

Public Employee Union Contract Negotiation Issue Widens Warren Conflict



Acquanetta Warren

Acquanetta Warren this week found herself immersed in another

conflict-of-interest controversy rising out of her dual roles as an elected municipal official and status as a municipal employee.

Previously the conflict questions that beset Warren pertained to her role as assistant public works director with the city of Upland brought on by her receipt of money as a political candi-



Jeffrey Ballinger

date based in Fontana. In the most recent case, the conflict impinges upon

her role as Fontana mayor, which is complicated by her status as a member of a public employee union, an entity that has been and continues to be impacted by her votes on the city council, including ones that have been secretly cast in closed-door meetings beyond the scrutiny of the public.

Warren found herself

in the eye of a political storm as a result of her recommendation, provided at the September 30 meeting of the Upland Finance and Economic Development Committee, that the city council approve a franchise contract extension for Burrtec Waste Industries, Upland's trash hauler since 2000.

That extension **See P 7**

Starr Projects Quarter Million Savings From Initial Phase Of Fire Merger

The cities of Upland and Montclair should achieve an initial \$260,000 combined annual savings by merging the administrative functions of their current fire departments, Montclair City Manager Ed Stark told the *Sentinel* this week.

That consolidation is to be considered by the Montclair City Council



Edward Starr

at its December 2 meeting. If ratified by both

city councils, the merger could take place as early as January. A previously contemplated accompanying dissolution of the service boundaries between the two agencies will be postponed until July 1, Stark said.

There is marked enthusiasm for the limited merger of the two departments among the managerial ranks of both



Rick Mayhew

cities. The one potential roadblock appears to

be possible reluctance in Upland at the political level, where one city councilman has said he wants further figures and assurance that the change will represent cost savings to his city.

The finalized proposal that has taken shape for the partial merger of the fire departments entails current Upland **See P 8**

Accomplishment And Controversy Attend Petre's ARMC Departure



Patrick Petre

Patrick Petre, whose tenure as the top administrator of the county hospital was marred by accusations of irregu-

larities in the running of the facility over the last several years, is leaving his position at the hospital today. His resignation was announced November 11.

Known as Arrowhead Regional Medical Center, the county hospital made several strides during Petre's time as director, which began in 2007. Those included an 83 medical/surgical bed expansion on the sixth floor and the **See P 7**



Jeff Burum

Whether a landmark political corruption case against Rancho Cucamonga developer Jeff Burum and three

Continuation Of Key Elements In Colonies Case Now Up To State Supreme Court

former San Bernardino County political figures will proceed to trial now hinges on the California Supreme Court's determination of a highly arcane legal issue. More than a week after hearing oral arguments, the state's highest court is now engaged in determining whether the circumstances in the case are sufficiently different from several decades-old bribery cases to override legal precedents that dis-

allow a defendant who has allegedly offered a bribe to a public official from being charged with abetting the alleged recipient in having received the bribe.

In February 2010, a grand jury indicted former county supervisor/county assessor Bill Postmus and one of his political associates, Jim Erwin, who had been the head of the county sheriff's deputies union before he was **See P 2**

Advisory Group Steering County Away From Massive Desert Solar Projects

MORONGO BASIN — A self-styled committee devoted to evaluating options and guidelines for the development of renewable energy in the middle and eastern Mojave Desert that has been adopted by Third 3rd District San Bernardino County Supervisor James Ramos' as an advisory panel is recommending that wind and solar fields be built in

areas of the desert that have already been developed.

In June, the county board of supervisors passed a 45-day moratorium on commercial solar projects in the county's unincorporated areas. On July 23 the board approved a 10-month extension of the ban on new commercial solar projects to allow county staff to re-

fine its regulations with respect to solar fields.

A Catch-22 situation has developed with regard to renewable energy projects, which, according to one school of environmentalists, represent an ecological advance over traditional conventional power sources, such as fossil fuels. Other environmentalists decry the ecological havoc and vi-



sual blight on the natural landscape massive solar power or wind power projects impose, including their disturbance or destruction of the habitat

of certain species. They want to prevent any future renewable energy projects from being located in pristine or undisturbed areas. **See P 6**

Pneumonia Threatening Mojave Desert Bighorn



Biologists surveying the Mojave Desert's mountains for the National Park Service and the California Department of Fish and Wildlife have noted a significant decline in the bighorn sheep population in a substantial portion of the region.

Scouts for Fish and Wildlife, utilizing helicopters, since late October visually scoured over 75,000 acres on and around Old Dad Mountain, the Marble Mountains, and the Kelso, Bristol, Clipper, Soda, Providence, Granite, Hackberry and Woods ranges in a concentrated effort to spot bighorn, which have been decimated by pneumonia since earlier this year.

Scouts were able to spot fewer than half the number of bighorn than they typically see during similar flyovers.

Wildlife officials are concerned that the pneumonia outbreak among what was considered one of the hardest of the state's herds, which killed as many as 45 bighorn sheep in the Mojave Desert between May and August, is persisting and could result in a catastrophic die-off.

Pneumonia is a pernicious condition with respect to bighorn. It can incubate in the animals for months with little or no outward indication for weeks and then strike the animals dead in a short time after it manifests. Sick animals are highly contagious and the disease can **See P 3**

Referendum On Wal•Mart In Apple Valley Tuesday

APPLE VALLEY – The town of Apple Valley will hold a referendum next Tuesday on Wal•Mart’s proposal to put in one of its super-stores at the corner of Dale Evans Parkway and Thunderbird Road.

A yes vote on Measure D will give go-ahead to the project, resulting in the shuttering of Wal•Mart’s existing

store on Highway 18.

Mail ballots have already gone out to Apple Valley voters. Polls will open at 7 a.m. on Nov. 19.

After a vocal opposition to the new store formed, Wal•Mart sponsored the formation of a committee to stump for the new project’s approval, known as Apple Valley Consumers for

Choice, in late 2010. City officials, who believe the new store will boost the city’s sales tax receipts, are supporting Measure D. They have been able to sustain a brisk campaign designed to convince town residents the new store will be advantageous to the community largely on the strength of \$715,000 provided to the committee by the

Wal•Mart Corporation since February 2011.

The committee, and Wal•Mart, working through the law firm of Bell, McAndrews & Hiltachk have put up \$50,000 toward defraying the town’s costs for holding the election.

Wal•Mart and its supporters are intent on hold-

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Colonies Case Before Supreme Court from front page

appointed by Postmus



Bill Postmus

to serve as assistant assessor. Five others

were identified as unnamed co-conspirators in that indictment, which charged Postmus with a host of crimes, including conspiracy, soliciting bribes, accepting bribes, perjury, filing falsified documents and other violations of the public trust. The charges were filed in connection with his November 2006 vote, while he was still chairman of the county board of supervisors, to approve a \$102 million legal settlement between the county and the Colonies Partners, which

was controlled and managed by Burum and Dan Richards.

Erwin, who had been instrumental in vectoring monetary support from the sheriff’s deputies’ union to Postmus’s supervisory and assessor campaigns and was subsequently appointed to one of two assistant assessor positions Postmus established after his election as assessor, was charged with conspiracy, extortion and bribery, perjury, filing falsified public documents and tax evasion. Prosecutors

alleged that Erwin, who was working as a consultant for the Colonies Partners in 2006, threat-



Jim Erwin

ened to disclose damaging information relating to both Postmus and his

then-board colleague Paul Biane before Postmus, Biane and a third member of the board, Gary Ovitt, voted to approve the \$102 million settlement of the lawsuit the Colonies Partners had brought against the county over flood control issues at the company’s Colonies at San Antonio residential and Colonies Crossroads commercial projects in northeast Upland. After the settlement was approved in November 2006, according to prosecutors, Bu-

rum rewarded Postmus, Biane, Erwin and Ovitt’s chief of staff, Mark Kirk, with \$100,000 each in contributions to political action committees they controlled.

Initially Postmus and Erwin both pleaded not guilty to those charges. But in March 2011, Postmus pleaded guilty to all fourteen counts contained in the indictment against him along with one other unrelated drug possession count and agreed to turn state’s evidence. He was the star witness before a newly-impaneled grand jury that heard evidence in April 2011. In May 2011, that grand jury handed down a superseding indictment that collectively charged Erwin, Burum, Biane and Kirk with conspiracy relating to the alleged bribery scheme. Erwin was hammered with multiple counts, including receiving a bribe, acting as Burum’s agent, perjury, filing falsified documents and tax evasion. Biane was charged with soliciting and receiving a bribe in exchange for his vote. Kirk was charged with receiving a bribe in exchange for influencing his boss, Ovitt, to vote to approve the settlement. Burum was charged with extorting Postmus and Biane but was not charged with bribery. Rather, prosecutors fashioned charges against him that alleged aiding and abetting Postmus, Biane and Kirk in receiving bribes. The defendants were also charged with conflict-of-interest and misappropriating

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Continued on Page 4

GLIMPSE OF SBC'S PAST

Thanksgiving: Sometimes Friendly, Sometimes Deadly

By Ruth Musser-Lopez

The annual Thanksgiving holiday was set aside by George Washington in 1789 to commemorate all that is friendly about the historic relationship between America's original indigenous population and Euro-American immigrants; but most of us now know it has been a neglectful misrepresentation in our national elementary history lessons to fail to mention the deadly atrocity of cultural clashing here in the portion of North America that became the United States. We also had our share of deadly cultural conflict in the region that we now call San Bernardino County when Euro-Americans, first given a friendly reception, then failed to honor traditional Native American decorum and property rights.

University of Texas at Austin professor, Robert Jensen in his article "No Thanks to Thanksgiving" (AlterNet.org) suggests that Thanksgiving Day is one of various patriotic holidays used for "taming history"

and is "at the heart of American myth-building" but instead should be set aside as one when "we should atone for the genocide that was incited – and condoned – by



Mojave woman wearing traditional art, clan tattoo patterns and beaded necklace.

the very men we idolize as our 'heroic founding fathers.'" Jensen claims that from an early age in our lives "we Americans hear a story about the hearty Pilgrims, whose search for freedom took them from England to Massachusetts. There, aided by the friendly Wampanoag Indians, they survived in a new and harsh environment, leading to a harvest feast in 1621 following the Pilgrims first winter.

"Some aspects of the conventional story are true enough. But it's also

true that by 1637 Massachusetts Gov. John Winthrop was proclaiming a thanksgiving for the successful massacre of hundreds of Pequot Indian men, women and children, part of the long and bloody process of opening up additional land to the English invaders. The pattern would repeat itself across the continent," according to Jensen. Indeed, it did repeat itself here in San Bernardino County.

Fray Francisco Garces reported the very first meeting of our county's indigenous Mojave Indians by Euro-Americans after he parted paths with the second expedition of Juan Bautista de Anza's in 1776, the latter of whom was leading a party of colonists on a previously established route to Mission San Gabriel. Garces referred to the Mojave as "Jamajab" which in the Spanish

pronunciation is close to what they call them-

They prized furs and the woman wore rabbit and



Two Mojave men by the Colorado River in 1871.

selves now "Aha Macav." Garces described them as eager to trade and friendly... "the female sex is the most comely along the river, the males very healthy and robust."

beaver skin capes. This description is important as later Euro-American trappers beginning with Jediah Smith in 1826 began trapping on prized Mojave Indian tradi-

tional property along the Colorado River. The Mojave welcomed these "American Mountain Men" as potential trading partners, but considered brutal a certain habit they engaged in—that was to take only the pelts, wasting the meat and leaving carcasses to rot on the banks of the river.

The next year, 1827, when a party of trappers led by James Ohio Pattie ignored Mojave demands for a horse in trade for the beaver they were taking from the river, a skirmish broke out with two of the Pattie party. Sixteen Mojaves lay dead four days later. When Jediah Smith returned for his second trapping season, he was attacked, losing nine of his men. According to the Fort Mojave Indian Tribe, (<http://www.nps>.

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Pneumonia Threatening Bighorn Sheep from front page

spread quickly to other members of the heard.

The disease has infested an unknown number of a herd of more than 300 of the sheep near Old Dad Mountain after first showing up in some of the desert ruminants around nearby Kelso Peak.

Wildlife officials were initially put on alert that there was a pneumonia outbreak among the bighorn in May, when three dead rams turned up at guzzlers – man-made watering founts – near Old Dad Mountain. Tests performed on the dead animals by UC Davis's extension Animal Health Laboratory in San Bernardino confirmed they had succumbed to pneumonia. Biologists have speculated that pneumonia was introduced into the herd when a hunting guide felled a feral angora goat near Marl Springs, a dozen miles east of Old Dad Mountain.

Bighorn are particularly vulnerable to pneumonia and can contract it from domestic goats and sheep or cattle, which have a greater resistance to the disease. Once hit with a full blown case, the sheep become extremely lethargic and their air passageways coated with mucous, making respiration difficult. Upwards of 80 percent of an infected herd can die as a result of the contagion.

In August, wildlife officials were contemplating wholesale killing and removal of animals confirmed to be infected as a means of bettering the odds of survival for those yet uninfected. At least ten suspected bighorn sheep were shot. All but one was indeed infected.

The helicopter survey was augmented with efforts to fit a large number of the bighorn with radio beacon collars so their movements can be closely monitored. More than 70 such beacons were successfully affixed to the sheep. The upshot of the helicopter survey

and the direct contact with the sheep, which in several instances included taking blood samples and nasal swabs, was the observation that the pneumonia outbreak is most serious in the environs of Old Dad Mountain.

Bighorn sheep can be inoculated against pneumonia but the resulting immunity lasts only about four weeks.

Herds of bighorn sheep south of San Bernardino County in Riverside, Imperial and San Diego counties were significantly depleted from a pneumonia outbreak that ranged all the way down to the Mexican border in the 1980s. A strategy that was somewhat successful in that episode consisted of isolating the healthy sheep and removing feral animals, including cattle, from the area in which they roamed.

The situation in the Mojave Desert comes less than two years after biologists had reported an uptick in the number of bighorn in San Bernardino County. Accord-

ing to the Society for the Conservation of Bighorn Sheep, surveys that group had completed in recent years in conjunction with the California Department of Fish and Game and the Forest Service showed steady increases in the bighorn sheep population locally. Those entities, which have conducted surveys for bighorn sheep in the San Gabriel range annually since 1979, said the San Gabriel Mountains, which lie south of the westernmost portion of the Mojave Desert, once held an estimated 740 sheep, making the San Gabriel population the largest population of desert bighorn sheep in California. The bighorn population declined over 80 percent through the 1980s but appeared in 2011 to be on the increase. Estimates at that time postulated approximately 400 animals.

There is no indication that the pneumonia outbreak has extended into the mountain population of bighorn at this time.

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Supreme Court Considering Colonies Prosecution Case from page 2

public funds. No substantive counts of extortion were charged in the superseding indictment and the extortion counts against Erwin in the February 2010 indictment were dispensed with, although extortion allegations were wrapped into the broad conspiracy count contained in the May 2011 indictment.

Defense attorneys filed demurrers on behalf of their clients, motions which called into question the legal sufficiency of the charges against



Paul Biane

the defendants. Cited in those demurrers were the cases of *People v. Davis*, *People vs. Clapp* and *People vs. Wolden*, all of which bore upon the inability of prosecutors to charge a defendant with conspiracy or aiding and abetting a crime when that individual stands accused of a crime that necessarily involves the involvement of another individual.

In the case of *People v. Davis*, the court ruled that “the giver and receiver of a bribe are no longer accomplices one to the other.”

The Clapp case, from 1944, pertained to three women accused of involvement in an abortion, which at that time was illegal, and the conviction of the woman on whom the abortion was performed. The court held the woman submitting to an abortion was not punishable as a principal under one section of the penal code because her conduct was prohibited under another section. As such she was deemed not to be an accomplice in the crime of the other parties.

The case of *People v. Wolden*, which in itself relied upon the precedent

of the Clapp Case, related to the case of Russell Wolden, the one-time assessor of San Francisco County who was indicted on 10 counts of accepting bribes and one count of conspiracy to accept bribes. One bribery count was dismissed and the jury failed to reach a verdict upon another and found him guilty of the conspiracy charge and eight counts of accepting bribes. Upon appeal, it was determined that the giver and receiver of a bribe are not guilty of a conspiracy, because the two crimes require different motives or purposes and that the giver of the bribe is not an accomplice in the “separate and distinct crime” of bribe taking.

In August 2011, Judge Brian McCarville granted several of the defendants’ demurrers in what has become known as the Colonies Lawsuit Settlement Public Corruption Prosecution, ruling that a defendant such as Burum who was essentially accused of giving bribes cannot also be charged with aiding and



Mark Kirk

abetting the receipt of bribes, and he dismissed all four bribery counts and one of misappropriation of public funds against Burum, leaving only two of the original seven charges against the figure at the center of the case intact. McCarville further dismissed one felony count of misappropriation of public funds for each of the other defendants. The prosecution, consisting of both the California Attorney General’s office and the San Bernardino County District Attorney’s office, appealed McCarville’s ruling to the Fourth District Court of Appeal in Riverside, which in October 2012 upheld McCarville with regard to the four

bribery counts against Burum that had been tossed, and also threw out a conflict-of-interest count McCarville had let stand. The appeals court did, however, reinstate the misappropriation of public funds charge against Burum that McCarville had dismissed.

Prosecutors then made a last-minute appeal of the Fourth District’s ruling to the California Supreme Court on December 10, 2012. Led by Deputy California Attorney General Melissa Mandel, the prosecution’s petition



Dan Richards

maintains that California bribery law is stale and dated, having not kept pace with changes with regard to bribery and other public officer crimes in other states as well as at the federal level and is inconsistent with other related court decisions. Moreover, according to prosecutors, the circumstances in the Colonies Lawsuit Settlement Public Corruption Prosecution are not lim-

ited to a simple one-to-one relationship between the offerer of a bribe and the receiver, but involve



Melissa Mandel

agents acting on behalf of Burum, and thus, Davis, Clapp and Wolden are inapplicable.

On November 5, Mandel, representing the prosecution, and Stephen Larson, a former federal judge who is representing Burum, made oral arguments of their respective positions before the State Supreme Court in Sacramento.

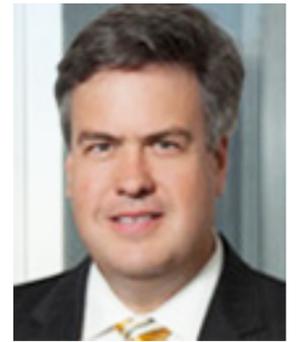
Larson, in his presentation and answers to the justices’ questions, reiterated his previous assertions in court documents that the prosecution is engaged in an impermissible charging scheme and that it was engaging in an elaborate stretching of the law in seeking to overcome having failed to charge his client with giving or offering bribes before the expiration of the statute of limitations.

Having failed to bring timely charges against Burum, Larson wrote in his answering brief to Mandel’s argument filed with the state Supreme Court, the prosecution is now seeking to eviscerate the law and the longstanding interpretation of it.

“The people ask this court to overturn over a century of precedent precluding their improper attempt to charge Mr. Burum, the alleged bribe-giver, under derivative theories of liability for the crime of receiving bribes,” Larson wrote. Just as the prosecution had failed to act in time to properly charge Burum with bribery, it also blew the statute on the extortion and blackmail elements it has attempted to weave into the case, Larson said. What the prosecution is asking for, Larson said, amounted to a “do over” of its inadequate original filing. As such, Larson maintains, it is asking the California Supreme Court to make a contrary interpretation of its own case law pertaining to the inability to charge a bribe giver with aiding and abetting the bribe taker in receiving the bribe. Larson pointed out that there were no secondary acts alleged against Burum in the original

indictment and that even if the court were to reverse more than 90 years of standing case law, the applicability of that interpretation to Burum at this point would amount to an improper ex post facto prosecution, i.e., the retroactive application of a law to action prior to the law being in effect, which is expressly forbidden by the United States Constitution in Article 1, Section 9, Clause 3.

Mandel, faced with the task of convincing



Stephen Larson

the Supreme Court that existing statutes and case law are unequal to the circumstances and actions alleged in the indictment, found herself faced with questions from the justices indicating at least a modicum of skepticism with regard to her novel legal theories. She attempted to blend together the overt acts alleged in the indictment with the action of Erwin, who was described in the

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Glimpse from page 3

gov/moja/historyculture/mojave-early-history.htm) violence between the trappers and the Pipa Aha Macav, People of the River, was experienced for 20 years there—after reaching a peak when trappers from the Canadian Hudson Bay Company killed 26 Mojave.

The trapping era was a period of conflict but paled in comparison to what came next in the Battle of Beale's Crossing in 1857 with the Gold Rush in progress and the huge influx of immigrants wanting to enter California. Digressing back about 100 years to Garces, he left the Anza entourage at the river and traveled north to the vicinity of present-day Needles which was in the valley considered to be the heart of Mojave Indian territory...Mojave Valley. From there he turned west and was guided on this journey following what became known as the "Mojave Trail" to San Bernardino Valley enroute to Mission San Gabriel. He was the first Euro-American we know of who was shown this prehistoric Native American trail

across the desert of San Bernardino County and he was guided by several Mojave guides and also Sabastiin Tarabal, a runaway from Mission San Gabriel.

The Mojaves were kind to Fr. Garces and looked forward to



Mohave Indians by H. B. Molhansen, 1856.

the potential of new trading partners since they were, by tradition, eager to engage in commerce and trade. Using the trail, Mojave runners were able to cross the desert on foot to the coast in less than a week and often traded with coastal tribes, their distant relatives. The so-called Mojave trail was actually a travel corridor, a network of trails linking springs and natural water tanks. The straight shot was an effective thoroughfare for foot travel where very little water needed to be

ported, thus reserving carrying capacity for trade items.

However, the kind gesture shown Garces in 1776 turned tragic when over the next 100 years it was returned with Euro-American greed, insensitivity and intolerance of cultural diversity culminating in the Mojave being removed from their native richly watered river bottom land on the Colorado River and onto reservations. It happened like this: After the trappers, came the 1849 Gold Rush and the U. S. Army and the railroad interested in establishing routes, then the flood of immigrants wanting to get to the California gold fields and the newly annexed state of the Union—the trail was being used, but immigrants wanted to bring their belongings and desired a wagon trail.

Of the two transcontinental route expeditions, Capt. L. Sitgreaves surveying a route through the area in 1851 was perceived to be a stern regimentarian by the Mojaves, but Lt. Amiel Weeks Whipple in 1854 was perceived as "amiable" and gained the confidence of the Mojave. Many of the Mojave said

they were in favor of the railroad route through their Colorado River valley near present day Needles, California because it meant the opportunity for trade. Meanwhile, during the 1850s, wagon trains were forging their way across the continent in various places and one was attacked by Tonto Apaches in Arizona in 1851. Two little Oatman girls were survivors and fortunately for them

their lives were spared when they were traded to Mojaves who cared for them. The youngest died but the other, Olive, was returned to her family in 1856.

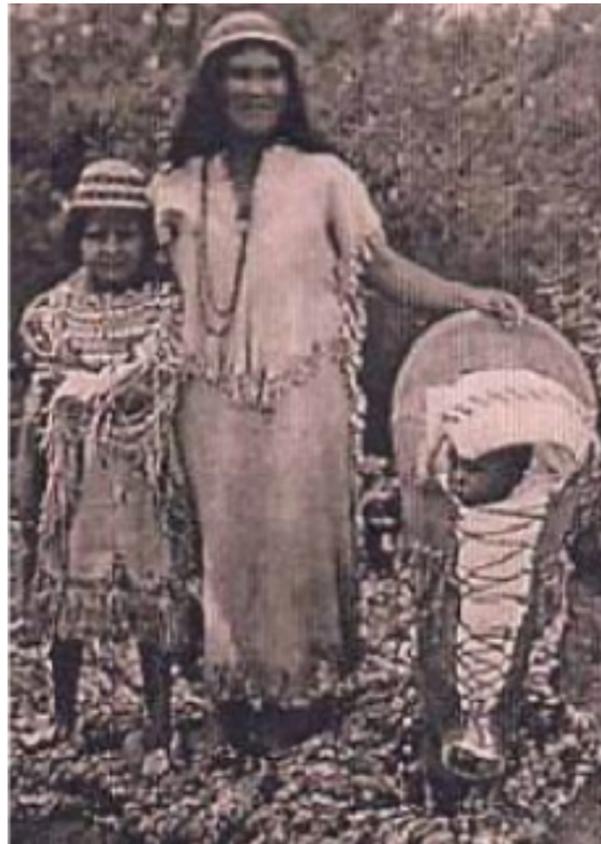
The story brought national attention, but the Mojave were misunderstood and blamed along with the Apaches who had become known for practicing torture. By 1858 plans were being formulated for installing

a fort to guard the river crossing on Whipple's survey route.

That year Lt. Edward Beale and his troops along with 12 camels cleared and opened an emigrant wagon road to California that closely followed the Mojave Trail route of Garces with the crossing at the river becoming known as "Beale's Crossing." The "Old Government Road" also previously known as "Beale's Camel Road" was intended for use by Euro-American immigrants to California. The road is for the most part now still a dirt road variably known as the "Mojave Road" or "Mojave Trail."

The Rose Party wagon train with dozens of women and children plus armed men came from the east through the river valley that summer of 1858 with their livestock, reportedly trampling over the fields of crops planted by the Mojave. They also cut for rafts numerous valuable cottonwood trees that belonged to the Mojave, who prized them for use in building and clothing, as well as for providing shade. The Rose Party tarried on the river at

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Southern Paiute woman and girl wearing traditional Paiute basket hats. Baby swaddled in cradleboard

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Advisors Steering County Away From Large Solar Projects *from front page*

But county residents living in proximity to where several solar projects have been approved or are proposed have complained the solar farms are a too-intensive use that clashes with the nature of their rural residential neighborhoods and represent unresolved land-use and zoning conflicts. Thus, the places where large solar or wind projects can be located anywhere in San Bernardino County's vast desert outback without triggering some level of protest are virtually non-existent.

In the Route 62 Corridor, stretching from Morongo Valley to Twentynine Palms, in the communities of Morongo Valley, Yucca Valley, Joshua Tree, and Twentynine Palms, as well as in other remote desert areas such as Pioneer Town, Landers, Black Lava Butte & Flat Top Mesa, residents have proven resistant to solar and wind farms being built in their environs.

Nevertheless, members of the Basin Energy Assessment Team, the aforementioned group of residents recently em-

braced by Supervisor Ramos as sapient guides with regard to the county's forthcoming renewable energy development policy, are prodding county and local officials to adopt codes that would restrict energy development to those portions of the desert environment that have already been developed or which are inhabited.

At its most recent meeting on November 1, the Basin Energy Assessment Team, which now boasts more than a dozen members, voiced the perspective that solar and wind projects should be placed in industrially zoned areas and should incorporate pre-existing infrastructure and structures as part of their projects to the extent possible.

On a very real level, the group's advocacy runs counter to the flow of things at both the federal and state levels, where renewable energy development is being encouraged. The state of California is pushing for the streamlining of the permitting of renewable energy projects and meeting its own Renewable Portfolio Standard, the provisions of Senate Bill 11-2X, signed into law by Governor Edmund Brown, Jr. on April 12, 2011, as Public Resources Code § 25740,

requiring California to meet the 33 percent renewable energy portfolio standard by 2020 and the Desert Renewable Energy Conservation Plan, which calls for the approval of 10,000 megawatts of non-hydropower renewable energy generation on public lands by 2015. In the face of this, the Basin Energy Assessment Team is calling for a far less aggressive development of renewable energy.

A case in point is the online brief the group has put together called the Desert Renewable Energy Conservation Resources. On that site, the group advocates the use of solar panels and solar film on existing structures as the most efficacious way of exploiting solar power, rather than building solar fields. On that site, the group says that it offers "a library of analytical writings that demonstrate the economic and conservation benefits of point-of-use renewable energy generation in the already built environment. Point-of-use installation is the cleanest and least expensive way to ramp up renewable energy generation immediately, all while creating the highest number of local jobs, preserving and improving property values, protecting lo-

cal water resources, and boosting the local economy."

Basin Energy Assessment Team members are attempting to steer Ramos, and by extension the entire county, into adopting policies that will attenuate the more aggressive elements of the Desert Renewable Energy Conservation Plan and will impose strict water use regulations on solar projects, prohibit solar projects that would have a deleterious impact on the area's tourism industry and place restrictions on projects that would hurt the environment, scenic views, wildlife and natural resources.

While many desert residents hail the moratorium and the cautious approach Ramos, the board of supervisors and the county's land use services division are taking with regard to the consideration of solar and wind projects, solar project proponents say the county is losing a vast economic opportunity by kowtowing to the opponents of large scale solar and wind projects.

Scott Mazzola, vice president of Apple Valley-based Desert Solar, said that while the county and its land use services division dither over the zoning issues and standards to be applied to solar fields, in-

dividuals, companies, corporations and investors interested in pursuing solar development are growing impatient, losing money, contemplating taking their proposals elsewhere or have already pulled up stakes and moved outside of the county.

Noting that Desert Solar long ago committed heavily toward the concept of establishing medium and large scale solar projects throughout the Mojave Desert and that "We've spent several years investing time, resources, money to make these projects work," Mazzola complained the moratorium and its extension has now upset his company's timetable and cost it a considerable amount of money as well as projected future revenue.

"By extending this

out as long as you have, you have really... devastated us," he told county land use services staff at a county workshop two months ago. That workshop was hosted by the land use services division to gather input from residents with regard to the guidelines they want instituted in the county code relating to solar projects.

Mazzola said Desert Solar had been forced to abandon its San Bernardino County projects in favor of seeking approval in other Southern California jurisdictions where there is less uncertainty as to the standards and restrictions his company will encounter. "We have literally moved two \$70 million projects from San Bernardino County to other locations," he said.

Indians & Thanksgiving *from page 5*

Beale's Crossing and the Mojaves learned that another wagon train, the Bailey Party was just a few days coming through the mountains east of the river. Both wagon parties were attacked and this was said to be by a joint effort between the Mojaves and their distant relatives and allies, the Hualapai who instigated it in retaliation for the property taken by the

wagon train parties and for concern that property and resources would continue to be wrongly taken. In the end, seventeen Mojave/Hualapai were killed, while among the immigrants only one was killed and 11 wounded. But they had lost livestock and the wagon trains were damaged enough that the decision was made to turn around and go back to New Mexico.

Still reeling from the perceived Oatman kidnapping, furor was increasing among Euro-Americans. Incited over the Rose and Bailey Party attacks, a public campaign was waged to "Wipe out the Mojave!" Between January and April of 1859, skirmishes broke out along the Mojave Road as attempts were made to cross the desert to establish an infantry camp on the river. Altogether 10 to 15 Mojaves were reportedly killed by musket fire. The war department reinforced the troops with over 600 infantry, cavalry, and artillery, "Indian fighters" led by Col. William Hoffman, 6th U. S. Infantry, rode from San Francisco and used the Mojave Road to cross the desert. On April 19, *Continued on Page 9*

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Widening Conflict

from front page

would have provided for Burrtec remaining as the city's refuse handler at least until 2028, an arrangement that would have precluded an open bid competition for the franchise for 28 years, while involving a contract with a total value exceeding \$150 million. Over the last decade, as a successful candidate for the Fontana City Council and Fontana mayor as well as in an unsuccessful run for the State Assembly, Warren received \$11,578 from Burrtec.

Questions arose as to whether her receiving that money from Burrtec and then advocating on behalf of the company as a hired/appointed official in Upland entailed a violation of three sections of the California Government Code that are outgrowths of the Political Reform Act of 1974, sections 87100, 87103 and 84308, all of which pertain to conflicts of interest, as well as Government Code Section 1090, which prohibits a public official from hav-

ing a personal financial interest in any matter he or she acts upon as a public official.

At the September 30 committee meeting, Warren participated in her capacity as assistant public works director. Her comments lauding Burrtec's performance under the current contract augmented recommendations by Upland Public Works Director Rosemary Horning and Upland City Manager Stephen Dunn, as well as by an outside firm, R3 Consultants, that the city extend the franchise contract.

Government Code Section 1090 states, "Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase

made by them in their official capacity."

According to California Government Code Section 87100, "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which (s)he knows or has reason to know (s)he has a financial interest."

Gov. Code Section 87103 (e) states "A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or... any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made."

California Government Code Section 84308 pertains to limitations on an official's ability to advocate or vote on issues impacting on a political donor as well as the need for a public official to disclose donations he or she has received from entities with dealings before the public agency that official is acting on behalf of. According to the Fair Political Practices Commission's web site, "Section 84308 prohibits solicitation or receipt of campaign contributions from parties, participants, or their agents, in proceedings involving licenses, permits, or other entitlements for use. The law also requires an official's disqualification in those proceedings if the official has received campaign contributions of more than \$250 from a party or participant within the 12 months preceding the decision. Finally, Section 84308 requires disclosure of such campaign contributions."

According to Upland City Clerk Stephanie

Mendenhall, Warren's current statement of economic interests, known as a California Form 700, which she filed with Mendenhall's office earlier this year and certified as being true under penalty of perjury, states she has "no reportable interests."

As the Upland City Council's October 28 vote on the Burrtec contract extension approached, the controversy with regard to Warren's conflict in Upland hit a crescendo. Prior to the vote, city attorney Kimberly Hall Barlow offered an interpretation of Government Code sections 1090, 87100, 87103 (e) and 84308 that a legal conflict did not apply to Warren's circumstance vis-à-vis Burrtec since in Upland she was acting as a "hired" official rather than an "appointed" one.

Nevertheless, the contretemps took its toll. On October 28, Mayor Ray Musser, speaking from the council dais in his remarks before the council voted, responded to Barlow's pronouncement

that no "legal" conflict existed with regard to Warren's participation in the decision-making process, stating that "You can say it's legally okay, but it is not okay ethically." He voted against the contract extension, which failed on the resultant 2-2 vote.

This week, at the November 11 council meeting, Deidre Rodriguez, the interim general manager of the San Bernardino Public Employees Association, which represents 15,000 county and municipal workers in San Bernardino County, including those in Upland and Fontana, spoke to the council during the public comment portion of the meeting, addressing Musser in particular in an effort to defend Warren.

She lambasted Musser for his having suggested Warren had any sort of conflict and tore into the mayor for having questioned the ethics of Warren's participation in the Burrtec discussions, suggesting that Musser's raising of the ques-

Continued on Page 12

Petre Leaving

ARMC from front page

addition of a three-story, 68,000-square-foot medical office building. Petre was also on hand when the medical center was designated as a stroke center and incorporated a palliative care program and an enhanced cancer care program.

By February 2010 and perhaps earlier, however, California state and federal investigators began

looking into alleged irregularities at the institution, including faulty diagnoses that led to the deaths or permanent injuries of patients; billing fraud with regard to descriptions of services rendered; a fiduciary conflict of interest in which the hospital's former medical director, Dr. Dev GnanaDev, owned the medical corporation, Arrowhead Regional Surgical Group, Inc., which had an exclusive contract for the provi-

sion of certain surgical procedures at the hospital; the hospital's alleged free provision of off-the-books medical care to individuals, including members of the board of supervisors and high ranking county officials; inadequate supervision and oversight of the emergency room; violations of law with regard to the use of physical restraints on patients in the hospital's behavioral health ward; together with inadequate peer

review of the hospital's policies and practices.

The county initiated the first of a series of internal audits shortly after the state and federal probes were revealed as being under way.

In May 2010, the Centers for Medicare and Medicaid Services threatened to suspend Medicare and Medi-Cal payments to Arrowhead Regional Medical Center if the county hospital did not show improvement in operations and patient care.

On November 4, 2010 a team of more than 20 investigators, including FBI agents, members of the U.S. Attorney's office and district attorney's office employees, served search warrants at Arrowhead Regional Medical Center, hauling away thousands of documents and computer files. No criminal charges were ever filed, but the county's internal examinations of its operations intensified.

Last January,

GnanaDev, who had been the hospital's medical director since 2000 and had come under continuous criticism because of the perceptions of the conflict involving his dual roles as the hospital's medical director and as owner and head of the surgery group with a hospital contract, departed as medical director and was replaced by Dr. Emily Ebert, who has served the last eight months as the acting medical director of the county hospital.

Doctors and other medical professionals who work at the hospital reported that Petre was unwilling or unable to assert his overarching management authority at the hospital to hold GnanaDev in check, and had shrunk from providing recommendations to the board of supervisors that would have curtailed GnanaDev's domination of hospital operations and the promotion of his surgical group's financial interests, even

in the face of indications this created a circumstance that was contrary to the interests of some of the hospital's patients. Petre's reluctance could be at least partially explicated by the consideration that some of the members of the board of supervisors had been the recipients of the off-the-books care rendered at the hospital.

In September, Dr. Richard Pitts succeeded Ebert as Arrowhead Regional's medical director.

Petre reportedly was offered a management post with a private sector medical provider in Los Angeles County, and will move into that position shortly.

Petre will be temporarily replaced by Pitts while a nationwide search is conducted to replace him.





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Montclair/Upland Fire Admin Consolidation from front page

Fire Chief Rick Mayhew becoming fire chief of both departments, with the departments sharing three battalion chiefs as well as a fire marshal. Each city will retain a deputy fire chief that will not be part of the command sharing.

While each department will maintain its own identity and retain responsibility for its own firefighters, who will work under different employee contracts with their respective cities, the arrangement will pave the way for future consolidations, including the planned eventual dropping of the fire service boundaries between the two cities and use of a common dispatch team.

"Initially we are going to ask the council to approve command staff sharing and to delay the boundary drop for six months while we carry out studies with regard to fully merging our respective cities' service areas," Starr told the Sentinel. "At the end of those studies, effective July 1, 2014, we will very likely eliminate our common service boundary. This is a two-year proposal about which all of our [Montclair] council members appear to be supportive."

One element of the study to be carried out over the next several

months pertains to further consolidation, Starr said, of "non-sworn positions in both departments to determine which of those will be subject to cost sharing. At the end of six months, by July 2014, we will decide if sharing costs for various non-firefighting positions in our departments should take place."

Both cities stand to save money in the arrangement, Starr said. "My understanding is the savings for Upland are in the \$160,000 to \$180,000 range," Starr said. "That is not an exact or hard figure, but just based on my conversation with Upland officials. Upland personnel need to complete their calculation to fully determine what their cost savings will be. This could have a significant economic advantage for them beyond the figure I quoted. This could well impact on their overtime costs. In Montclair, we are projecting \$120,000 savings in overtime costs. There may be savings we have not fully calculated."

Starr said the gist of the savings will consist of the economy of scale realized with the elimination of costs netted with the consolidation of the battalion chief function. Upland will see further savings in that Montclair will "pay a share of the Upland fire chief's salary." Moreover, he said, Montclair will "initially pay for two of the three battalion chiefs."

The advantage to both cities will not entirely be economic, Starr said. "Each city will have access to expanded resources. From our perspective, it is a good deal. For Upland, it will not provide them with the half million dollars in savings they are looking for in dealing with their budget issues, but it will represent at least \$160,000 in cost reductions. And they will reap improved fire protection."

An earlier envisioned benefit to the merger, Starr said, was that "the response to a call was to be based on the closest fire station. If a call from Montclair came in

where the closest station was in Upland, then they would have responded first, just as if in a case where Montclair has a closer station to an ongoing incident in Upland, we would respond first. With what we are proposing now, we will not be eliminating our service boundaries until July."

Nevertheless, Starr said, rapid response across those lines of demarcation will take place as is appropriate and as emergency and necessity dictates. "We already have mutual aid and automatic aid agreements, so a Montclair engine might roll on an Upland fire or emergency now, if the Montclair station is the closest. The call would go through Upland first, but if the Upland truck is busy, a call will go to Montclair and we would respond."

At present the city of Upland, with its population of 73,732, employs 36 full time firefighters staged out of four fire stations. Montclair fields 24 firefighters and operates out of two fire stations. Previously, the city of Upland contemplated outsourcing options for its fire department in an effort to reduce costs, including considering contracting with the city of Ontario, the California Division of Forestry or the county of San Bernardino for fire protection service. Upland also approached Los Angeles County to see if its fire department would provide it with a fire service proposal. Los Angeles County turned Upland down because the California Division of Forestry, also known as Cal Fire, and LA County Fire have an agreement that Cal Fire will not come into Los Angeles County to seek contracts and Los Angeles County has agreed not to go into San Bernardino County or Orange County for contract agencies.

In Montclair, officials previously gave serious consideration to the outsourcing of that 36,664-poulation municipality's fire department, specifically the concept of dissolving the department in favor

of contracting with the San Bernardino County Fire Department or the California Department of Forestry and Fire Protection.

The impetus for the exploration of those options were financial considerations, brought on by the downturn of the economy, dwindling governmental revenue and the conflation of governmental services. As a result of the state of California's shuttering of municipal redevelopment agencies throughout the state, toward the end of the 2010-11 fiscal year, Montclair laid off 10 employees as part of its effort to make up for its loss of redevelopment money.

Throughout much of 2010-11, one of the Montclair Fire Department's paramedic units was parked and the paramedics functioned from the department's remaining engines, which stayed in service. Over the last year-and-a-half, what was a 27-firefighter department has lost three positions to attrition, and has not filled those vacancies, making up for the manpower shortage with overtime. In September 2012, Starr, in a cost-cutting move that saved the city nearly half a million dollars a year in wages and benefits, elevated police chief Keith Jones to the position of director of public safety and gave fire chief Troy Ament his two-week severance notice. In June of this year, police captain Michael deMoet was appointed to the position of director of public safety, following Jones' retirement. de Moet continues to function in the role of Montclair fire chief.

If the administrative merger is approved and provides the projected savings in both cities and the boundary dissolution takes place next July as anticipated, the next logical step for both cities would be the merger of its public safety dispatch function, which would provide monetary savings as well.

At present, both Upland and Montclair contract with the city of Ontario, which has a regional emergency

dispatch and communications center that previously set the standard in that arena for nearly three decades. But the county of San Bernardino has recently significantly upgraded its computer-aided dispatch system, giving it capability that rivals or exceeds that of Ontario.

According to Starr, "We have not entered into an agreement with Upland on consolidated dispatch, but it is an item of discussion. At this point, we have to rely on the current dispatch arrangement that treats Upland and Montclair as individual and separate agencies. If we are to consolidate our dispatch functions, we could stay with the city of Ontario or go to the county of San Bernardino. Whatever agency we go with would have the ability to treat Upland and Mont-

clair as one entity and dispatch the unit closest to the incident. The first part of our study needs to be completed. My understanding at this time is there would be an opportunity for economic saving if the two of us went together as one entity. We haven't actually approached the city of Ontario with that question yet. We have approached the county in that regard. The county has a different and more recent addition of technology for its dispatch capability. If it is appropriate, the two cities may want to avail themselves of the economic advantage consolidation would bring and we may want to take advantage of the updated technology the county can now offer at the same time. It may also be to our advantage to stay with Ontario."

tentially vulnerable to a lawsuit that would contest its presence as being incompatible with nearby uses.

An attorney with offices in Upland and San Diego, Corey Briggs, has had considerable success in stymieing or delaying Wal-Mart projects in a number of Southern

Continued on Page 9

Apple Valley Referendum from page 2

ing the election – despite its costs – because voter approval may prove key to the development proposal reaching fruition. The project runs counter to the town's current general plan and it will border a residential area. As such, it would be po-

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Glimpse from page 6
 1859 they established Camp Colorado near Beale's Crossing on the Arizona side of the river opposite what is now San Bernardino County to control "hostile Mohave and Paiute Indians."

There was no combat; peace was discussed. Hoffman told the chiefs that if they would agree to not attack immigrants traveling through their land and to not oppose the government's building of roads and forts in Mojave territory, than the Mojave people would not be destroyed. But to show the Mojaves the might of the U. S. Government, Hoffman arrested and held hostage a young Mojave brave, Cairook, and eight others by locking them in the miserable Yuma Prison. Cairook, was the nephew and sub chief of the elderly Great Chief Homoseh Awahot. He was supposed to be released after a year but was not. Cairook gave his life by holding the lone guard at noon providing an opportunity for younger hostages to dive into the river and

escape swimming under water.

Assuming command of the post, less than 10 days later, Camp Colorado was renamed "Fort Mojave" on April 28, 1859 by Captain Lewis A. Armistead, 6th U.S. Infantry. During this period of time, it is reported that bags of poisoned sugar were purposely "lost" or accidentally dropped out of the back of wagons where Chemehuevi Indians lived at Paiute Springs on the wagon road about 40 miles west of the river in San Bernardino County. The deadly assault resulted in people getting sick and/or, dying upon eating it. A military outpost (Fort Paiute) was also installed at that spring as well as numerous other springs along the Mojave Road in San Bernardino County that had previously sustained Native Americans for thousands of years.

"Sometimes friendly, sometimes deadly. That describes the early contact between the Mojave and the white man" says the Fort Mojave Indian Tribe of those contact years (see <http://www.nps.gov/moja/historyculture/mojave-early-history.htm>).

Wal-Mart Vote from page 8

California cities, challenging them both on environmental grounds relating to the California Environmental Quality Act as well as their in-

nps.gov/moja/historyculture/mojave-early-history.htm). The constraints of the American Civil War resulted in the closure of the outposts in 1861 but by 1865 a reservation was established in Parker, Arizona. Those who refused to leave their cultural hearth in Mohave Valley were not allowed to farm in their traditional old ways and had no land they were allowed to call their own.

In an attempt to eradicate native culture and language, children were forced to attend school at Fort Mojave; learning English was compulsory. Truant children were forcibly returned to school, often whipped and locked in an attic for days, and given water and a slice of bread for meals. In 1905, the children were required to adopt English surnames

consistencies with several of those cities' general plans.

Briggs made a showing in Apple Valley more than two years ago when he contested the town's tentative approval of the Supercenter.

in place of their traditional clan and individual names. You can read more details of the challenges in the later years of our San Bernardino County Native Americans in the Fort Mojave Indian Tribe's own words at <http://www.nps.gov/moja/historyculture/mojave-tribe-late-history.htm>

Finally on February 2, 1911, by executive order of President William H. Taft, the Fort Mojave Reservation was established. In a checkerboard arrangement of sections, 31,300 acres of land were reserved for the Mojave while the railroad received every other section of land. The boarding school at Fort Mojave was finally closed in 1931 when the children started attending school in Needles.

Fortuitously,

Nevertheless, the opposition to the new Apple Valley Wal-Mart, while significant in terms of numbers, its vociferousness and dedication, lags well behind the project proponents and its supporters in terms

of marshaling monetary and political support.

The committee that was organized to oppose the Apple Valley Wal-Mart Supercenter, Citizens for Smart

Continued on Page 11

gaming has long been a traditional part of Native American culture and with the income from the recently established casinos, our indigenous San Bernardino County Native Americans are turning their reservations, once the emblem of deprivation, injustice and mistreatment, into economic successes that benefit entire tribes. Two of these casinos are located in San Bernardino County. The Serrano have located their San Manuel Indian Casino conveniently in the Inland Empire in an oasis-like setting along the foothills of San Bernardino Valley.

The wall of glass in the dining area of the Chemehuevi casino restaurant provides a gorgeous view of San Bernardino County's eastern shore on Havasu Land-

ing and is a lovely place to dine and relax this holiday season, when the fall/winter desert weather is relatively mild.

Just beyond our borders are the Cahuilla, also known as the Morongo Band of the Mission Indians. Their Morongo Casino is in Riverside County along I-10. The Mojaves have two casinos, one on each side of the Colorado River north of Needles. The Avi is just across our county border at the tip of Nevada south of Laughlin, Nevada. The Spirit Mountain casino is in Mohave Valley, Arizona. There is some discussion of acquiring a third casino in San Bernardino County along I-40 near the river at Needles. The success of our county's Native American people

Continued on Page 10

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San Bernardino County Coroner Reports

Coroner case #701308272 – On 11/13/2013, at 1:14 AM, officers from the San Bernardino Police Department responded to a 911 call of “shots fired” in the 1900 block of Guthrie Street in San Bernardino. When officers arrived they found 25 year-old San Bernardino resident Courtney Kilpatrick with trauma to the upper body. Kilpatrick was pronounced dead at the scene. The San Bernardino Police Department Homicide Detail is investigating the incident. [11132013 0850 SY]

Coroner Case #701308265 – On 11/12/2013, at 6:57 PM, Mario Dupree Moore, age: 27, from San Bernardino, was struck by a Dodge Durango while crossing traffic lanes in the area “G” Street and 21st Street in San Bernardino. Moore was transported to Arrowhead Regional Medical Center where he was pronounced dead at 8:04 PM. An autopsy will be conducted to determine the cause of death. San Bernardino Police Department Homicide Detail is investigating the incident. [111313 0450 EM]

Coroner Case #701308206 – At 1:30 AM, on 11/10/13, the California Highway Patrol received 911 calls reporting a "motorcycle rider down" on the eastbound State Route 60, east of Euclid Ave., in Ontario, that had been struck by multiple vehicles. Officer arrived to find 61 year-old Ontario resident Robert R. Ybarra, had been riding a 2002 Harley Davidson eastbound in the carpool lane when he lost control and was ejected onto the highway. The male was pronounced dead at 1:44 AM. The California Highway Patrol is investigating. [111013 1615 TC]

Coroner Case #701308197 – On 11/08/2013 at 6:49pm, 18 year old Alec Garcia, a resident of Fontana, was traveling westbound on on E. Ontario Mills Parkway when he was broadsided in the intersection by a vehicle traveling northbound on Barrington Ave. Garcia was pronounced dead at the scene. Ontario Police Department is investigating this collision. (CN 0318 11102013)

Coroner case #701308192 – On 11/09/2013, at 10:29 AM, the California Highway Patrol responded to State Route 138 and Lone Pine Canyon Road, Phelan, for a traffic collision. They found that Rodolfo Amescua Borrego, a 43 year old resident of Highland, driver of 1996 Honda had been struck by an oncoming 2004 Volvo. Borrego suffered major trauma and was transported to Loma Linda University Medical Center where he was declared dead at 12:13 PM. The California Highway Patrol is investigating the incident. (CN 2336 11092013)

Coroner Case #701308159 – On 11/07/2013, at 11:10 PM, Robert Vasquez Rodriguez, a 43 year old resident of Fontana, was involved in a single vehicle rollover while traveling eastbound on Interstate 10, east of the Etiwanda Ave. overpass, in Fontana. Rodriguez was in a red 1993 Toyota pickup. Rodriguez was pronounced dead at the scene. The California Highway Patrol is investigating the accident. (11082013 CN 0533)

Coroner case #701006520 – On 11/07/2013, at 2:45 PM, The California Highway Patrol responded to the Interstate 15 and the Calico Road off ramp, in Yermo. Upon arrival they found that Richard Lee Hall, a 65 year old resident of Yermo and the driver of a white 1999 Cadillac Escalade, was involved single vehicle collision. Hall was declared dead on scene by Marine Corps Logistics Base Fire personnel. The incident is being investigated by the California Highway Patrol. (CN 11/08/2013 0030) [11092013 1102 GB]

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

Glimpse from page 9 attest to the tenacity, resilience, fortitude and resourcefulness of our

first area residents whose ancestors lived here for thousands of years and whose descendents proudly hold on to their

heritage. The reservations are but a small percentage of the original native territory; the price paid

by our county’s Native American population was huge—lost lives, lost property, and sometimes, lost spirit. Since

1970, Jensen tell us, the fourth Thursday of every November has been set aside as a Day of Mourning in a spiritual/political

ceremony by indigenous people on Coles Hill overlooking Plymouth Rock Massachusetts. San Bernardino County residents might consider doing something similar like setting aside a moment of silence or ceremony on Thanksgiving Day to recall the events along the Mojave Trail, at Fort Paiute and Fort Mojave or to tell these stories to their children. Better yet, buy a meal ticket or take a homeless person to dinner at one of our county Indian casinos.

After all, “Thanksgiving is true to its purposes,” says Jane Kamensky, a professor of history at Brandeis University "And that's all it needs to be. For these holidays say much less about who we really were in some specific Then, than about who we want to be in an ever changing Now." (From Common-Place website in 2001, cited by Richard Schiffman http://www.huffingtonpost.com/richard-schiffman/the-thanksgiving-truth_b_1105181.html).

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Supreme Court Considering Colonies Prosecution Case from page 4

indictment as Burum's "agent," "mule" and "underling," to propound the theory that his action in having prepared, prior to the 2006 election, never-delivered mailers and handbills which dwelled on derogatory information relating to Postmus and Biane, constituted blackmail and extortion that paved the way for the bribes that were delivered to Postmus and Biane after the vote conferring the \$102 million settlement on the Colonies Partners. The combination of the bribes, extortion, blackmail and the use of a third party, i.e., Erwin, in this regard, Mandel suggested, constituted a facilitation of the crime that went beyond mere bribery. Burum, she said, utilized his "enormous political power and financial resources to coerce the public officials into accepting his bribes."

To questions from the justices as to whether the prosecution had allowed the statute of limitations on the bribery – which allegedly occurred between February 2007 and June 2007 – to elapse by the time of the May 2011 indictment of Burum, Mandel did not provide a direct answer.

Present during the oral arguments before the Supreme Court but not taking part were deputy district attorneys Lewis Cope, Reza Sedeghi and John Goritz, all of whom work in the office's public integrity division, as well as former deputy California Attorney General Gary Schons, who previously oversaw the case and supervised Mandel when

the case was filed.

While Mandel maintains the matter is a "high-profile public corruption case that is being closely watched and will be used as a benchmark to inform the conduct of both public officials and those seeking to influence them" and is "the right case" for the Supreme Court to make a precedent-setting decision with regard to bribery of public officials and thereby "offer guidance on ... what acts they can commit without subjecting themselves to prosecution," Larson argued that it was a misapplication of the law to try to hold Burum accountable for the other defendants' violations of Government Code Section 1090 and 1097, which prohibit an elected official from engaging in a financial conflict-of-interest or making a decision which will have an impact on his own financial circumstance. He said the Davis, Clapp and Wolden precedents have been for so long established that they have become standards under California jurisprudence. He said the Court of Appeal had engaged in sound analysis of the criminal case and made accurate rulings. "The Court of Appeal correctly held that Mr. Burum cannot be charged with aiding and abetting or conspiring in the alleged violation of Government Code Section 1090. Government Code Sections 1090 and 1097 do not apply to private citizens," according to Larson. "The Court of Appeal properly based its ruling on the legislative intent to exclude aiding and abetting liability."



By Diane Dragotto Williams

Like others of the canine family, *Urocyon cinereoargenteus*, the Gray Fox, is playful with its food, throwing it in the air, chasing it down, and then burying it, if there's



excess. Very few have watched this remarkable animal in the wild due to its elusive, yet very present habitation in our environment. Whether in the mountains, the hillsides of the valley, or even the brush of the flatlands, this talented mammal helps balance the lower level animal world in our California ecosystem. An important furbearer, this silvery fox sports a mane of short, stiff, black hairs along its back leading to a black tipped tail. Peppery gray on top, reddish brown on its sides, chest and back of its head, its feet and short legs are mildly reddish in color. Gray foxes have oval-shaped pupils with a black stripe of fur around the eye area, that travels from the outside corner of the eye to the side of the head. A thick,

Wal-Mart Vote from page 9

Growth, did not register with the California Secretary of State until September. The group has less than \$1,000 in its coffers, meaning it can put out very little in the way of mailers or ads in opposition to Measure D.

Wal-Mart, working through Apple Valley Consumers for Choice, collected more than the 5,700 signatures to qualify Measure D for the ballot, an indicator that opponents may have a tough row to hoe in stopping the project.

County Wildlife Corner

The Elusive Grey Fox

black stripe runs from the inside corner of the eye, down the pointed muzzle to its mouth.

With its long, hooked claws, this fox is an aggressive hunter and excellent tree climber. Weighing from 7 to 14

them well against predators like coyotes, bobcat and golden eagles.

The family unit is important to gray foxes with mating occurring in winter and their young born in March or April. Male and female care for the offspring together, and teach pups how to hunt at around 4 months old, with typical pouncing and stalking techniques. Barking and growling may warn the pups of impending danger, but is also part of family interaction. Other communications include scent marking and release of pheromones. Males do the majority of hunting before the birth of their young, while the females spend their time

pounds, this nocturnal omnivore feeds mostly on mice, rats, voles, rabbits and carrion, but occasionally will capture



birds during the day, or feast on their eggs in the nest. Fruit, grains and reptiles may round out their diet. Gray foxes prefer deciduous forests with wooded areas to den in hollow trees or logs, crevices under rocks, in underground burrows. But a lower forest canopy also serves

searching for and preparing suitable dens. But then, both hunt regularly for the family, engrossed in survival. Due to their amazing abilities to disappear into the forest, escape up trees or hide in small holes, the gray fox can live 6 to 8 years in the wild. An unusual characteristic of the gray

fox is to deposit a skunk-like smell during elimination of urine or feces, protecting them further from predators.

At Wildhaven Ranch, we had the privilege of caring for Shadow, our



resident gray fox that survived an auto accident. With central nervous system damage, also causing partial blindness, this fox charmed his way into the hearts of us all. Beautiful and seemingly wise as he deftly maneuvered his habitat, his gentle nature towards us, yet his fighting spirit against his injuries revealed to us the essence of the gray fox. Shadow graced us with his presence, and we will be indebted to him for what he taught us about this valuable species.

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



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California Style Fashion Falling

By Grace Bernal



Famous for her celebrity portraits, Editta Sherman, born July 9, 1912 in Philadelphia, PA, was a one-woman show when it came to photography. She left an enormous footprint in the art world. The Duchess of Carnegie Hall exited this earth at the age of 101 on



November 1, 2013. Her passion was photographing musicians, actors, sports stars, dancers and writers. She serviced them all, from Elvis Presley and Joe DiMaggio to Tilda Swinton.

The last famous name to be added to her list was Barack Obama, whom she



met at the White House. This lady was the lover of life and lived it through art and color. She wore

a ballerina dress and diamond shoes on occasion and performed a little dance. She loved taking pic-

tures and posing for them in flamboyant fashion. Editta was always ready to party! She also had a passionate love affair with Carnegie Hall, where she resided for more than 60 years un-

til she lost her fight and was forced to move in 2010. Those in her orbit were modernly unique,



and this made her photographs stand out as cutting edge very artsy. Those who came to hail her exit from this earthly



existence did so in all colors and styles, making her goodbye as cool as ever. Editta is survived by three children and over 30 grandkids

and great grandkids. Shine on Editta!



"I'm never leaving... They'll have to drag me out." -Editta Sherman



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

Warren from page 7

tions relating to Warren's assumptive conflict during the discussion of the Burrtec contract constituted a violation of the Brown Act, California's open meeting law. She said Musser was "not speaking to an item on the agenda" when he called Warren's conduct into question.

Rodriguez insisted the assistant public works director "was not involved in contract negotiations" with regard to Burrtec's franchise or

its extension.

"It is not against the law to serve the community as an employee and as a public official," Rodriguez said. Warren, she said, "is stepping up and serving her community and her city. She is well respected. Like most of midmanagers, she is doing two to three jobs. Is this the treatment she deserves? The San Bernardino Public Employees Association stands behind Ms. Warren."

Ironically, Ro-

driquez's show of support for Warren in the relatively limited venue of Upland immediately resonated well beyond the Upland City Council's meeting chambers. Rodriguez's remarks, which like the rest of the meeting were broadcast on the local public access television station, vectored attention to the consideration that Warren's status as a public employee in Upland represented by the San Bernardino Public Employees Association,

previously put her into and continues to put her into a conflict when she served as a Fontana council member and is serving as Fontana mayor and voting with regard to that city's municipal employee contracts.

Typically, municipal employee contract negotiations involve surveys of the salaries and benefits provided to employees with surrounding cities. In this way, Warren's salary in Upland could have an impact on the salaries paid to comparable employees in Fontana.

Available Fontana City Council meeting minutes show that the council, including Warren, made a practice of meeting in closed session to conduct labor negotiations with representatives of the San Bernardino Public Employees Association and ratified the city's final agreements with the association on the city's labor contracts, known

as memorandums of understanding, outside the scrutiny of the public. Fontana City Attorney Jeff Ballinger cited Government Code Section 54957.6 in justifying holding those negotiations in secret.

Warren's participation in past employee contract votes leaves them subject to legal challenge.

The city administration in Fontana deferred to Ballinger questions with regard to Warren's circumstance and whether she will be precluded

from participating in future votes pertaining to San Bernardino Public Employee Association-negotiated contracts. Ballinger is with the law firm Best, Best & Krieger, which serves Fontana under contract.. Repeated phone calls to the Best, Best & Krieger office in Ontario did not elicit responses from Ballinger or his firm colleague, Clark Alsop, who was previously city attorney in Fontana during much of Warren's tenure there as a city councilwoman.



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