

Felix Departing As Upland Solon After An Increasingly Contentious 18 Months

Ricky Felix, who in 2018 rode a crest of resident resentment toward his predecessor into a berth on the Upland City Council and then formed a political alliance with the sole remaining member of the council faction against whom the city's voters had so virulently reacted, this week announced he will resign from his elected office by the end of the month.

The ostensible reason

for his stepping down from the council, Felix said, was to avail himself and his family of an opportunity he did not specify. In recent weeks and months, however, there has been a building tide of anger toward Felix and the council majority which has coalesced as a number of controversial issues have presented themselves in the City of Gracious Living. In virtually all of

those, votes by the council that were favorable to well-heeled interests proposing development projects or other action by the city which a growing and vocal contingent of city residents have opposed have created an atmosphere of contention between those residents and City Hall. Felix's participation in those decisions as a reflexive supporter of the City Hall establishment had

sparked serious talk of an effort to remove him from office. His decision to leave on his own volition will now likely divert the efforts of a determined group of civic activists toward seeking to moderate through persuasive means the action of the remaining members of the council clique of which Felix had become a part or, in the alternative, a potential recall effort against one

or more of the remaining members of the council.

A relatively unknown entity, Felix in 2018 filed to run for council in Upland's newly created Third District in what was the city's first by-district election in its at that point 112-year history. Gino Filippi, who had originally been elected to the council in 2010 and reelected in 2014, was registered as a resident of the Third **See P 4**

7-Month Long Apple Valley Utility Eminent Domain Case Suspended In March To Pick Up Next Month

More than six months after the eminent domain lawsuit the Town of Apple Valley is pursuing against Liberty Utilities, the owner of that community's water system, went to trial, the matter has yet to come to a conclusion.

It now appears that the trial will most likely resume next month, with a prospect that the hearings will conclude by early July.

Apple Valley's attempt to use eminent domain to force the takeover of a utility is only the second such effort in California history where the matter is being decided in the forum of a trial by which a court is to be the arbiter of whether a local government can use condemnation procedure to take possession of a water utility

The circumstances that brought the matter to this juncture stretch back at least to the incorporation of the town some 32 years ago, and arguably three-quarters of a century ago, all the way to 1945, when Newt Bass and B.J. Westland founded the town on 6,500 acres they had acquired from the Southern Pacific Railroad. Simultaneously, Bass and Westland created the Apple Valley Ranchos Water Company, which was in part constructed using salvaged oil pipelines from a nearby failed petroleum mining operation.

By 1988, when the town was incorporated, the water system had been acquired and was being operated by the Wheeler Fami- **See P 3**

Over Legal Challenge, Indian Wells Valley H₂O Conservation To Fallow Farmland

By Mark Gutglueck

The Indian Wells Valley Groundwater Authority is incorporating a farmland fallowing option into its water sustainability plan, a ploy which some officials are hopeful will reduce the amount of water pumped out of the remote desert valley by the year 2040.

The farmland fallowing approach, pre-

dictably, is not favored by certain agricultural interests, who have initiated a legal challenge which might prevent the disuse of all or some of the farmland as a solution to the overdrafting problem in the aquifer.

The Indian Wells Valley is an arid north-south basin at the northwesternmost portion of the Mojave Desert, which

includes the northwesternmost tip of San Bernardino County as well as surrounding areas in Inyo and Kern counties.

In 2014, California state officials, in the face of a four-year running drought, undertook efforts to head off the absolute depletion of the state's regional water sources. In September 2014, then-California

Governor Jerry Brown signed into law the Sustainable Groundwater Management Act, which requires local agencies to draft plans to bring groundwater aquifers into balanced levels of pumping and recharge. That was followed in 2015 by Brown mandating water-saving measures throughout the state.

In response, pursuant to a joint exercise of powers agreement, the Indian Wells Valley Groundwater Authority was formed with Kern County, San Bernardino County, Inyo County, the City of Ridgecrest and the Indian Wells Valley Water District as general members and the United States Navy and the United States **See P 2**

In Wake Of Inadequate COVID Response, Raymundo Resigns

With the number of cases of coronavirus escalating along with the number of deaths therefrom, San Bernardino County Public Health Director Trudy Raymundo will depart from her position prior to the end of the month.

CaSonya Thomas, the county's assistant executive director of human services, to whom the public health department is answerable, in a memo

dated May 4 to the sheriff, district attorney, county treasurer, assessor, county chief financial officer, the county's deputy executive officers and all county department heads, announced Raymundo's departure.

"The purpose of this memo is to share with you that Trudy Raymundo has announced her intention to resign from her position as the county's director of **See P 6**

Amazon Global Air Officially Identified As Sole Tenant At San Bernardino Airport's Eastgate

Confirming what was widely and long expected or implied, San Bernardino International Airport last Friday announced that Amazon Air is to be the sole tenant at the Eastgate Air Cargo Logistics Center. The Eastgate facility was given clearance to proceed by the Federal Aviation Administration and the local airport authority in December.

The San Bernardino

International Airport Authority, a joint powers agency consisting of the County of San Bernardino and the cities of San Bernardino, Highland, Loma Linda and Colton which oversees the conversion of the former Norton Air Force Base to civilian use, approved Hillwood Development's proposal to construct a 660,000-square-foot sorting and two 25,000-square-foot sup-

port buildings on the airport grounds on December 27.

Hillwood Enterprises, headed by Ross Perot, Jr., is the contract developer at the airport. The project is entirely privately financed. Officials previously touted the Eastgate facility as one that would generate roughly \$2.6 million in lease revenues annually.

That Amazon is the to be the tenant **See P 5**

As Virus Cases Escalate, County Sustains Deadliest Week Of Ongoing Health Crisis

This week so far has proven the most deadly yet in the now nine-week running coronavirus crisis in San Bernardino County, with the San Bernardino County Public Health Department's official figures showing that 39 people succumbed to the condition between 5 p.m. May 8 and 5 p.m. this evening, May 15.

During the same seven-day period, the num-

ber of known coronavirus cases countywide took its most phenomenal leap thus far, with 682 more people within the county's 20,105 square-mile confines testing COVID-19 positive.

The overall toll for the county now stands at 3,311 confirmed cases of the virus and 150 deaths.

Officials cautioned, however, against misinterpreting the data to

conclude that the pandemic is worsening locally based on the now available statistics, as those numbers could be a reflection of the upsurge in testing that has grown out of the availability of testing capability and its application. Two weeks ago, seven weeks into the crisis in earnest, there had been 20,598 tests administered to the county's roughly 2.2 million population, equal to

less than one percent. As of Wednesday this week, 33,287 county residents had been tested, roughly 1.513 percent of the population. In this way, in a span of 12 days, the county's medical and public health professionals carried out half as many tests as it had in the entire course of the seven weeks prior to that, significantly increasing the statistical data it had achieved dur-

ing the initial phase of the stepped-up response to the pandemic.

While an improvement, having achieved a testing level of 1.513 percent of the entire county population yet represents a woefully inadequate definition of the problem the medical community in San Bernardino County faces in grappling with the circumstance.

One consid- **See P 5**

Lacking Means To Make Water Importation, Indian Wells Valley Contemplating Shuttering Farming Operations from front page

Department of the Interior's Bureau of Land Management as associate members, with each general member having one voting seat on the authority board and the federal associate members participating in all board discussions, but not having a vote.

The joint powers authority took as its mandate counteracting the overdraft of the aquifer underlying Indian Wells Valley.

An engineering consultant retained by the authority, Carlsbad-based Stetson Engineers, undertook a survey of water usage patterns and sought to derive a strategy for both reducing water use in the valley and increasing groundwater recharge to reach a balance of both that will end the overdraft. Several different plans, or models, were contemplated. Basically, the concept was to decrease the drafting of water from the regional aquifer through conservation, increased recycling of water and perhaps the minimization of evaporation, augmented by the importation of water from outside the valley to achieve, no later than 2040, a balance of water coming in with the amount of water usage, such that the aquifer is no longer in a state of overdraft.

The board for The Indian Wells Valley Groundwater Authority consists of Chairman Mick Gleason, the Kern County supervisor whose district includes Indian Wells Valley; Ridgecrest Councilman Scott Hayman; Indian Wells Water District Director Ron Kicinski; Inyo County County Counsel John Vallejo; and San Bernardino County Registrar of Voters Bob Page. In January the board passed the proposed groundwater sustainability plan and voted to submit it to the state.

Engineers and competent hydrological

experts, including the groundwater authority's technical advisory committee have ascertained that historically, on average, there is a natural inflow of 7,650 acre-feet of water into the valley. According to Don Zdeba, the general manager with the Indian Wells Valley Water District who is also the acting general manager of the Indian Wells Groundwater Authority, there have been "recent averages" of total outflows from the valley of 32,640 acre-feet, including 4,850 acre-feet in evaporation, 27,740 acre-feet in groundwater extractions, and 50 acre-feet in interbasin subsurface flow. This leaves, he said, an average annual overdraft of 24,990 acre-feet from the valley.

One issue complicating the matter is that the Bureau of Land Management, as a federal entity, is exempt from the groundwater sustainability plan and the Sustainable Groundwater Management Act, and therefore not subject to the restrictions that will be imposed in the groundwater sustainability plan. Neither is the China Lake Naval Air Weapons Station, which encompasses two ranges and totals over 1,100,000 acres or 1,719 square miles, much of that within Indian Wells Valley, subject to state restrictions. While the China Lake Naval Air Weapons Station has made strides in recent years in reducing its water use, it still drafts some 1,600 acre-feet of water from the aquifer annually.

Stetson has at this point essentially completed a verification of groundwater production patterns by the region's well owners, based primarily on their electricity use relating to the pumps on their wells. Those wells utilizing less than two acre-feet annually are defined as de minimis users and are not subject to the plan's regimen. Those utilizing more than two-acre feet of water yearly are obliged to participate in the water usage reduction effort. The groundwater authority has already compiled a significant amount of data and further surveys are now being finalized to

provide as full of a profile on the active well owners as possible to set the baselines for assessments and usage patterns in the future. Based upon their past water usage pattern, well owners over the next ten to 20 years will be required to ramp down the amount of water they draw out of the Indian Wells Valley aquifer.

Earlier this year, Zdeba told the *Sentinel* that starting with the 27,740 acre-feet in extractions annually ongoing on average over the last several years, "the target is to limit pumping to 12,000 acre-feet per year." With regard to meeting the goal of matching overall water use in the valley on an annual basis to the average 7,650 acre-feet of yearly recharge, Zdeba said, "Obviously this will require supplemental water supplies."

In this way, the authority is exploring importing water into the valley from either the California Aqueduct or the Metropolitan Water District's aqueduct conveying water from the Owens Valley in Inyo County to the Los Angeles Basin. Either of those alternatives would require the construction of infrastructure – essentially a pipeline – to convey the water from one aqueduct or another to the valley. As the valley does not have much in the way of people living there, with 29,000 population Ridgecrest in Kern County being the largest community, there is not available funding to defray the cost of that infrastructure. For the three counties involved – Kern, San Bernardino and Inyo – the Indian Wells Valley is a remote territory, such that huge outlays to provide water to it to benefit a relative handful of interests does not appear to be in the cards.

The groundwater authority is thus interested in applying whatever means might be at its disposal to reduce water usage. One of those means is a following program. This would be achieved by the authority assessing the value of the region's farmland and then making an offer to purchase it or otherwise forcing a sale of the land

by means of eminent domain, and/or purchasing from the farm owners their water rights, so that thereafter the farms can be shut down and no water is pumped from their wells.

The following program that is now part of the Indian Wells Valley Water District's water use sustainability strategy has become an issue in the legal matter brought in Kern County Superior Court on November 19, 2019 against the Indian Wells Valley Water District by lead plaintiff Mojave Pistachios along with John Thomas Conaway, the John Thomas Conaway Trust, the John Thomas Conaway Living Trust, the Nugent Family Trust and Sierra Shadows Ranch. Representing Mojave Pistachios, Conaway, Sierra Shadows Ranch and the trusts are attorneys Scott Slater, Amy Steinfeld and Kimberly E. Leefatt. The case is being heard by Judge David R. Lampe in Bakersfield. In addition to the Indian Wells Valley Water District, Searles Valley Minerals, Inc.; Meadowbrook Dairy; Meadowbrook Dairy Real Estate, LLC; Big Horns Fields, LLC; Brown Road Fields, LLC; Highway 395 Fields, LLC; and the Meadowbrook Mutual Water Company are named as defendants. Attorney James A. Worth represents the Indian Wells Valley Water District, and Paige H. Gosney represents Meadowbrook Dairy Real Estate, LLC; Big Horns Fields, LLC; Brown Roads Fields, LLC; Highway 395 Fields, LLC and the Meadowbrook Mutual Water Company.

One of the issues, according to Slater, Steinfeld and Leefatt, is that the \$9 million that has been set aside to carry out the purchasing of farms or the water rights at the farms is unequal to the value of the farm and the water rights in the case of the Mojave Pistachios farm on an individual basis. On a collective basis with regard to all of the other farming interests that are taking legal action, the lawyers maintain, that \$9 million is barely adequate to cover the current value

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of investments in those operations.

In seeking an injunction against the fallowing plan, Slater, Steinfeld and Leefatt assert that Mojave Pistachios alone invested \$25 million in the development of its farm, including planting and maintaining its orchards and labor over the last ten years. Additionally, according to Slater, Steinfeld and Leefatt, Conaway, the Conaway trusts, the Nugent Family Trust and Sierra Shadows Ranch have made investments in their operations totaling at least \$9 million in the last decade.

According to Slater, Steinfeld and Leefatt, the groundwater authority is allowing Searles Valley Minerals, the major entity from San Bernardino County involved in the use of water from Indian Wells Valley, to take water out of the valley. "Defendant Searles Valley Minerals Inc. has appropriated groundwater from the basin and exports the water more than twenty miles for use at its industrial mining operations and as a

source of water supply for the community of Trona in Searles Valley," the lawsuit states.

Reportedly, the Searles Valley Minerals operation is involved in drafting roughly 2,600 acre-feet from wells in Indian Wells Valley, of which some 500 acre-feet per year are piped to Trona. Some of that 500 acre-feet is used for domestic purposes in Trona.

As a consequence, there has been some discussion of encouraging Searles Valley Minerals to develop water sources outside of Indian Wells Valley. One option Searles Valley Minerals would have in this regard would entail desalinating brackish water that is available. Another measure would be to intensify water recycling efforts in Trona.

At present, the Indian Wells Valley Water District is utilizing a California Department of Water Resources grant to look into both the economic and practical feasibility of the conversion of brackish water in the region.

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Town's Eminent Domain Case To Take Water Company Grew Out Of Its Inability To Purchase It *from front page*

ly. Shortly after the town was established as a municipal entity, the Wheelers offered to sell the Apple Valley Ranchos Water Company – then consisting of 18 medium and deep wells, pipes, reservoirs, pumping units and appurtenances – to Town Hall for \$2.5 million. The maiden town council – consisting of Nick DePrisco, Heidi Larkin, Dick Pearson, Carl Coleman and Jack Collingsworth – spurned that offer. Town officials thought the cost of maintaining the wells, reservoirs, pipes and hookups to be beyond the town's means.

In 2011, the Carlyle Group, an American/multinational private equity and asset management corporation, acquired from the Wheeler Family at a cost of \$102.2 million the Park Water Company, which in addition to its water system assets in Apple Valley included the water system serving Compton, Downey and Bellflower in Los Angeles County, as well as the Mountain Water Company, serving Missoula, Montana. Upon the Carlyle Group assuming ownership of Park Water, the town of Apple Valley impaneled a so-called blue ribbon committee to consider acquiring Apple Valley Ranchos. That committee advised against the acquisition. In 2012, Park Water, at the direction of the Carlyle Group, obtained from the California Public Utilities Commission permission to institute 19 percent rate increases on Apple Valley Ranchos customers to carry out what was said to be necessary upgrades to the aging equipment and facilities that delivered water to the then-74,999-square mile town's then-70,000-plus residents.

In 2010, Park Water made \$2.4 million in upgrades to Apple Valley's water system. In 2011 the Carlyle Group

undertook and completed \$3.4 million in capital improvements to the Apple Valley Ranchos Water Company; another \$5.7 million in work on the system in 2012; \$7.5 million in upgrades in 2013; \$8.1 million in improvements in 2014; and \$7.8 million in maintenance and additions in 2015. The Carlyle Group obtained from the California Public Utilities Commission clearance to institute another 30 percent rate hike on Apple Valley Ranchos customers to be implemented from 2015 until 2017. The previous 19 percent hike followed by the 30 percent increase caught the attention of town officials, who radically changed their collective position with regard to the advisability of the town taking possession of the utility.

Simultaneously, the City of Claremont in Los Angeles County was attempting to utilize the eminent domain process to wrest from the Golden State Water Company the water system that supplied water to that city.

Some 1,128 miles away, in Missoula, Montana, city officials there, who were likewise chaffing under the higher rates that Park had imposed on the Mountain Water Company's customers, had initiated what in time would prove to be a successful effort to take possession of the water utility from its private owner by means of an eminent domain proceeding.

Apple Valley's town attorney was and is an associate with the same law firm, Best Best & Krieger, with which the City of Claremont's city attorney at that time is a partner. A discussion of the potential efficacy of the town using the eminent domain process to commandeer the Apple Valley Ranchos Water Company ensued at that point, together with Apple Valley town officials trading notes with Missoula city officials. The town was a bit tardy in moving toward the eminent domain solution, as the Carlyle Group purchased for \$300,000

the water system serving some 900 residents in the desert community of Yermo, which lies roughly 36 miles from Apple Valley. The Carlyle Group then packaged a sale of the entirety of the water utilities it owned in California and Montana, which it labeled Western Water Holdings, to a Canadian company, Algonquin Power/Liberty Utilities, for \$327 million.

While Algonquin/Liberty was before the California Public Utilities Commission in 2015 to get permission to proceed with the Apple Valley Ranchos acquisition, Apple Valley officials voiced opposition to the sale in an effort to block it. An element of that protest was that the town was interested in acquiring the water company, if necessary by condemnation.

Simultaneously, the town obtained from what it referred to as "an independent appraisal firm" the rather wishful "fair purchase price" of \$45.54 million for Apple Valley Ranchos, and thereafter indicated it would be willing to pay Park Water the somewhat unrealistic figure of \$50.3 million for the Apple Valley Ranchos water system lock, stock and barrel.

A more pragmatic assessment was that the Apple Valley Rancho Water Company, representing roughly one third of the entirety of Western Water's assets at the time of Algonquin/Liberty's \$327 million purchase, was worth, roughly, \$109 million. Another calculation, one in which the \$88.6 million fair market value for Mountain Water Company component upheld by the Missouri District Court in Missoula in June 2015 was subtracted from \$327 million purchase price for Western Water, indicated that the Bellflower-Compton-Downey and the Apple Valley components of Western Water were worth \$238.4 million in 2016 dollars. Assuming Apple Valley Ranchos, with its 24 deep wells throughout Apple Valley and three wells in Yermo, represented roughly

one half of the remaining Western Water assets now in the possession of Algonquin/Liberty, its fair market value would have been, in 2016 dollars, approximately \$119 million.

Ultimately, the California Public Utilities Commission in December 2015 allowed Liberty to proceed with the acquisition of Park Water Company.

With Apple Valley unwilling to offer anything approaching \$109 or \$119 million for the water system, and Liberty disinclined to sell its Apple Valley holdings in any event, Apple Valley officials moved forward with the eminent domain action.

When the case went to trial in October 2019 before San Bernardino County Superior Court Judge Donald Alvarez, it was generally anticipated that the proceedings would entail 30 to 40 court days, and would thus conclude by January, and certainly no later than February. But a handful of delays, including more than two weeks between November 15 and December 1 when the courtroom was entirely shuttered and between December 18 and January 5, when there was no testimony, extended the trial into February.

In an eminent domain case, after opening statements, the defense presents its evidence and witnesses first. The defense concluded putting on its case on February 4, 2020, the 33rd day of the trial. The following day, February 5, the 34th day of the court proceedings, Judge Alvarez and the attorneys for both sides spent the entirety of the day going over exhibits to be admitted prior to commencing the plaintiff's case. The following day, February 6, more time was devoted to going over the exhibits the town intended to utilize. That concluded, the defense rested, at which point the town began to put on its case, calling its first witness, former Town Manager Lori Lamson, on what was the 35th day of the trial.

To that point, the

defense team, consisting of attorneys George Soneff, Edward Burg, David Moran and Lauren Fried, had managed to provide a relatively compelling case to Judge Alvarez, who was hearing the matter as a bench trial, meaning he would be the ultimate arbiter of both fact and the law without the involvement of a jury. Liberty's legal team asserted, and managed to present evidence in the form of data and testimony, that the company has performed more than adequately in providing the town, its residents and businesses water.

Soneff characterized the company's case in chief as having established that Liberty had served as the Apple Valley community's water utility in a way that featured a "perfect water quality record with no water contamination or quality violations." That, Soneff asserted, entailed service which is "better than that of all of the surrounding cities. We have demonstrated, I believe, that there is no public interest to be served by allowing the takeover. Doing so would create a threat to the quality of water delivered and the level of service. The city does not have the technical managerial or financial capacity nor anyone on staff with the knowledge or expertise to run a water system."

Between February 5, the 35th day of the trial and March 16, the 55th day of the trial, there was some legal jockeying between the defense and plaintiffs with regard to exhibits, and the town brought in further witnesses in an effort to offset the defense's showing that that the town would be incapable of handling water operations without significant augmentations to its current staff. The town's witnesses further suggested that town residents would benefit by the town takeover of the water system because they would not be subject to being gouged by Liberty with regard to rates.

Steven Weissman, a professor of regulatory law at the University of California Berkeley

School of Public Policy who worked three decades with the California Public Utilities Commission, including 15 years in the capacity of an administrative hearing officer, testified that there are inadequacies in the California Public Utilities Commission's processes, extending to its regulation of rates. Weissman, who is also a fellow with the Center for Sustainable Energy, said the California Public Utilities Commission is plagued with understaffing and that it tended to rubberstamp rate increases requested by utility companies. Individual ratepayers, Weissman said, have insufficient political muscle, standing, gravitas or reach to have their concerns fairly heard by the commission, such that the public's interest is better served by a primary utility such as that for water being controlled by a local public agency, which is more answerable to its constituents.

Moreover, Weissman suggested, a public agency is less driven by the profit motive than a private utility company, which would likely ensure lower rates for customers.

Furthermore, according to Weissman, water utilities routinely request that the California Public Utilities Commission grant them increases beyond what they need to cover their operating costs and achieve a reasonable profit.

Weissman did, however, acknowledge that the California Public Utility Commission generally adjusts the rate increase requests downward as a function of the review process, which entails input from the commission's Office of Ratepayer Advocates. A local governmental entity granted ownership of a public utility, Weissman said, would be far more responsive to the constituents within that jurisdiction than a corporate entity, as publicly elected officials are answerable to those who vote them into office.

Another expert witness testifying for the town was Michael Busch

Continued on Page 8

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Felix Came Across As Overwhelmed In Role As City Councilman *from front page*

District, consisting of the southwest quadrant of the city. While Filippi enjoyed status as an incumbent, which normally confers upon a candidate for public office an advantage, his participation earlier that year in a string of efforts to reduce or shutter elements of the city's parkland created a vicious backlash against him. Specifically, Filippi had endorsed selling off 4.631 acres of Memorial Park to San Antonio Regional Hospital for conversion to a parking lot and the outright sale of 16-acre Cabrillo Park, located off 11th Street between Mountain and Benson Avenue, to Lewis Homes so the property could be developed residentially. Filippi was one of the four-member council majority including Mayor Debbie Stone, then-Councilman Sid Robinson and then-Councilwoman Carol Timm that had cavalierly sought to dispense with city parkland to further the agenda of major business institutions in Upland. The firestorm of controversy over that issue proved so great that Robinson, who had originally been appointed to the council and was due to run for election that year to stay in office, chose not to run. Also on the ballot that year were Filippi, Timm and by her own choice because she had been elected to an at-large four-year term on the council in 2016, Councilwoman Janice Elliot, who sought elec-

tion to represent the district in which she resided, that being the city's newly-formed Second District in the city's northeast quadrant. Elliott, who had opposed the parkland sale, the only member of the council to do so, was elected. Timm was voted out of office. Filippi, challenged by Felix and another resident of the 3rd District, Irmalinda Osuna, finished a dismal third in the balloting with 980 votes or 25.45 percent, retribution for his having consented to rid the city of a significant amount of its park acreage.

Felix managed 1,517 votes or 39.39 percent to Osuna's 1,354 votes or 35.16 percent.

Once in office, Felix sought to be deferential to virtually everyone, and assiduously attempted, at least at first, to avoid committing to one side or the other in debates over policy or when occasional personality differences among his council colleagues manifested. Eventually, however, Felix could be seen gravitating more and more toward positions held by Mayor Stone, which generally lined up with the establishment and moneyed elite involved in activity in the city and projects or proposals that came before the city council.

Observable was that when interests or businesses whose principals were campaign contributors to members of the council either currently or in years past found themselves before the council with business or project applications, Felix showed a pattern of voting with those coun-

cil members, in particular Mayor Stone, in favor of those donors. Felix further found himself tending toward support of any items favored by high profile entities in the city such as the Chamber of Commerce.

Resident discontent hit its zenith and loomed into sharp focus this year with the city council's consideration of two controversial development proposals, the first being Bridge Development Partners' 201,096-square foot Bridgepoint project, a distribution center for on-line retail giant Amazon that was slated for a 50-acre property slightly east of Central Avenue, north of Foothill Boulevard and south of Cable Airport. The second was the Villa Serena project, 65 single family detached residential units on 9.2-acres that lie within the footprint of the 15th Street Flood Detention Basin in the Foothill Knolls neighborhood on the eastern side of the city near Campus Avenue.

Both projects faced significant resident opposition. With the onset of the coronavirus crisis, Upland, as all other municipalities throughout the state, found itself subject to a mandate from Governor Gavin Newsom prohibiting social gatherings, which precluded the city from holding a traditional large-scale public hearing for either of the project proposals. A significant cross section of the city's residents called upon the city council to delay or postpone its consideration of those projects and the accompanying public hearings. While Councilwoman

Elliott and Councilman Bill Velto made public statements advocating that the council comply with the requests that the city and city council suspend the hearing and approval processes for the projects until the social gathering restriction mandates were lifted and hearings at which a full range of public input in a traditional meeting setting could take place, Felix joined with Mayor Stone and Councilman Rudy Zuniga in acceding to holding the meetings remotely and through an electronic video/audio hook up, during each of which there was no physical gathering of those participating. Those residents/citizens/members of the public who wanted to participate by providing input before the council engaged in its deliberative processes were obliged to do so by arranging in advance of each meeting to receive a phone call from the city clerk while the meeting was in progress, whereupon members of the public could make their comments telephonically. The council proceeded with that format over further public objections that by distancing itself from its constituents in this manner its members were avoiding direct and personal interaction with those who had elected them and were thereby denying the city's residents the opportunity to be fully heard and represented.

Ultimately, when the hearings for both the Bridgepoint and Villa Serena projects were held, the council voted 4-to-1 in both instances to approve the project proposals, each time

with Elliott dissenting.

In the hearings for those development projects, a number of city residents remarked upon Felix's demeanor and the nature of his participation. From the outset of his time in office, he had never evinced any especial oratory skill, and was accorded a reputation of being less than articulate. During the discussions for both the Bridgepoint and Villa Serena projects, however, he made a series of comments that while not grandiloquent, went well beyond the level of sophistication the citizenry of Upland had come to expect from him. Given that his input angled generally in favor of the project proposals, many came away with the impression that he had been coached in what to say or had otherwise been provided with a written script by the proponents. The limitation of the electronic meeting format prevented the public from knowing, precisely, whether Felix had been reading a prepared text when he was making his comments or posing questions during the course of those discussions. Coupled with his opposition to holding the meeting in a public forum and his votes in favor of the project, there was speculation among certain members of the Upland community about whether Felix had been provided with some form of inducement to secure his support for those proposals. That, in turn, fueled discussion with regard to the launching of a recall effort against him. Those tentatively discussing the recall expressed confi-

dence that such an effort could succeed, since the city's conversion to a by-district electoral system reduced to one-quarter the number of signatures that would be needed to force a recall election in Upland over what had been the case previously, when the members of the council were subject to election by all of the voters in the more than 77,000 population city.

This week, during the regularly scheduled May 11 city council meeting, which was likewise conducted remotely and electronically without a physical meeting and the public unable to be present, as the proceedings were winding to a close, Mayor Stone said, "Before I adjourn the meeting tonight, Mayor Pro Tem Ricky Felix has asked for a few moments to make a statement."

"I'd like to express my sincere appreciation for the opportunity I've had to sit on this council and serve the City of Upland," Felix said. "My family and I, we've been given an opportunity at this time that will take us out of the city. I'm grateful for the friendships and trust that I've received from so many in the community. I hope that even during the trials we are currently facing that there will be a much brighter future right around the corner. The next city council meeting will be my last city council meeting and May 31st will be the last day I will be a councilmember for the City of Upland."

Within certain quarters of the city, discussion turned immediately to who would be chosen
Continued on Page 5

County Health Department Yet Struggling In Defining Extent Of The Coronavirus Outbreak from front page

eration in this regard is the efficacy of knowing with certainty what percentage of the population and precisely who within that population is an active carrier of the disease, capable of spreading it to others, and who is not. While there is no current certainty within the scientific community as to whether those who have contracted the coronavirus and recovered from it develop a lasting immunity that thereafter obviates their status as a carrier of the disease, the modeling with other better known and defined viruses suggests that is the case. Thus, a comprehensive testing regime which would allow a determination as to the portion of the population that had been exposed to the disease and had recovered might conceivably allow those determined to no longer be carriers to resume normal activity, based on the assumption they could do so without putting themselves or others at risk. As it currently stands, there is persistent mystery with regard to the current coronavirus status of upwards of 98 percent of the county population. As a consequence, there is no reliable measure of who among the county's population has been infected and is now safely recovered, such that 49 out of every 50 San Bernardino County residents are yet

Amazon Air To Occupy Hillwood's Eastgate Complex At SBIA from front page

at that facility virtually guarantees that revenue stream for the airport, which had lain in large measure dormant for years until a renewed effort had been made to transform the aerodrome following the forced departure of Scot Spencer as the airport's contract developer in 2013.

While it was widely rumored that Amazon was to be the tenant at Eastgate, there was no

Two recent articles that appeared in the *Sentinel* have prompted protests by a current and a former elected official. One maintains that the *Sentinel* made a juxtaposition of language that had the effect of altering a quote, while the other contends the *Sentinel*, by relying on conversations from years past, misquoted him and credited him with statements he did not make.

On April 24 the *Sentinel* published an article about Assistant General Manager Jeremiah Brosowske's departure from the West Valley Water District. Early in the article, the district's board president, Channing Hawkins, was referenced as stating that during Brosowske's time with the district he had provided "unqualified and

obliged to maintain social distancing and are in a large degree unable to reinstate their normal activity and participation in the region's economy, which is in a steady decline, one which financial prognosticators say is destined for a certain recession.

At both the national and state levels there has been widespread indication that the general population has grown impatient with the social and economic lockdown. This was reflected in Governor Gavin Newsom's statement on May 4 that a gradual reopening of businesses could begin as early as this week. Newsom, however, specified that those

actual confirmation of that previously. Sarah Rhoads, the vice president of Amazon Global Air, last week gave indication that the project was intended for Amazon all along when she said, "The regional air hub is being built from the ground up to fit Amazon Air's operational needs."

San Bernardino International Airport Authority Executive Director Michael Burrows, who previously said the facility was being designed by Hillwood to be compatible with any of a number of large-scale

Distortions? Misquotes?

incompetent management and services." That statement was extracted from a longer quote from Hawkins, which was quoted further down in the article. That statement was: "There is still much more work to be done, but the days of unqualified and incompetent management and services are over. I'm proud to work alongside our water district's board members to reevaluate, reorganize and hire highly-experienced and qualified professionals to do the job right. Over the next few weeks, we will continue to work together to improve accountability, transparency and fiscal responsibility for West Valley ratepayers."

According to a district spokesperson, "The statement from President Hawkins, which we pro-

reopenings would be measured and confined essentially to retail businesses in which a modicum of social distancing and other precautions could be maintained. This week, there was widespread violation of both the spirit and specified restrictions in the "measured" reopening throughout San Bernardino County. The most obvious departure from the governor's intent was that the reopenings were not limited to retail businesses but included multiple personal service establishments such as barbershops and nail salons where social distancing is an impossibility.

Inaccuracy and unre-

liable cargo-moving operations, said of Amazon, "A project of this size takes a lot to entitle, design and permit. It took them a while to make their decision. They did, and we're happy to have them."

Amazon setting up its air hub in San Bernardino was not a fait accompli, Burrows insisted, even with the Federal Aviation Administration and the airport authority's action at the close of 2019.

"It could have been any of several others," Burrow said. "Obviously, Hillwood is respon-

vided to you within the body of the email sent on April 23, referred to the general hiring practices of the West Valley Water District, which have been reassigned to the interim human resources manager. This statement, as written by you, would imply that President Hawkins violated Article 17 of the water district's Human Resources Policies and Procedures Manual." The *Sentinel's* use of the excerpt from Hawkins' quote in one of the article's introductory paragraphs, the district maintains, "distort[ed]" what Hawkins had said.

Former Upland City Councilman Glenn Bozar this week indicated he wanted to distance himself from observations he had made in 2013 regarding the nature of public employ-

ment and in 2016 relating to employees in the public sector directly. Bozar was quoted with regard to those issues in a *Sentinel* article relating to the impact drawdowns of tax revenue into local governments were having and will have on public sector workforces in San Bernardino County.

In asserting that the statements he was quoted as making should no longer be considered operative, Bozar told the *Sentinel*, "You have statements attributed to me that I never made. Those are your words, not mine. You are attempting to remember a conversation from four years ago, and including it in an unrelated article is absurd. You put me and my home in jeopardy."

liability of the county's infection rate data, appears to stem not just from its incompleteness and the gaps in its coverage but, at least in some cases, from the deliberate withholding of information, which effectively skewed the data. It appears that officials hid results in the data survey for what was, perhaps, a venal purpose.

As the infection data was streaming in previously, 23 of San Bernardino County's incorporated municipalities and no fewer than 18 of its unincorporated communities reported cases in their jurisdictions. A month into the crisis, it was noted that Needles, San Bernardino Coun-

ty's smallest city population-wise and its most remote given its location at the extreme eastern end of the county and state in the Mojave Desert adjacent to the Colorado River and the border with Arizona, was positively conspicuous by its absence of reported cases. This was mentioned in the *Sentinel* and elsewhere in the media.

Needle's apparent avoidance of having been afflicted with the

Christmas 2020 shopping season to arrive at the airport.

The facility will be an air-to-ground hub, with cargo arriving in large quantity by plane and then being distributed by truck to Amazon's network of fulfillment centers throughout this portion of Southern California.

When the Eastgate project was being considered there was a considerable degree of protest with regard to the impact the project would have in terms of vehicular, in particular semi-truck, traffic and accom-

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Needle's apparent avoidance of having been afflicted with the

Word Circulating Filippi Will Use Felix's Exit To Make A Reentrance from page 4

by the council to replace Felix, with several of

those involved in the discussions expressing trepidation that Felix's move will open the door for Filippi to once more assume a position at the council dais

panying diesel exhaust, which those opposed to the project said would harm the environment and diminish the local quality of life. According to Rhoads, the facility is to utilize solar power and electric ground support equipment.

Burrows said, "At full operational capacity, Amazon will have 26 flights into the airport per day. Alongside our other partners, this new cargo facility is to be a benefit to local residents in terms of job creation and the Inland Empire region's economic recovery."

pandemic persisted, day after day and then week after week, as the San Bernardino County Department of Public Health displayed testing result data to show there were no verified cases of COVID-19 in Needles. This has persisted until this week, when there was wider media coverage of the city's fortune, accompanied by a level of self congratulation and self-adulation on the part of Needles officials that offered incidental positive publicity for the river community.

In actuality, however, the *Sentinel* has learned, there were two residents of Needles who contracted the coronavirus in April, and whose cases should have been charted by authorities.

That case involved two men in their 30s whose work required that they regularly travel between Needles and Barstow, and who share a residence in Needles. One of those tested positive at a facility in Barstow. Subsequently, his roommate showed signs of the condition. Ultimately, the pair concluded that neither of their conditions were serious enough to require hospitalization.

They self-isolated and quarantined themselves, with their current status unknown.

-Mark Gutglueck

those involved in the discussions expressing trepidation that Felix's move will open the door for Filippi to once more assume a position at the council dais

-Mark Gutglueck

County Wildlife Corner

The Single-Leaf Piñon

The single-leaf piñon is a pine in the piñon pine group which grows in the San Bernardino Mountains, the San Geronimo Wilderness and the eastern San Gabriel Mountains in San Bernardino County. Known scientifically as *Pinus monophylla*, it is

native to the United States and northwest Baja California. Within California it is found in the Sierras, the Transverse Range, and Peninsular Range. It occurs at moderate altitudes from 3,900 feet to 7,500 feet, rarely as low as 3,100 feet and as high as 9,500 feet, in the most arid areas occupied by any pine in California. It is widespread and often abundant in this region, forming extensive open woodlands, often mixed with junipers. It is a small to medium size tree, reaching 32 to 65 feet tall and with a trunk diameter of up to 32 inches, rarely more. However, it is very slow growing, reaching only 3 feet in seven years. The bark is irregularly furrowed and scaly. It is the world's only 1-needled pine as the leaves, or needles, are usually single, though trees with needles in pairs are found occasionally. An isolated population of single-leaf piñon trees in the Mojave Desert's New York Mountains,

which lie within the Mojave National Preserve, has needles mostly in pairs and was previously thought to be Colorado



piñons. They have recently been shown to be a two-needled variant of single-leaf piñon based upon a genetic examination. The needles are stout, 1.6 inches to 2.4 inches long, and grey-green to strongly waxy pale blue-green, with pores or a slit over the whole needle surface, and on both inner and outer surfaces of paired needles. The cones are acute-globose, the largest of the true piñons, 1.8 inches to 3.2 inches long and broad when closed, green at first, ripening yellow-buff when 18-to-20 months old, with only a small number of very thick scales, typically 8-20 fertile scales. The cones open to 2.4 inches to 3.6 inches broad when mature, holding

the seeds on the scales after opening. The seeds are 11-16 millimeter long, with a thin shell, a white endosperm, and a vestigial 1-2 millimeter wing; they are dispersed by the piñon jay, which plucks the seeds out of the open cones. The jay, which uses the seeds as a food resource, stores many of the seeds for later use by burying them. Some of these stored seeds are not used and are able to grow into new trees. Indeed, piñon seeds will rarely germinate in the wild unless they are cached by jays or other animals. The seeds, called pine nuts, are also harvested and eaten by people. Indians of the Great Basin region commonly ate them. The Shoshoni name for the plant is ai'-go-ù-pi.

The butterflies likely hosted by the single-leaf piñon include the pine white butterfly, *Neophasia menapial* and the western pine elfin butterfly, *Callophrys eryphon*. Moths hosted by the single-leaf piñon include the polyphemus moth, *Antheraea polyphemus*; the brown-lined looper moth, *Neocalcis californiaria*; the speckled green fruitworm moth *Orthosia hibisci*; the Red

Girdle Moth, *Caripeta aequaliaria*; the brown woodling, *Egira perlubens*; the silver-spotted tiger moth, *Lophocampa argentata*; the manto tussock moth, *Orgyia antiqwa*; the sulphur moth, *Hesperumia sulphuraria*; the western carpet, *Melanolophia imitata*; the mottled gray carpet, *Cladara limitaria*, the skunk moth, *Polix coloradella*, the common gray, *Anavitrinella pampinaria*; the gray swordgrass moth, *Xylena cineritia*; the birch angle, *Macaria notata*; the spruce cone-worm, *Dioryctria renicullelloides*; the sequoia pitch moth, *Synanthedon sequoiae*; the Nantucket pine tip moth, *Rhyacionia frustrana*; the pine needle sheathminer, *Zelleria haimbachii*; the variable girdle moth; *Enypia venata*; the pale-marked angle, *Macaria signaria*; the sharp-lined yellow, *Sicya macularia*; the Florida pink scavenger caterpillar, *Pyroderces badia*; the ponderosa pineconeworm moth, *Dioryctria auranticella*; the reticulated decantha moth, *Decantha boreasella*; the ragweed borer, *Epiblema strenuana*; the mountain girdle moth, *Enypia griseata*; the pale beauty, *Campaea*

perlata; Packard's girdle moth, *Enypia packardata*; the white triangle tortrix, *Clepsis persicana*; the fall webworm; *Hyphantria cunea*; the



pandora pinemoth, *Coloradia pandora*; the lodgepole pine needle-miner, *Coleotechnites milleri*; the orange tortrix moth, *Argyrotaenia franciscana*; the Zenophleps lignicolorata; the Sabulodes edwardsata; the Phaeoura mexicanaria; Dyar's looper moth, *Gabriola dyari*; the Spodolepis substriataria; the *Glena nigricaria*; the *Eupithecia ornata*; the false pinion moth, *Litholomia napaea*; the *Euxoa auripennis*; the *Eupithecia longipalpata*; the *Macaria adonis*; the *Cochisea sonomensis*; the *Lophocampa ingens*; the *Hydriomena speciosata*; the *Nepytia umbrosaria*; the tamarack looper; *Eupithecia misturata*; the *Tetracis pallulata*; the *Stenoporpia pulmonaria*; the *Retinia picicola*; the *Dioryctria muricata*

nevadae; the *Hydriomena arizonensis*; the *Tolype lowriei*; the *Stenoporpia excelsaria*; the *Panthea gigantea*; the *Chionodes retiniella*; the *Retinia sabiniana*; the *Decantha stonda*; the *Chionodes abella*; the *Lithophane ponderosa*; the *Thalloghaga hyperborea*; the *Elatobia carbonella*; Behr's Pero Moth, *Pero behrensaria*; the Douglas fir pitch moth; *Synanthedon novaroensis*; the clandestine cart, *Spaelotis clandestina*; the Douglas fir tussock moth, *Orgyia pseudotsugata*; the larch pug, *Eupithecia annulata*; the *Coloradia velda*; the red-striped needleworm moth, *Epinotia radicana*; the western conifer looper, *Syngrapha celsa*; the ponderosa pine seedworm moth, *Cydia piperana*; the *Chionodes sabiniana*; the *Lithophane atara*; the *Xestia mustelina*; the *Laetilia zamacrella*; the sugar pine tortrix moth, *Choristoneura lambertiana*; the *Holcocera iceryae*; the *Euxoa extranea*; the furious varpet moth, *Hydriomena irata*; the *Egira variabilis*; the *Epinotia hopkinsana*; the *Papestra quadrata*; and the *Dioryctria pentictonella*.

From <https://calscope.org/Wikipedia>

Raymundo Knew Finances, Not Medicine

from page 6

was called upon to present reports to the board of supervisors with regard to items that body needed to consider and vote upon relating to the public health department. Raymundo was credited with having authored those reports, most of which dealt with the topics in question on a relatively superficial level without going into great depth, and giving the board members only a basic orientation and voting recommendation. Occasional press inquiries made directly to Raymundo, however,

laid bare that she had no command whatsoever of the contents of those reports or the technical considerations upon which they were based. Indeed, after a relative handful of such inquiries, the county made a practice of routing any further such inquiries away from her to either the county's official spokesman or a woman specifically hired to serve as the public health department's spokesperson.

Had circumstances remained as they were previously, the county's strategy of employing an individual with no expertise in public health issues as the head of the department of public health might have pro-

ceeded without consequence. The advent of the coronavirus crisis, however, resulted in a series of inadequate responses by the department which ultimately appear to have had fatal consequences.

In the crucial month-and-a-half to two-month run-up to the pandemic manifesting locally in March, Raymundo, who is provided with a base annual salary and add-ons equal to \$196,349.73 together with \$103,046.36 in benefits for a total yearly compensation of \$299,396.09, failed to act with alacrity and use her hard-nosed business acumen and the negotiating leverage she had as a department head with

California's fifth-largest county population-wise to purchase adequate reserves of equipment, devices, materials and medicine, particularly the reagent needed to perform virus testing, to meet the crisis head on.

Essentially, throughout the initial stages of the crisis, public health officials and the medical community in San Bernardino County were flying blind, as they were unable to test anything more than a minute percentage of the population.

In the last week of March, the health department offered what it said would be testing for the most vulnerable element of the county population, including those aged 65

or older with the signs of COVID-19, including fever, cough, lethargy, and difficulty breathing. When county residents evincing that symptomology applied for those testing opportunities, an untold number were turned away with no acknowledgment whatsoever that they had even applied. This was repeated over the course of the next couple of weeks when the county claimed it was again hosting testing clinics. Despite the health department at that point having the phone numbers or email addresses of a significant number of individuals who had potentially contracted the coronavirus, the department of public health made no follow-

up with them to check on their welfare or COVID-19 status.

The testing debacle prompted San Bernardino County Board of Supervisors Chairman Curt Hagman to put out a guardedly apologetic statement on April 10 that, "We understand the high demand for COVID-19 testing in our county and we are making every effort to organize drive-through events throughout the county. We are working closely with state and federal partners and exploring all avenues to increase testing capacity, despite a nationwide challenge with shortage of supplies."

Continued on Page 8

Apple Valley Eminent Domain Case Potentially To Resume Next Month

from page 3

of Urban Futures, whose expertise lies within the realm of municipal finance and bonding as a means of securing adequate capital to undertake public improvements. Busch testified that the town had \$51 million in investments and cash liquidity which could be redirected toward defraying the cost of purchasing the water utility, and that the town's current enterprise funds are debt free. He testified that the town, through hiring Liberty's current employees working as Apple Valley Ranchos staff members, would be able to take on the task of operating a municipal water division.

After March 16, further testimony in the trial was delayed with the advent of the coronavirus crisis and the subsequent state mandates relating to the general suspension of all but the most essential of court proceedings.

According to Soneff, the town's legal team is now involved in an effort to establish a justifi-

fication for the takeover, including making a case that the town's ownership of the water utility will translate into fairer and lower rates for customers.

That will be an uphill climb, Soneff said, as "looking at the water rate evidence shows Liberty's water rates are just as reasonable as those charged by surrounding cities. The rates are set by the California Public Utilities Commission. Some have claimed the rates are too high, but we have already placed an auditor's report into evidence explaining that in some of those communities the municipalities [which operate their own water utility divisions] either don't invest in keeping the water systems up or they are subsidizing their water divisions with other public funds."

Moreover, Soneff said, the prevailing evidence presented at trial thus far is that the combined cost of the town's acquisition of the water system and its recruitment and employment of adequate personnel to carry out water operations will entail a degree of expense that will require the town to charge Apple Valley's residents at least as much if not

more than Liberty is charging them for water.

"The city is doubly challenged," Soneff said. "We presented evidence from a leading national water economist that the requirements of bond financing and obtaining an operator competent to run a water system will require that the town raise the rates now being charged for water. The town officials won't say they can lower rates. They can only say they can stabilize them. In all likelihood, they will have to raise rates."

Of note is that in 2016, Soneff represented Golden State Water Company in its defense of an eminent domain takeover bid by the City of Claremont in Los Angeles County. In that matter, Claremont was represented, as is Apple Valley, by lawyers with the law firm of Best Best & Krieger. Soneff and Golden State ultimately prevailed in that litigation, with Los Angeles County Superior Court Judge Richard Fruin finding it would be contrary to the public interest – and detrimental to the City of Claremont's residents – to allow the city to wrest ownership of Claremont's water supply system from Golden State. He entered

an order that Golden State was to remain the water provider in Claremont, opining that municipal ownership of the water system was not "a more necessary public use" on numerous grounds, a primary one of which was that Claremont had failed to establish that it could ensure Claremont residents with a safe and reliable water supply, a service Golden State had proven it could provide. In virtually every respect, the case playing out in Judge Alvarez's courtroom mirrors that put on before Judge Fruin, the one exception being that Apple Valley intends to take on ownership and operation of the utility, and Claremont was seeking ownership of Golden State's Claremont-based utility but intended for the neighboring City of La Verne to operate the water supply system.

Of issue and importance to Apple Valley residents is how much Apple Valley will need to pay for the water system, if indeed Judge Alvarez rules in favor of granting the town's eminent domain petition.

At present, the town, through annexations that have occurred since 2015, has expanded to 77.13 square miles. Its

population has zoomed to more than 74,000. The Apple Valley Ranchos Water Company's assets include 34.5 acres of land, 470 miles of water mains, 20 currently active groundwater wells and four inactive ones, 11.7 million gallons of water storage capacity, 11 reservoirs, 27 trucks, three backhoes, a fire-truck, tow-trailer-mounted evacuators, six large portable generators, nine stationary generators, 24,000-gallon diesel fuel storage capacity, booster pumps and mobile booster pumps, an extensive customer records computer system and a computerized data and operations system.

The town, having moved beyond the \$45.54 million valuation it put forth in 2015, has suggested the lowest reasonable price of the Apple Valley Ranchos Water assets is around \$100 million at present. A countervailing possible price put forth by Liberty is in the \$200 million range. Assuming that Judge Alvarez would halve the difference, the town will have to come up with \$150 million to make good merely on the water utility takeover. That would not include the town's costs of hiring, either into its public

works division, or into a newly created water department, administrators, managers, supervisors, at least some of whom would need extensive training and certification, as well as field employees.

Tentative indications are that San Bernardino County's courts might reopen as early as June 8, though there has been no definitive resumption schedule posted. Under the most optimistic of circumstances, the trial could resume in front of Judge Alvarez as early as June 9.

Indications were that the town will need at least six further court days to finish with its case in chief. Judge Alvarez will have up to 90 days to contemplate the trial's proceedings before rendering his written findings and final ruling on whether the town should be permitted to take possession of Apple Valley Ranchos. If Judge Alvarez allows the town's acquisition of the company to take place, Liberty is entitled to a jury trial in which those jurors would be empowered to make a determination of the value of the company assets.

-Mark Gutglueck

Failures In County's COVID-19 Response Preceded Raymundo's Exit

from page 7

One element of Thomas's memo suggested that Raymundo was pushed out the door.

"Trudy has graciously agreed to participate in the transition of leadership for the remainder of her time with the county," Thomas's memo states. "Given her advance notice, the county is able to plan for a smooth transition." The use of the term gracious implied that Raymundo was accepting something that was being imposed on her.

Thomas's memo further indicates that Raymundo is yet intent on pursuing "future endeavors." Yet nowhere in the memo does Thomas

provide an explanation of why it is that Raymundo, if she indeed is anxious to remain active, is stepping away from an assignment that provides the opportunity for her to fill her time with the meaningful endeavor of serving as the head of the county's health department during a monumental health crisis.

In her memo, however, Thomas pushed past that without mention, instead commending Raymundo for her past work.

"As you are well aware, Trudy and her team have a long list of accomplishments for which she and the entire county organization can be proud, most notably her department's national accreditation by the Public Health Accreditation Board, the creation of the thriving Community Vital Signs project,

and the team's work in the county's ongoing response to the COVID-19 pandemic," the memo states. "Trudy has also built a skilled team of public health professionals and we appreciate her many years of dedication that will translate to great service for years to come. She and her leadership have demonstrated the determination, compassion, and resiliency for which our county has come to be known. Please join me in thanking Trudy for her service to the county and the people we serve, and in wishing her the best in her future endeavors."

Some have suggested that the board of supervisors, which has co-existed with Raymundo as the head of the department of public health for a decade because of her ability and willingness

to live within the budget provided to her department, is now scapegoating her because through the board's tightfisted approach it had failed to appropriate an adequate amount of funding to her department in time for Raymundo to go out onto the open market and purchase, using the economies of scale that large bulk orders of the needed testing products would have created, the needed kits and quantities of reagent to meet the county's testing needs.

Previously, David Wert, the county's official spokesman, characterized Raymundo as "a competent, hard-working, and accomplished professional whose department under her leadership has earned national accreditation and won numerous state and na-

tional awards for innovation and public service; someone who is putting in long hours seven days a week to protect our community when she could easily walk away and retire comfortably."

This week, Wert defended the county for having promoted Raymundo, whose educational and experiential background consists of training in accounting and business management, as the director of public health.

"To make things more clear, as is the case in many large counties including Los Angeles and Riverside, the public health department is led by a director, who is not a medical professional but rather an administrator, who supervises a health officer, who is a medical doctor," Wert said. "The director in LA is Bar-

bara Ferrer, who has no background in medicine, and she supervises the health officer, Dr. Muntu Davis, MD. The director in Riverside County is Kim Saruwatari, also not a medical professional, who supervises the health officer, Dr. Cameron Kaiser, MD. Trudy had been a public health administrator for 14 years before she was appointed director. Directors are appointed by higher-level administrators. Trudy is supervised by and reports to the author of the memo, CaSonya Thomas, and was appointed by her predecessor. The health officer, under state law, is appointed by the board of supervisors, but reports to the public health director."

-Mark Gutglueck