipal type ser-

vices or augment current services. These services include but are not limited to roads, parks, water, sewer, fire, streetlighting, refuse, etc.

The Board of Supervisors has the authority to approve the formation of the special district which once formed is financed through the levy of a fee, assessment or special tax on the properties benefiting from the new or enhanced service. Approval of the fee, assessment, or special tax is subject to approval by a vote of either registered voters or property owners within the proposed district."

Devereaux and Rigney went on to note that "During a public hearing on September 23, 2014, the board of supervisors gave direction to staff to develop a policy that would ensure full consideration of the impact on property owners when forming special districts, as it is the property owners who are ultimately responsible for the payment of services. The recommended policy will achieve this outcome by providing that, prior to recommending the formation of a special district, an analysis and evaluation of all available formation and financing strategies be completed."

26-Year LAPD Veteran To Serve As Upland PD Chief



Brian Johnson

Los Angeles Police Department Captain Brian P. Johnson has been selected as Upland's next police chief. He will begin on April 20, replacing interim police chief Ken Bonson, who has acted in that capacity since the De-

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Forum... Or Against 'em Observations from a Decidedly Continental Perspective

By Count Friedrich von Olsen



Just down the road in Pasadena, Caltech scientists have made what is potentially the breakthrough of the decade, or perhaps the century or even the millennium. They have created a sheet of graphene that measures one centimeter by one centimeter. What is so significant and important about a wafer thin piece of carbon that is less than .0656 square inches wide? It turns out that I did not need to go far to get an explanation of that, but merely mention the subject to the *Sentinel's* publisher...

It turns out Mark Gutglueck has a passion for the subject of graphene and possible ways of manufacturing it. I will let him explain, first, what it is. "It is simple carbon," Gutglueck said, "but different from almost every other form of carbon. Graphene is just one-atom thick. It occurs in nature, but only by chance and only in the most minute of quantities. It has extraordinary properties. Once formed it has unheard of resiliency. It is stronger than titanium. Compared to it steel would be like a fluffy down pillow. And it also is capable of conducting electricity exceedingly efficiently, far more efficiently and speedily than silicon, which the current generation of computers is based on. Computer chips or hard drives composed of graphene would have a storage capability hundreds of thousands of times greater than the computers in use today and would feature processing speeds magnitudes beyond our fastest processors. Not only that, graphene is light and compact. The miniaturization of computerized devices has already achieved impressive levels, in my mind. Graphene offers the possibility of miniaturization that is beyond comprehension." Okay, so the stuff has possibilities...

I was a bit surprised to learn that the *Sentinel* publisher is a scientist. When I said as much, it provoked a hasty rebuke. "Look, I'm no scientist," he said. "And I really don't want to be put on the spot by some real scientist who will make me look like some kind of fool when he or she starts talking to me like I am one." The best I could do was to get him to admit, "I have an understanding of scientific method. I have an interest in nanotechnology." I picked up on the subject of graphene again. He said that up until the apparent breakthrough in Pasadena there has been all order of highly creative, sophisticated, disciplined and technologically advanced approaches to fabricating, or trying to fabricate, graphene. "A whole lot of clever and well thought-through methods have been tried," Gutglueck said. "There are over 8,000 patents on ways to create it. The thing is, none of them really worked, or worked effectively in ways that could be consistently replicated. The most reliable way, up until now, of making it was pretty low tech and pretty chancy. What they would do is take a piece of tape, adhesive tape, and set it sticky side down in some carbon. Then they would lay the tape on a surface and press it down. When the tape was pulled up, it would leave a film of carbon on the surface. About one out of every 800 or 900 times that was done there would be patch of graphene left on the surface." Pretty low tech...

That's where Gutglueck's interest in this came in. He was eager to try out a number of theories he

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The Count's views do not necessarily reflect those of the Sentinel, its ownership, its publisher or editors.

Initiative Backers Sue Upland

The sponsors of the initiative to allow three marijuana dispensaries to operate in Upland filed a lawsuit against the city on Thursday and followed that lawsuit up with a motion today, Friday March 20, in which they are seeking to have that initiative put on the ballot for a special election in June.

Those sponsors gathered the signatures of more than 15 percent of the city's registered voters on the petitions that were certified by the county register of voters. But the city, following city attorney Richard Adams' advice, seized on language in the initiative calling for levying a \$75,000 fee on each dispensary operator, and said that the California Constitution requires that all new taxes be approved by voters at a general election. Calling the \$75,000 fee a tax, the city council voted 3-2 to hold off on the initiative election until November 2016, the next general municipal election in Upland.

But Santa Monica-based attorney Roger Diamond, who represents the initiative proponents, said "The city misapplied Article 13c2 of the California Constitution, which applies only to initiatives self initiated by a government entity and not the initiative process endorsed by voters."

Diamond filed a lawsuit in San Bernardino Superior Court, which has been routed to Department S-36 which he said calls for "the signers of the initiative to receive the full benefit of California law, which requires that the initiative be put on the ballot within 88 to 105 days of the certification of the signatures."

The city did not have the legal option to postpone the election until next year, Diamond said, and he had followed the March 19 filing for a peremptory writ with a motion today calling upon the judge to order the city to conduct the election within the time specified by law.

Diamond said he had encountered some difficulty in that there are full calendars in each of the court divisions in San Bernardino, such that the matter has not been scheduled for an expeditious hearing yet. Ideally, Diamond said, the matter should be heard by April 21, so special election arrangements can be carried out by the registrar of voters in a timely manner. He said that despite the crowded court calendars, he believes the matter will be scheduled for a hearing in time, since by California law matters pertaining to election code issues are to be given scheduling preference.

State Water Board Willing To Make Loan To Hi-Desert Water District from front page

the imposition of state mandates by forging a memorandum of agreement with the Regional Water Quality Control Board to allow interim permits for new septic systems while planning for a wastewater system proceeded.

By 2010, Yucca Valley's population had zoomed to 20,700, an increase of 3,835 or 22.7 percent over the 16,865 town residents counted in the 2000 Census, and the following year the town was firmly informed it had only five years to take a definitive step toward water quality compliance.

The Regional Water Quality Control Board at that point imposed three progressive phases of septic discharge prohibitions on Yucca Valley. Under the state mandate, phase 1 of a waste water system must be completed or significantly on its way to completion by May 19, 2016 or enforcement action will be initiated. The first phase of the project is to cover the downtown area of Yucca Valley, the area most proximate to the heart of the groundwater basin. Similarly, phase 2 must be completed or nearly completed by May 19, 2019 and phase 3 must be completed by May 19, 2022. The last two phases lie further out where future concentrated development is most likely to occur.

The imposition of that deadline four years ago was intended as a wake-up call to local officials to undertake an effort to avert the growing water quality crisis. But little progress toward the goal of planning and funding the system has been made and there has been absolutely no physical progress with regard to establishing it.

In 2012, the Yucca Valley Town Council tested the community's willingness to pay for or otherwise finance the construction of the system, sponsoring Measure U, a once cent sales

tax initiative, the lion's share of the proceeds from which town officials said would be devoted toward building the sewer system. The measure failed.

Cost projections have been made, with one covering the price for a contractor building the system and another sizing up the cost of having water district staff carry out the project. It will cost, according to this documentation, between \$133,248,401 and \$140,651,089 for the design and construction work to be performed by Atkins North America and somewhere between \$111,539,901 and \$117,736,562 for the district to construct the project using Atkins North America's proposed design. The system would consist of a water treatment plant and a collection system entailing over 400,000 linear feet of pipe.

Within the last fortnight, a wastewater treatment assessment schedule has been drawn up, showing variable contributions from different landowners depending on the value of each parcel. A single-family household in the first phase of the sewer system will have to pay roughly \$18,283 in assessments over 30 years.

The Hi-Desert Water District Board of Directors last month awarded a \$2.8 million contract to Riverside-based Carollo Engineers to manage the construction of Yucca Valley's wastewater collection system and treatment facility over the next three-and-a-half years. Carollo was chosen to serve as the project manager because it has been involved in planning for the wastewater project for years, having represented the Hi-Desert Water District with companies considered as potential contractors or sub-contractors on the project.

Yucca Valley is deemed by the state to be an economically disadvantaged community based on its household median income of \$41,804, which is about 68 percent of the state

average. On that basis, the state water board's financial staff recommended that the low-interest loan be made to the water district, which is serving as the lead agency on the project.

Under the agreement drawn up, the Hi-Desert Water District will repay the state about \$5.5 million each year with fees paid by property owners. The water board and the water district gambled by entering into the tentative arrangement for the loan, in that Yucca Valley's property owners have yet to agree to the formation of an assessment district. The water district is now preparing to send ballots relating to the assessment district to property owners. Each ballot is provide a description of the proposed maximum assessment for each property. Single-family homes in phase one will pay an estimated \$100 per month, consisting of a \$62 to \$64 assessment and a \$36 per month wastewater treatment fee. Homes in phases two and three will pay only the assessment charge, but will need to start paying the sewer treatment fee once they are connected to the system.

The commercial property assessment will start at the level charged

to residential properties but could increase from that if they are heavy water users.

Yucca Valley is a town dominated by Republicans, with 4,084 or 41 percent of its 9,951 registered voters registered with the GOP as opposed to 2,609 or 26.2 percent registered as Democrats. Few of the town's residents are affluent. A solid majority are philosophically opposed to the application of government mandates and the use of government taxing authority. The town's political leadership has reflected this attitude, and for years decried the order to construct a sewage treatment system as an inappropriate intrusion by Sacramento into local affairs. Little in the way of progress toward creating a funding mechanism for defraying the cost of the project had been made until now and no physical progress has been made.

With the May 2016 deadline approaching, however, political philosophy is giving way to situational reality.

If the sewer system is not in place in the designated zones by the stipulated dates, Yucca Valley property owners will receive cease and desist orders with the potential

of daily fines for non-compliance. They will be ordered to discontinue the discharge from their septic systems entirely. If they do not, they would be subject to fines levied against them that in less than two months time would exceed the value of most homes in Yucca Valley. Moreover, the restrictions on their use would render them inhabitable.

The state of California has utilized draconian measures in the past against other communities that failed to come into compliance, such as in Los Osos, which was under a similar order from the California Water Resources Board and failed to heed it. The entire community of Los Osos became subject to an enforcement action, which was done in a lottery fashion, in which random property owners were selected to receive cease and desist orders with the potential of daily fines for non-compliance. They were ordered to discontinue the discharge from their septic systems, seal them off and pump them at regular intervals. If they did not, they were subjected to fines of up to \$5,000 per day.

Water district and town officials, while acknowledging the \$18,283

assessments will be a burden on many of the town's residents which may even result in some of those property owners losing their homes in an eventual tax lien sale, they say the low-interest loan being offered by the State Water Resources Control Board is the community's best and perhaps only option in dealing with the water quality and state enforcement crisis it faces.

If the town's voters do not approve the assessment district, the state will withdraw the loan.

A key factor in whether the assessment district will gain approval is the willingness of Roger Mayes, a current Hi-Desert Water District board member and past board president, to actively campaign for the district's acceptance. An ardent Republican and a longtime advocate of limited government who has been less than fully supportive of undertaking the project in the past, Mayes is also the pastor at Grace Community Church, where he has a Svengali-like hold over the church's members. If he chooses to use his pulpit to advocate on behalf of the assessment district, Mayes can literally deliver hundreds of votes in support of it.

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Glimpse Of SBC's Past

Walter A. Shay, Multifaceted Lawman

By Mark Gutglueck

Walter A. Shay, Jr. was one of San Bernardino County's most celebrated lawmen.



Though he began his law enforcement career at the relatively advanced age of 33, he went on to wear or carry numerous badges, including deputy sheriff, city marshal, police chief, special agent for the Pacific Electric and Santa Fe Railroads, special district attorney's investigator and San Bernardino County sheriff. After he donned a police uniform, he figuratively never took it off, becoming the first and only San Bernardino County sheriff to die in office.

He was the youngest son of Walter Alexander Shay, who was born in Nova Scotia in 1812 and Elizabeth Goshen, born in North Carolina in 1829. Walter Alexander Shay, Jr. was born in San Bernardino on June 29, 1866, when his father was 54. The older Shay was a robust farmer, operating a 190-acre farm located along Baseline Road in what is now East Highlands Ranch. Walter Junior had four siblings, John Joseph Shay (1854 - 1931), James Thomas Shay (1857 - 1932), William Henry Shay (1860 - 1942), and Mary Ann Shay Hutchings (1863 -

1950). His mother died in 1869.

As a young man, Walter Shay, Jr. ran a freighting business catering to

the desert communities. Subsequently, he took on the responsibility of assisting his father in farming the 190-acre spread.

In 1892 he married Virginia Matilda McCoy, known as Tillie. They initially lived at 495 N. "C" Street. They had four children: Weston Walter Shay (1894-1982); Emmet Livingston Shay (1898 to 1978), who was himself a lawman and sheriff of San Bernardino County; George W Shay (1903 - 1905) and Nell Shay Patton (1910 - 1997).

In 1898 Walter Shay, Jr. took a job as a sheriff's deputy under Sheriff Charles Rouse. The following year, his father was killed in a horse riding mishap on December 2, 1899.

After four years as a sheriff's deputy, he ran for San Bernardino city marshal and was elected. The position of San Bernardino marshal had been created in 1853 by Brigham Young when San Bernardino was yet a Mormon settlement. For the first fifteen years, the marshal's post in San Bernardino had been an appointed one.

In 1868 it was converted to an elected one. From 1853 until 1906 15 men served as the town marshal of San Bernardino: Bud Rollins, Stewart Wall, George Mattheson, Frank Kerfoot, Charles Landers, Mark Thomas, John C. Ralphs, L. Van Dorin, Joseph Bright, Hughes Thomas, David Wixom, William Reeves, John Henderson, Ben Souther, and Walter A. Shay.

In 1905 the city of San Bernardino instituted new rules of incorporation. A mayor and what was referred to as a "common council" was formed and members elected to office, including Hiram M. Barton, who was elected mayor. The new council was sworn in on May 8, 1905. Two years remained on Walter Shay's term as marshal. The newly constituted city government structure no longer featured the position of marshal. One of the first

Shay Jr. was proclaimed the chief of police. He was thus the last marshal of San Bernardino and the city's first police chief.

He remained as police chief for two years but left that office to take a position as a special agent for the Pacific Electric railway. Two years later, San Bernardino Mayor S.W. McNabb persuaded Shay to return to the position of San Bernardino police chief. Two years later, Shay resigned as police chief to go to work as a special agent for the Arizona and coast line division of the Santa Fe Railroad. He remained in this position for four years. At that point San Bernardino Mayor George H. Wixom, to whose daughter Violet Shay's son Emmet would be married in 1920, convinced him to head the police department for a third time.

In 1916 Shay again departed as San Ber-

ducing the use of police technology, in particular the identification bureau, the first specialized division organized within the sheriff's department.

In 1922, he would be at the forefront of converting law enforcement agencies into paramilitary organizations. In 1921, his deputies had a particularly rough time in apprehending highwayman Juan Barron. In response, in early 1922, Shay requisitioned from the U.S. Army surplus grenades left over from World War I, which were provided to his deputies to assist them, according to the San Bernardino Sun "to dislodge highwaymen in dugouts."

In 1924, he devoted considerable department resources in tracking down bootleggers. In one month alone, July of that year, 33 were arrested for trafficking in moonshine or other intoxicating beverages.

Prior to his 1926 re-

head this team.

In the spring of 1931, while he was yet in office as sheriff, he began to experience discomfort in his abdomen. In June of 1931, he was diagnosed as having carcinoma of the stomach. On July 12, 1931, he had an operation performed by Dr. Emmett L. Tisinger at his office at 575 Fifth Street in San Bernardino. Tisinger's tissue examination revealed that the lawman's illness was terminal.

Shay asked to be returned to the Shay family residence at 495 Arrowhead Avenue in San Bernardino. For the next three weeks, with his mind alert and completely conscious, he spoke lucidly with those who had come to see him. On August 2, 1931, at the age of 65 years one month and three days, he was still communicating with family members who had gathered around him that afternoon. At 6 p.m., with the sun not yet set, he dozed and then passed into eternity.

In its August 4, 1931 edition, the San Bernardino Sun said of him, "This county has lost an able, a conscientious and an honest official and thousands of people have lost a real friend. To have served more than three terms as sheriff and before that three terms as chief of police is an accomplishment that only can come through earnest service to the public. Sheriff Shay gave that kind of service. He never faltered in his duty. He never gave up the hunt for a criminal. Walter Shay never lost touch with the masses of the people. That San Bernardino County is a better place in which to live because of Sheriff Shay, there are many to attest. There was no compromise with the enemy of society in Sheriff Shay's makeup. He both commanded and demanded respect for the law."



1906 San Bernardino City Police Department Top row from left - Robert O'Rourke, William H. Hurley, Benjamin Emerson, John A. Henderson and Robert Nish. Bottom Row from left - John Bell Ketring, Walter A. Shay Jr. Richard Curtis and Edward Poppet.

orders of business for the new mayor and council was to appoint a new police force to take office at 12 noon on May 15, 1905. Mayor Barton read a proclamation naming the eight officers to the newly formed police department - John Bell Ketring, Robert O'Rourke, John A. Henderson, William H. Hurley, Edward Poppett, Benjamin Emerson, Richard Curtis, Robert Nish. Walter A.

nardino police chief to go to work for the San Bernardino County District Attorney's office as a special investigator. He remained in this role for a year-and-a-half. In 1918 he ran, successfully for county sheriff, succeeding J.L. McMinn. He was reelected three times, in 1922, 1926, and 1930.

In 1921, he instituted the modernization of the department by intro-

election, the San Bernardino Sun credited him with solving all eleven murders that had occurred in the county over the previous several years.

As sheriff, Shay created a "dry squad," which was assigned to ferret out illicit bootlegging operations and drinking establishments and shut them down. He appointed deputies J.A. Larson and later Ira B. Castor to

Administrative Law Juge Rebuffs Ontario

from front page

the city of Chino Hills' protest granted Southern California Edison clearance to erect high-tension power transmission towers through the 44.7-square mile city at the extreme southwest corner of San Bernardino County along a long-existing power corridor easement owned by the utility.

In 2011, after Southern California Edison (SCE) had already expended millions of dollars in erecting 18 of the 197-foot high transmission towers within the Chino Hills city limits, the California Public Utilities Commission issued an order to SCE to halt work on the project while the commission's staff looked into the possibility of bringing the towers down and instead having Edison bury the transmission lines beneath the power corridor running through Chino Hills.

In July 2013, the California Public Utilities Commission voted 3-2 in favor of requiring Southern California Edison to underground high-voltage power lines for the 3.5 miles of the five miles they run through Chino Hills.

Well over a year after

commissioners Michael Peevey, Mark Ferron and Catherine Sandoval effectively undid a four-year standing vote of the Public Utilities Commission that gave Edison go-ahead to string 500 kilovolt cables from the towers running through the heart of upscale Chino Hills, Ontario on October 31, 2014 filed a petition for modification of the Tehachapi line design in its jurisdiction with the public utility commission.

But in prelude to the California Public Utilities Commission initiating hearings as early as April 9 on Ontario's request, Vieth, who routinely considers matters brought before the utilities commission prior to that panel making its decisions, on March 6 refused to accede to Ontario's request that Southern California Edison be enjoined from proceeding with the project as previously approved.

Vieth dismissed outright Ontario's contention that it had not been adequately informed of the towers' potential impact on the city. Beginning in 2007 and running through 2013, Vieth said, the city of Ontario had communicated in writing with the California Public Utilities Commission five times, and never raised objections to the towers or re-

quested that the line be undergrounded. Those letters were signed by individuals with both administrative and land use authority and responsibility, Vieth pointed out, in four of the cases the city manager and in the fifth case the city's planning director.

Moreover, Ontario neglected entirely to indicate how many miles of the line it wanted to see vaulted below ground.

According to Joshua Nelson and John Brown of the law firm Best Best & Krieger, who represent the city of Ontario, "The actual impacts of the line are greater than anticipated [and] the impacts to the city of Ontario are the same or worse than those in Chino Hills," such that "fundamental fairness and equal protection requires treating the city of Ontario and Chino Hills the same."

Southern California Edison, through its attorneys, Beth Gaylor, Angela Whatley and Laura Zagar of the San Diego-based law firm of Perkin Coie, responded, saying Ontario's delay in making its protest to the above-ground design of the utility corridor through its territory, seven years after Edison previewed the design and more than five years after the public utilities commission held hear-

ings on the proposal, is requesting too much too late.

"In July 2009, the commission held ten days of evidentiary hearings with over 25 witnesses, which involved numerous parties, extensive witness testimony, hundreds of pages of briefing, and oral argument," Gaylor, Whatley and Zagar wrote in their December 5, 2014 response. "Ontario did not participate in these proceedings. Ontario's petition for modification is procedurally defective and attempts to relitigate issues already decided by the commission. There are no new facts or evidence warranting the extraordinary relief Ontario requests."

Furthermore, according to Gaylor, Whatley and Zagar, the commission's rule pertaining to protests of commission decisions and rehearings "requires a petitioner to file a petition for modification within one year of the effective date of the decision it seeks to modify. Ontario does not provide a compelling reason for its failure to participate in the commission's initial review of the Tehachapi Renewable Transmission Project or the commission's reevaluation of Chino Hill's petition for undergrounding. A party that has not engaged in the

proceedings should not be able to derail this crucial project at such a late stage in development."

According to Nelson and Brown, however, "the city of Ontario's delay was justified as the facts supporting its petition for modification were unknown. The actual effects of the line were not known until they [i.e., the towers] began to be constructed. Construction began within the city of Ontario after April this year [i.e., 2014]. Once these facts were known, the city promptly filed its undergrounding petition. Moreover, the city was not aware that similar communities would be treated differently until [the commission's July 2013 decision] provided an undergrounding exemption for Chino Hills." Nelson and Brown assert that "while the city of Ontario did not participate in [the 2009 decision to approve the Tehachapi line] as a formal party, it submitted numerous California Environmental Quality Act comment letters throughout the process. The adverse impacts of this line, which only became clear after its partial construction, occur within the city of Ontario. In addition, the city previously limited its participation in this proceeding for economic

reasons."

Nelson and Brown continued, "Chino Hills spent \$1.8 million during the initial proceeding with another \$2 million on the petition. While the city of Ontario appreciates that jurisdiction's decision to participate fully in the proceeding and the result it obtained, \$3.8 million is a significant sum of money that the city of Ontario simply could not spend at that time. However, now that the true impacts of the lines are apparent and an effort to ensure equal treatment for its residents, the city will spend the public resources necessary to achieve a similar result. Undergrounding [the transmission line] through Chino Hills without undergrounding portions through the city of Ontario is fundamentally unfair and raises concerns that similarly situated communities have been treated fundamentally differently by the commission. There is simply no reasonable rationale basis for requiring Southern California Edison's ratepayers (i.e., the community at large) to share the cost of undergrounding through the city of Chino Hills while requiring the city of Ontario's residents to solely bear the impacts of the aboveground portions of [the transition line]."

According to Nelson and Brown, the positive outcome Chino Hills obtained in its petition to the California Public Utilities Commission must be replicated in Ontario.

The towers are located south of Archibald Ranch and continue toward Chino Avenue, then head east before going into the Mira Loma Electrical Station. Archibald Ranch lies within an area east of Archibald Avenue and south of Riverside Drive. The power lines lie at the southernmost boundary of Archibald Ranch. There are 36 homes lying along the pathway of the power lines.

In her finding, Vieth

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Bankruptcy Judge Says SB Can Alter Police Union Contract from front page

employees Retirement System (CalPERS).

While stiffing a number of its creditors, vendors and service providers, San Bernardino is struggling to put its financial house in order and recover from years of deficit spending so it can exit bankruptcy and bring its future expenditures in alliance with its future revenues.

San Bernardino's situation is exacerbated by provisions in its municipal charter that put in place a system which essentially guarantees the city's safety employees – fireman and police officers – will be paid at a level equal to the average paid to safety employees in comparatively sized cities in California. City officials have claimed that this requirement had contributed to the erosion of the city's finances and they asked Jury for permission to suspend the terms of the city's

contracts with the police and fire unions so the city can get back on its feet financially.

When the city ceased making scheduled payments to CalPERS, lawyers for that entity made arguments that CalPERS had a special status that moved it to the front of the line of the city's creditors. The court did not confirm that assertion, and a compromise was reached between CalPERS and the city over the continuation of payments to CalPERS subsequent to the some

\$14 million in missed payments during 2012 and 2013. Union attorneys and representatives of the firefighters and police officers sought to impress upon Jury that the city's safety officers had special status as well, per the city charter. But Jury has consistently ruled that the city should be granted wide leeway in dealing with the financial burdens it faces so it can exit bankruptcy as soon and as expeditiously as possible.

Jury has not dictated to the city what it should

do, but merely ruled on what it can do, while encouraging it to devise a pendency plan that will allow it to return to some semblance of financial order. She said the city could, if it chose, insist upon both firefighters and police officers picking up a greater percentage of their respective pension costs than was the case previously. Jury's ruling on March 17 provoked San Bernardino Police Officers Association attorney Ron Oliner to brand this type of sacrifice on the

part of the police officers as "cost-sharing," which he said was out of compliance with state law. He intimated an appeal on behalf of the union.

Though there is no assurance the city will actually utilize the freedom to the welsch on the police contract Jury has granted it, the city did last October impose a redrafted contract on the firefighters in accordance with Jury's September ruling. The firefighters union is legally

Continued on Page 12

Ontario Pursuing Lawsuit For Airport's Return Project from page 2

already been wiped out. The remaining issues to be litigated after Judge Trask's recent ruling pertain to breach of contract, breach of fiduciary duty and breach of good faith and fair dealing.

Ontario's road to victory has grown even more tortuous. Earlier, in December, Ontario had scored what appeared to be a crucial tactical advantage when Trask ruled that Los Angeles had to provide to Ontario over 2,000 internal Los Angeles city and Los Angeles World Airport documents sought by Ontario in its suit as part of the discovery process. Those included memos, emails, letters, communications and other materials relating to Los Angeles World Airport's managerial and administrative actions regarding Ontario Airport. It is the

theory of the Sheppard Mullin Richter & Hampton legal team representing Ontario composed of attorneys Andre Cronthall, Scott Sveslosky and Catherine La Tempa that among those documents is a smoking gun or several smoking guns showing that Los Angeles World Airport officials were indeed slighting Ontario Airport and doing so purposefully because they were trying to drive passengers away from Ontario to Los Angeles.

The attorneys for Los Angeles, however, did not fully comply with Trask's order, claiming that 399 of the documents fall under attorney-client privilege. They appealed the ruling to the Fourth State Court of Appeals. Joshua Stambaugh, an attorney representing Los Angeles asserted in January that many of the documents sought were communications from individuals who are not named in the suit and are not likely to be added as defendants to

the suit. The self-evaluation and personnel files of a person who is not a defendant in the case are protected by the attorney-client privilege and the state Constitution's right to privacy, Stambaugh said. Moreover, Stambaugh maintained that Los Angeles, in evaluating the sought-after documents, had learned that the 399 documents in question contain attorney-client information that is not discoverable.

Last week the appeals court ruled that Trask should reconsider her decision. The appeals court did not direct Trask to prohibit Ontario from seeing any or all of the 399 documents in dispute, but suggested that a more rigorous evaluation with regard to them needs to be made.

Ontario yet maintains that it has a right to examine the documents. Typically, in such disputes, an ostensibly uninterested legal expert, either another judge or an attorney with no con-

nection to the case, will be appointed as a special master. That special master would then evaluate each of the documents to ascertain if they are privileged or if they are eligible for discovery.

At this point, there is not enough information available for outsiders to know whether Ontario's case would rise or fall on the strength of the documents in dispute. This week, Cronthall told the Sentinel that he believes there is adequate information available for his client, Ontario, to prevail in the matter if it goes to trial as anticipated on August 17.

"All three causes of action arise from the same set of facts," Cronthall said. "They all hinge on the joint powers agreement ("JPA") entered into between Ontario and Los Angeles in 1967. The JPA created LA's contractual obligation to use its best efforts to develop air service at Ontario International Airport. LA breached that obligation by, among other things, failing to use its best efforts to grow air service at Ontario Airport. Instead LA reduced the marketing budget for Ontario Airport, caused staffing levels and resulting labor costs to remain unreasonably high, collected an administrative fee that was unreasonably high, reduced to part time status the manager and assistant manager of the airport, and allowed the overall cost per enplaned passenger to increase and then re-

main too high."

Cronthall said, "The breach of the implied good faith and fair dealing is based on LA's above breaches plus LA's failure to permit Ontario to receive the benefits that should have been derived from the agreement. LA failed not only to meaningfully market and advertise Ontario Airport, it took no significant steps to reverse Ontario International Airport's downturn from 7.2 million enplaned passengers in 2007 to less than 4 million through 2013. Also, for example, chief operating officer Steve Martin acknowledged that LA's air service development was either nonexistent or dead in the water, but Los Angeles World Airports decided to 'leave the ineptitude as is.'"

Cronthall said, "LA's failure to use best efforts and its other breaches also amount to a breach of fiduciary duty. By entering together into the JPA, LA and Ontario essentially formed a partnership or joint venture, triggering fiduciary obligations. Its failure to use best efforts and other breaches constituted a breach of fiduciary duty as well."

Moreover, Ontario intends to revive the first two prongs of the lawsuit, Cronthall said.

"Ontario also intends to appeal Judge Trask's ruling granting LA summary adjudication as to Ontario's causes of action for rescission and reformation," he told the Sentinel.

Los Angeles World

Airports officials have consistently refused to discuss the lawsuit outside of making references to court filings. In defending their operation and management of Ontario Airport and in addressing the six year-long downturn in ridership there, they have said the lingering recession had a devastating impact on aviation enterprises in general, that outlying hub airports geographically removed from major population centers such as Ontario were particularly hard hit and that the decisions by some airlines to reduce or eliminate flights to such outlying hubs in response to the contracting air travel market were ones made internally and independently over which Los Angeles World Airport has no control.



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VVWRA Puts Valles On Administrative Leave Pending Investigation Outcome

VICTORVILLE —The Victor Valley Wastewater Reclamation Authority earlier this month placed Angela Valles, the authority's director of administration, on paid administrative leave, pending the conclusion of an investigation.



Angela Valles

That investigation has grown out of action the authority's board of directors took on February 27 to retain the San Bernardino-based law firm of Mundell, Odlum and Haws to investigate claims made by seven

former Victor Valley Wastewater Reclamation Authority employees in writing and at a February 19 board meeting that Valles had engaged in a host of actions unbecoming to the author-

ity and prejudicial to the departed employees.

Those employees - Katherine Beyers, James Bryant, Gina Cloutier, R.C. Elliot, Elaine Gutierrez, Natalie Mirmones and Haik Seropian - charged Valles with a host of inappropriate acts. Some alleged that Victor Valley Wastewater Reclamation Authority General Manager Logan Olds and his second-in-command, director of operations Gilbert Perez knew of Valles' comportment but had ignored it or even encour-

aged it.

The board, however, has left Olds and Perez in place.

The *Sentinel* has learned that Valles, the agency's director of administration overseeing day-to-day finance operations and human resource functions, between July and December of 2014 filed complaints with several investigative bodies such as the San Bernardino County District Attorney's Office, the Fair Political Practices Commission, the Attorney

General through Congressman Paul Cook's office, and the FBI, alleging a criminal conflict of interest involving San Bernardino County First District Supervisor Robert Lovingood based upon the entangling relationship between his company, Industrial Clerical Recruiters, Inc. (ICR) and the Victor Valley Water Reclamation Authority, which formerly utilized ICR to provide contract workers for authority projects. After the ICR contract with the authority was

terminated, ICR filed a \$3.6 million claim against the authority.

The Victor Valley Water Reclamation Authority is an agency of the state of California which provides wastewater treatment service along the Mojave River in the Victor Valley. It is a joint powers authority, which by its charter has as its board members one member from each of the Hesperia, Victorville and Apple Valley councils as well as the San Bernardino

Continued on Page 12

Johnson Chosen As New Upland PD Chief from page 3

Johnson received a Master's Degree in behavioral science from California State University Dominguez Hills. He is a graduate of the Sherman Block Supervisory Leadership Institute, West Point Leadership Program and the FBI National Academy.

Johnson was chosen after a recruitment effort overseen by city manager Rod Butler.

Johnson's current assignment is overseeing LAPD's Pacific Area and the 300 sworn and professional civilian personnel who work there.

Johnson, whose father was a Los Angeles police officer, was born and raised in Los Angeles.

He was hired by LAPD on March 27, 1989. As a police officer, he worked a variety of assignments and divisions, which included: Foothill, Central, Newton and Rampart.

His experience includes patrol, vice, specialized detectives, special problems unit and field training officer. In 1996, he was promoted to sergeant. His supervisory assignments included

Southeast Division, Southwest Division, the employee opportunity and development divi-

sion and chief of staff to the police chief.

In 2000, he was promoted to lieutenant and assigned to the Southwest Area as a watch commander and administrative lieutenant. In 2001, he was assigned to the department's internal affairs group where he covered both the South and Valley sections. He also worked as an adjutant for both the chief of operations and office of human resources. In addition, he worked as a training division officer. His last assignment

prior to being promoted to captain was the bomb detection canine section of the emergency services division.

As a captain, he served for 13 months as the commanding officer in the Pacific Patrol Division from October 2011 to November 2012. He was then detailed to be the commanding officer in the South Traffic Division from November 2012 until September 2013. He then returned to the Pacific Area in September 2013 as the commanding officer.

Johnson received a Master's Degree in behavioral science from California State University Dominguez Hills. He is a graduate of the Sherman Block Supervisory Leadership Institute, West Point Leadership Program and the FBI National Academy.

He was one of two finalists for the chief's position, having outdistanced a captain employed by the San Bernardino Police Department. Bonson applied for the post but was eliminated in the first

round.

Johnson is the first police chief hired from outside the department since Eugene Mueller was persuaded to leave the Pasadena Police Department to become Upland police chief in 1941.

He will begin with an annual salary of \$160,474, which is substantially below the \$223,000 Upland was paying Mendenhall. He will receive the same benefits as other executive level managers with the city, worth roughly \$45,000 annually.

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Upland Abandons Brown Lawn Prosecution from front page

if he invested in cultivating plants eventually deemed unacceptable to the city, he would be put to the trouble and expense of having to tear them out and replant again.

The city cited Bogman under its civil code enforcement authority. In his dialogue with city officials, Bogman said, they showed no sensitivity toward the rationale for his action, but insisted that he come into compliance with the code by maintaining his lawn. The city adjudicated the civil citation against him in its own favor. Bogman remained defiant. The city then went to the extraordinary level of escalating the civil case against Bogman into a criminal one.

At that point Bogman went public. He attended city council meetings where he addressed the city council, informing them of the action city staff had taken against him. He articulated his rationale, citing the four-year running drought. He referenced California

Governor Jerry Brown's action in response to the water shortage, which entailed calling upon all individuals and communities statewide to conserve water and his own adherence to that mandate, including allowing the lawn at the governor's mansion in Sacramento to turn brown. Bogman pointed out that Upland's policy clashed with those of other municipalities in San Bernardino County and elsewhere, which had ordinances against using too much water on lawns and landscaping. And he gathered photographs of city property, including portions of the landscaped areas around the Upland Civic Center, where the city itself had neglected its own grass and landscaping, allowing it to die. When the city continued to force the issue criminally, media outlets picked up on the story, including newspapers, radio stations and television stations. In the coverage that ensued, which featured an open running debate of sorts with the city and its prosecutor, Dan Peelman, on one side and Bogman on the other, Bogman appeared to give as good as he got.

Bogman at that point was represented by the San Bernardino County Public Defender's Office. On November 24, Bogman showed up for a hearing at which Peelman failed to make an appearance. Judge Jon Ferguson, who was clearly becoming impatient with the case having been pushed into the criminal realm, very nearly dismissed it outright, but postponed making such a ruling until the next week, when Peelman did show. The case was extended to January 12.

Meanwhile Bogman reseeded his lawn and with the winter rains, the lawn rejuvenated. Furthermore, local attorney Michael Vollandt of the Upland-based Law Office of Marc E. Grossman substituted in as Bogman's attorney. In January, Peelman, perhaps believing that Bogman was not truly prepared to go to the expense and trouble of taking the matter to trial, offered Bogman a plea deal, which Vollandt rejected out of hand. Ferguson then set a trial date of January 27 which was later extended to March 30. Further signaling his

impatience, Ferguson instructed the parties to come to some kind of settlement. Over the next two months, despite having been presented with evidence that Bogman's lawn was again intact and thriving, Peelman was unwilling to dismiss the case outright and allow Bogman's challenge of the city's policy to be in any way vindicated.

This week, however, just as Governor Jerry Brown and the state legislature were introducing a \$1 billion drought relief package, Peelman on behalf of the city of Upland threw in the towel against Bogman, saying the case against him was being dismissed "in the interest of justice."

At the same time, the city sought to put the best face possible on the debacle, releasing a press release that stated, "For the past 18 months, neighbors of Mr. Bogman have been complaining that Mr. Bogman let his lawn die and that the lack of landscaping was negatively affecting neighborhood property values. The city subsequently requested that Mr. Bogman comply with city laws that require landscaping to be

maintained, dead landscaping be removed, and that dirt areas not exceed a maximum of 25% of lawns and parkways. City staff met with Mr. Bogman and provided various landscape and hardscape options for his front yard that was mostly dirt, but these suggestions were not initially followed. Recently however, staff observed that Mr. Bogman chose to re-seed his front lawn and add mulch and rock to the parkway, all in compliance with the city's municipal code. Mr. Peelman informed the court that he made the motion to dismiss "in the interest of justice."

Grossman said the city's press release was self serving and inaccurate. He pointed out that the city staff and Peelman knew in January that Bogman's lawn was reseeded and growing but had gambled on proceeding with case out of the mistaken belief that Bogman would capitulate and accept a guilty plea prior to trial commencing.

In actuality, Grossman said, Bogman and Vollandt were anxious for the matter to go to trial because they be-

lieved it would give them a forum to demonstrate the shortsightedness of the city's policies and the wrongheadedness of its draconian enforcement and prosecutorial action.

"The city has denied Mr. Bogman his day in court," Grossman said. "This case would have set a clear precedent and would prevent the city from bullying other citizens into compliance with its dubious codes."

Vollandt said Bogman was "a staunch supporter of the governor's fight against the drought. He complied with the state's mandates on water conservation, only to be rebuffed by the city of Upland's water guzzling administration instructing their prosecutor to file the criminal charges against him."

Grossman said that despite the city's attempt at face saving and warding off negative publicity, he and members of his firm would continue to be on the lookout for instances of the city abusing its authority and would again rally to the defense of any resident they learn is falling victim to the city's overreaching.

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San Bernardino County Coroner Reports

Coroner Case #701502257 On Monday, 03/16/2015, at 8:06 PM, the San Bernardino County Sheriff's Department Hesperia Station received several calls of a pedestrian who was struck by a vehicle on Main Street. Deputies arrived on scene to find an unidentified White female adult lying unresponsive in the westbound lane of 14400 block of Main Street. She was pronounced dead at the scene. Her identification is being withheld until next of kin is notified. The Hesperia Major Accident Investigation Team (MAIT) is investigating the incident. [03172015 0645 JK]

Coroner case# 701502150 Back on Thursday, 03/12/2015, at 11:39 PM, a collision was reported on Reche Canyon Rd., approximately one mile south of the Riverside County border. A southbound Chrysler Sebring drifted into the northbound lane, and into the path of northbound dump truck. The driver of car, Steven Michael Pietropaolo, a 31 year old resident of Moreno Valley, was transported by ambulance to Loma Linda University Medical Center where he was pronounced dead of his injuries in the emergency room at 12:31 PM. The collision is also under investigation by the California Highway Patrol. [03/15/15 2000 JK]

Coroner case # 701502209 On 03/15/2015, at 12:46 AM, 34 year-old Lauren Nicole Ayers of Temecula, was the sole occupant in a 2005 Chevrolet Cobalt traveling northbound on I-15 near Hidden Valley Ranch Road in Corona when, for unknown reasons, she rear ended a flatbed tow truck stopped in the middle of the northbound lanes assisting another vehicle that was stopped in the roadway from a previous collision. The tow truck had all its emergency lights activated at the time of the collision. Ayers was transported to Arrowhead Regional Medical Center where she was pronounced dead from her injuries at 2:05 AM. CHP is investigating the accident. [031515 0425 TC]

Coroner case #701502205 On 03/14/2015, at 8:23 PM, Marrisonna Nelson, age: 16 from Rialto, was the rear passenger in a BMW 328i traveling westbound on Pacific Street in San Bernardino when the vehicle struck a Scion TC in the intersection of Pacific Street and Arden Avenue. Paramedics responded and pronounced her dead at the scene. The San Bernardino Police Department is investigating the collision. [031515 0320 TC]

Coroner case# 701502180 On 03/14/2015 at 12:32 AM, Christopher Derrell Apodaca, age: 37 from Yucaipa, was the front passenger in a 1990 Honda CRX traveling westbound on SR 38 west of Hillside Road in Mentone when the vehicle struck a brick divider and overturned multiple times. Paramedics responded and pronounced him dead at the scene. CHP is investigating the collision.

Coroner case #701502162 On 03/12/2015 at 8:50 PM, Edumenio Albert Martinez, age: 70, a resident of Hesperia, was driving a 2003 Lincoln Towncar westbound on Carob St. east of Ivy Street in Hesperia and collided head-on with an eastbound Ford F-250. Paramedics responded and pronounced him dead at the scene. The Sab Bernardino County Sheriff's Dept. is investigating the collision. [03132015 0830 EM]

Coroner case #701502164 On 03/13/2015 at 3:41 AM, Staci Elizabeth Calhoun, age: 31, a resident of Rialto, was driving a 2001 Dodge Stratus northbound on I-15 south of Glen Helen Parkway in Fontana when the vehicle left the right road edge and collided with a tree. Paramedics responded and pronounced her dead at the scene. CHP is investigating the collision. [03132015 0830 EM]

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

Judge Rebuffs Ontario

from page 6
asserted that a public

utility commission order to underground the lines would significantly delay the Tehachapi Renewable Transmission

Project, meaning the timetable for its completion would be set back by as much as five years. Vieth said redoing the

already approved plans would entail tearing down, reconstructing or redesigning roughly ten miles of the Tehachapi

Renewable Transmission Project line.



The Count...
from page 3

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had for a systematic and reliable method of manufacturing graphene. "My first approach was to do it electrostatically," Gutglueck said. "The concept was to create an electric field that would envelope the carbon and to keep the field – a relatively low level field – flowing until the molecules distributed themselves evenly. The trick it seems to me is to ascertain what degree of voltage would work. It would have to be a very precise level, probably dependent upon the amount of carbon you are dealing with. I found out later that others were attempting something on the order of my idea. You can uniformly distribute carbon electrostatically, it turns out. But the problem, as I understand it, is that when you shut down the current, you get a ripple across the layer of carbon. I still think doing

Continued on Page 11

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The Count... from page 10

it electrostatically might work, but you would need to create a device to gradually, very gradually, excruciatingly gradually, lower the voltage down to zero." So much for that approach...

Many of the other methods of creating graphene he contemplated were expensive and involved, requiring equipment that is hard to come by or is monopolized by others in the scientific community for experiments they are carrying out. A common approach requires heating the carbon to extremely high temperatures, in some cases approaching 1,800 degrees Fahrenheit. "The application of heat and pressure is a standard approach when we are talking about building graphene," Gutglueck said. "At the University of California at Riverside they have an oven with a chamber that can generate heat in excess of 1,600 degrees and in which you can increase the atmospheric pressure to a magnitude that will essentially flatten or compress commonplace

items. I was interested in experimenting with those possibilities, utilizing different pressures and different levels of heat and different media as substrates. I was never able to do that because I don't have a laboratory of my own and it is very difficult to get access to the equipment that does exist so you can carry out experimentation. There is a demand for the use of that equipment and a backlog of people, all of whom have legitimate experiments pending, who want to use the equipment." He thus never personally utilized the heat and pressure approach...

He had a good dozen other ideas, some of which at least sound intriguing. "One approach I think might have viability," he said, "is vibration. If we take a substrate and measure it precisely, we can calculate by weight how much carbon we would need to cover the substrate's area to a depth of one atom of carbon." What he means by a substrate is simply a flat plate. "What you would do is put that precise amount of carbon on the substrate and then enclose it with a border,"

Cooper's dogweed, which is also referred to as Cooper's dyssodia, bears the Latin names *Adenophyllum cooperi* and *Dyssodia cooperi*. Of the family Asteraceae, Cooper's dogweed is

Bernardino County's desert area. It has within the last two weeks been noted on Fort Irwin, as well as along Kelbaker Road and Kelso-Cima Road in the Mojave National Preserve, and on



a low growing, subshrub with short, upright stems and spiky leaves. It will achieve a height of about 18 inches, usually lower. Generally inconspicuous on the landscape, this plant sports leaves with oil glands. When brushed or stepped on, the plant releases a pungent, unpleasant odor.

A relatively common component of vegetation communities in the Eastern and Southern Mojave Desert, the plant ranges to all areas of San

Highway 247 south of Barstow. It is common



he went on. "By vibrating the substrate, my theory is you could get the carbon to distribute evenly over the surface. If you continued the vibration, and by vibration I mean a very minute but even oscillation, up and down, forward and backward, side to side, eventually you would get what I would label pre-graphene. You would then cease the vibration and allow the graphene to set. Assuming you didn't tear any of the carbon away when you removed the border or separated the graphene from the substrate, I think you could create a sizeable sheet of graphene." Another proposed method he came up with is a variation on the vibration approach delineated above, involving a substrate and a superstrate. A superstrate is a flat plate placed on top

of the substrate. "If you measure out the precise amount of carbon you need on the substrate, you could then compress the carbon with the superstrate. You would slowly, very slowly, narrow the gap between the substrate and superstrate to the thickness of a single atom of carbon. If you did it right, at least according to my theory, you would then have graphene." It's anybody's guess as to whether these methods would actually work...

I asked him what he knew or thought of the success achieved at Caltech. "What I know is the fellow who came up with this method of construction is named David Boyd, who somehow introduced methane into the derivative process. This new technique allows for the graphene to form at a relatively cool



along roadsides and on well-drained sandy, gravelly, and rocky soils in washes and on upper bajadas and moderate slopes into the lower mountains in creosote bush scrub areas, Joshua Tree woodlands, Lower Sonoran and Upper Sonoran and pinyon-juniper woodland life zones

from 1,800 feet to 4,500 feet.

Cooper's dogwood blooms in the spring and



has yellow, orange and gold ray and disk flowers with the ray flowers sitting lower than the disk flowers. Its leaves are alternate, sessile, stiff, roughly an inch long, oblanceolate with coarsely toothed or shallow lobes. The lobes have spines at the edges. At the base of each leaf are two oil glands, with one more at the tip. The stems are erect and numerous.

temperature, something around 850 degrees, which is considerably lower than what a lot of people were accustomed to thinking of as necessary before. I'm impressed. I'd like to talk to Mr. Boyd. I had considered the use of gasses in the process might be the key. I hadn't considered methane specifically, but it occurred to me that if you experimented around with all kinds of gases, oxygen, fluorine, krypton, argon, nitrogen, the whole range of organic gases, and inorganic gases, helium, et cetera, you could potentially create a medium in which graphene would form, either spontaneously or with prompting. I had this intuitive feeling, which was not really based on anything empirical, that this could be done without having to use extreme tem-

peratures. Something I heard is they now think constructing graphene at room temperature is likely. My sense of it all along was there is probably more than one technique that will work. When you look at all of the possibilities and consider that you have to catalogue through them by trial and error until you achieve success, it is pretty daunting. The perfect marriage of conditions and method is out there somewhere, but what is it? Where is it? I'm convinced that sometimes being unconventional or creative or lucky or inspired works better than endless repetitive experimentation. I also think that proves I'm not a scientist." Who am I to contradict the boss?



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California Style Sunny Days Are Here Again

By Grace Bernal



The days are happy again with the high heat temperatures in San Bernardino County. Noth-

ing but happiness with all the different activities that are finally happening with the changing of the season. The



warm weather is here and were breaking into spring. The spirit of the people is looking like a strip tease down here. No jackets, no socks,



and a lot of showy flesh. The parks are a wonderful destination for BBQ, bike riding, and playing

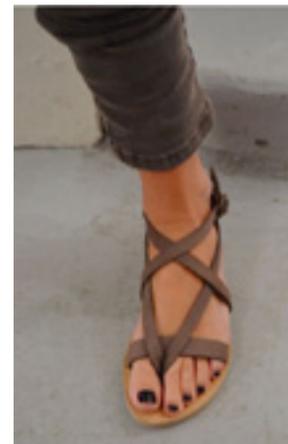


ball. January, and February are gone and no more sweaters are being worn. Everywhere you look the shorts, sandals, hats, and

sleeveless tops are being worn. With sunny days here again the heat is on down here in San Bernardino county. So, get out and finally get the new fresh air. Enjoy the magical color the season has to offer and have fun dressing for it.



'In difficult times, fashion is always outrageous.' —Elsa Schiaparelli



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 Copyright Grace Bernal all rights reserved

Bankruptcy Judge Says SB Can Alter Police Union Contract from page 7

contesting that move. City officials expressed frustration at the police union's reluctance to get on board with the austerity plan the city has devised, which calls for sacrifices from all of the city's employees. The city had sought to mediate a resolution to the dispute with the po-

lice union and last summer achieved what was referred to as a tentative agreement, but subsequent disagreements untracked that accommodation. In making its argument to Jury, the city told her that five of San Bernardino's seven unions have accepted "modifications" to their contracts, including increasing employee contributions to their pension plans.

The city claims it is "burdened" by the con-

tract it has with the police union and that continuing to pay the police officers in keeping with that contract will result in the city having "to run a deficit in its general fund."

The city charter disallows the city reducing police or firefighter pay and a city-sponsored initiative to change that portion of the charter failed in November. Nevertheless, bankruptcy court is a federal institution and legal experts maintain

federal law trumps state law.

The police union is contemplating testing whether that principle will hold true.

Valles Put On Administrative Leave While Investigation Proceeds from page 8

County First District Supervisor. Lovingood has substituted himself out of the Victor Valley Wastewater Reclamation Authority board post and has been replaced by Third District Supervisor James Ramos.

The Victor Valley Wastewater Reclamation Authority's legal counsel, Piero Dallarda was unable to provide any definitive statement with regard to Valles' leave.

It is unknown how widely or narrowly the Mundell, Odlum and Haws firm will focus its inquiry. It appears, based upon the firm's insistence that Valles be ab-

sent from the authority's premises while it is carrying out its inquiries, that it is taking seriously charges that Valles, who was prior to going to work for the Victor Valley Water Reclamation Authority the warden of the privately operated 550-bed, adult male, Victor Valley Medium Community Correctional Facility in Adelanto, was dictatorial in her interactions with authority employees, retaliated

against others, conspired to have some laid off or fired and compromised some of their confidential personnel and medical information. While the information Valles forwarded to the several investigative agencies is available in a compendium since made available to the *Sentinel* and other entities, it is not clear whether Mundell, Odlum and Haws have been authorized to take up those issues.



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