

Friday, August 1, 2014 A Fortunado Publication in conjunction with Countywide News Service 10808 Foothill Blvd. Suite 160-446 Rancho Cucamonga, CA 91730 (909) 957-9998

## Investigation He Launched Led To Compton's Suspension As City Manager

It was his hiring of an investigator to look into the details surrounding financial irregularities in the public works division that had been uncovered during an audit of that department's operations that led to Stephen Compton's suspension as city manager, the *Sentinel* has learned.

The audit, which Compton commissioned



Stephen Compton

last fall after his routine oversight of public works

department operations raised questions, brought to light poorly documented and questionable financial activity in the department. Recently a complaint filed against the public works department by Colton citizens which showed some questionable projects in that division appeared to have involved work done to benefit members

of the city council, documents obtained by the *Sentinel* show.

Compton's subsequent hiring of an investigator to look into these matters was done without consultation with the city council. As that investigation was proceeding, the council caught wind of the matter and moved to relieve Compton of his authority. In so

doing, the council shut down Compton's original investigation.

The council hastily arranged to appoint police chief Steve Ward to act as acting city manager in Compton's absence and then tasked the city attorney, Cristina Talley, to investigate Compton's actions. While Compton remains on paid administrative See P 5

## PG&E To Discontinue Provision Of H<sub>2</sub>O To Hinkley

HINKLEY — Pacific Gas and Electric is giving Hinkley residents notice it will end its provision of free bottled water to households in the desert community later this year.

PG&E's move is predicated on a July 18 letter written by Lahontan Regional Water Quality Control Board executive officer Patty Z. Kouyoumdjian. In that letter, to three Hinkley residents, Kouyoumdjian stated all of Hinkley's drinking water wells now meet the new California standard of 10 parts per billion for chromium-6.

Pacific Gas & Electric first offered the bottled water program to residents in November 2010. In 2012 it began offering to whole house replacement water systems which cost anywhere from \$2,000 to \$10,000 to install and maintain.

Those efforts came after considerable publicity about water contamination in Hinkley, which is located ten miles west-northwest of Barstow.

Chromium 6 is the common name of hexavalent chromium.

Hexavalent chromium contamination in Hinkley came about as a consequence of Pacific Gas and Electric's operation of a compressor station there beginning in 1952. The compressor station was a facility located on a pipeline that ran between Texas and Canada and delivered in excess of three billion cubic feet of natural gas per day. The compressor station in Hinkley was one of eight such stations along the line in California. Natural gas available in the line See P 2

## Fate Of Colonies Case Balancing On The Fulcrum Of Judge's Ruling On Motions



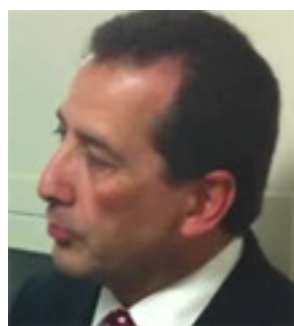
Mary Andruess

SAN BERNARDINO--After six days of hearings before Superior

Court Judge Michael A. Smith in which prosecutors and defense attorneys have alternatively sought to justify and destroy the public corruption case brought against three former county officials and one of San Bernardino County's most powerful developers, the sustainability of the more than three-year-old case has yet to

be resolved.

Earlier confident predictions from some in the defense camp that the case would be dismissed in its entirety at some point this week did not prove out. Nevertheless, the prosecution, which averted complete disaster when Smith balked at permanently dismissing a dozen counts in the indictment as the



Reza Sadeghi

defense had requested in one of its motions, was appearing bedraggled

by week's end, and prosecutors' best hope at this point is that they will be able limp away from this round of motions toward trial with a portion of the original charges in the indictment intact.

Rancho Cucamonga-based developer Jeff Burum is with Dan Richards one of two managing principals in the Colonies See P 7

## Recent Polls Show County Voters Disinclined Toward Local Taxes

Public sentiment in San Bernardino County appears to be running against imposing special taxes to assist local governments in curing their current and projected future financial problems.

Polling was recently undertaken in three of the county's disparate jurisdictions with regard to the willingness of residents to impose on themselves new taxes, the revenue from which

would be used to shore up faltering cities or local agencies.

The results of those surveys indicated little prospect those taxing proposals would pass if they were put on the ballot.

Adelanto, which declared a fiscal emergency 13 months ago and in June ratified a 2014-15 general fund budget replete with a \$2.61 million deficit, See P 4

## Leon Seeking To Remain As Ontario Mayor



Paul Leon

Paul Leon says that after fifteen years on the city council, the last ten of which he has been mayor of the 165,000 population city, he has

not exhausted the contributions he can make to the community.

For that reason, he said, he is seeking reelection as mayor.

So far, the race has attracted three others, all of whom have political experience in Ontario — Gus Skropos, who was Ontario mayor two decades ago, Rudy Favilla, who served a tumultuous four years on the city council from 1992 until 1996 and current coun-

cilman Paul Vincent Avila, who has garnered some degree of political success in the last several years following two decades of wandering in the political wilderness.

Leon suggests Skropos and Favilla are seeking to make political comebacks now and Avila is looking to advance up the political totem pole now because of the success he has had in rejuvenating the now 123 year-old city See P 6

## Highland Caves In To Pressure To Go To Ward System Following Lawsuit

As was threatened, a lawsuit has been filed against the city of Highland based on claims that the city's at large city council representation is prejudicial to Hispanic voters.

Lisa Garrett, who claims Latino lineage, maintainst that the city's Hispanic population is not properly represented in that 48 percent of the city's residents have His-

panic ancestors but the city has never had a Hispanic council member.

Garrett is represented by the Lancaster-based R. Rex Parris Law Firm, Malibu-based Shenkman and Hughes and Milton C. Grimes of Los Angeles.

In the suit, filed on July 18, it is alleged that the city is violating the California Voting Rights Act of 2001 by continu-

ing to hold at-large elections and not switching to a ward system whereby minority voters stand a greater prospect of electing one of their own ranks to office.

Previously, city officials had sought to stave off the suit by placating ward system advocates. At the council's last meeting in June, councilwoman Jody Scott and John Timmer endorsed

putting the measure on the ballot after a threat that the type of lawsuit actuated on July 18 might be filed against the city. While all members of the council had made statements saying they are satisfied with the current at large election process, Scott and Timmer expressed concerns that not considering the creation of a ward system might leave the city vul-

nerable to a civil rights lawsuit citing the Voting Rights Act.

In response to the previous threats, the city council directed Highland City Attorney Craig Steele to draft documents that would, if enacted by the council, place a measure on the ballot in November to ask voters whether they would rather elect city council members by See P 3



## 2014 City Council Races Starting To Shape Up

Some familiar figures and others less so have joined with incumbents in some of San Bernardino County's cities as candidates in this year's city council races.

In Upland, incumbents Gino Filippi and Debbie Stone are asking voters to return them to office in November. Others who have pulled

papers to run for council in Upland include Jason Gaudy, Susan Berk, Stephen Dunn, Gerald McHam, Hasan Mishnerghi, William Schuessler and Carol Timm.

In Adelanto, Mayor Mayor Cari Thomas and Councilman Charles Valvo have pulled papers to run. so far, council-

man Steve Baisdan has not taken out renomination papers. Rich Kerr, Charlie Glasper and Ron Beard are also running.

In Fontana, incumbent mayor Acquanetta Warren will be challenged by former congressman Joe Baca, Jason O'Brien and Trizah Morris. Incumbent councilmen Michael Tahan and John

Roberts will seek reelection. They are being challenged by Tressy Capps, Marco Perez and Adrian Gonzales.

In Twentynine Palms incumbent mayor Daniel Mintz has filed papers and Adam Lunn has pulled candidate nominating papers.



The San Bernardino County

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### PG&E Discontinuing Water Provision To Hinkley Residents *from front page*

was used to fuel compressors which repressurized the gas to push it through the pipeline. At Hinkley, the compressed gas was cooled

with water circulating through two cooling towers. From 1952 until 1966, hexavalent chromium, was added to the cooling water to prevent corrosion to the cooling towers and the water circulation system. Wastewater from the cooling system was disposed of in unlined ponds at the Hinkley site. Beginning

in 1964, after the danger of chromium 6 was recognized, the cooling water was treated to remove the chromium before it was disposed in the pools and a non-chromium-based additive was substituted into the cooling system in 1966. As of 1972 the cooling water was pumped into lined evaporation ponds.

These improvements to the system, however, did not undo the ecological havoc that had occurred up until 1972.

In 1988, the Lahontan Regional Water Quality Control Board, which oversees water quality issues in that portion of the desert, issued a cleanup and abatement order to PG&E to inves-

tigate a plume of chromium 6 in the water table. In 1991, the water board issued permits to treat the contaminated groundwater using land treatment units.

In 1993, attorney Ed Masry, with whom Erin Brockovich, a Hinkley resident, was working, filed a multi-plaintiff di-

rect action suit against PG&E, alleging contamination of the town's drinking water and untoward consequences of that pollution. In 1996, the case was settled for \$333 million, the largest settlement ever paid in a direct-action lawsuit until that time. In 2000, the matter became an international cause célèbre, with the release of the blockbuster movie Erin Brockovich, which related a substantially accurate version of events in Hinkley. Contrary to widespread public assumptions, Pacific Gas & Electric's payment of the \$333 million did not redress the underlying problem. Masry and his law firm netted over \$100 million in legal fees. Only a few of the plaintiffs received more than \$100,000. No physical solution to the contamination problem was effectuated.

In 1997 and 2004, the water board reissued follow-up permits to PG&E for the use of land treatment units in the treatment of the contaminated groundwater around Hinkley. In 2006, with the Hinkley groundwater contamination issue fading from public consciousness, the water board gave permits for two subterranean remediation systems to clean up the source and central areas of the plume. In 2008, however, the issue was resurrected as one of regional and local concern when, amidst the water board's provision of a permit for Pacific Gas & Electric to apply additional cleanup mea-

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*Continued on Page 6*



## Glimpse Of SBC's Past

# Urijah Hardin Yager

By Mark Gutglueck

Urijah Hardin Yager served as both First and Second district supervisor in San Bernardino County during the county's early history and subsequently was one of the longest serving county treasurers, dying while he yet held that office. He was one of the most popular local politicians of his era.

Born in Washington County near the city of Lexington, Kentucky on April 14, 1818, Urijah Hardin Yager was the first of nine children of Stephen and Catherin Yager. Catherine was born in Kentucky on December 23, 1797. Her family's last name was Thomas. She died in San Bernardino on October 10, 1875.

In 1829, the Yager family migrated to Marion County in Indiana, where they resided for four years. They moved further west to Taswell County, Illinois and two years later, in 1835, to Carthage, Missouri.

When his father died in 1836, looking after his family fell to young Uri-

jah, then just 18.

In the winter he taught school. In the summer he worked at farming and remained in Carthage about twelve years, edu-

year, having been born in Leeds, Ontario, Canada on August 8 1830, the daughter of Calvin C. and Nancy Downey.

Because of difficulties

June 1854.

Hardin and Adeline Yager had several children, Mary, born in Council Bluffs about 1848; Augustus, born about 1850 and Jane about 1852; both in Salt Lake City; Franklin, born about 1856; George, about 1858; William about 1860; Sherman, about 1865 and Edwin, about 1870. The last five were born in San Bernardino.

Upon bringing his family to California, Hardin Yager became a successful farmer. He was so highly respected that when many of the Mormons left San Bernardino in 1857 and 1858 to return to Utah to assist in the defense of the threatened Church in the face of President James Buchanan's threat to go to war against Brigham Young, Yager was elected to the San Bernardino City Council. On August 1, 1859, Edwin Thomas, who had been chosen to replace the recently departed Daniel Stark as the County's First District Supervisor, resigned. Hardin was elected to succeed him and took office on August 3, 1859, serving for the balance of the term until October 21, 1861.

Yager ran his farm until 1863, at which point he was prevailed upon to run again for a supervisory position. The polling was held in September 1863 and when the votes were canvassed, Yager, J.F. Miller and William Bryant were de-

clared the winners. Robert Carlisle, who was chairman of the board, and Lester F. Carpenter demanded a recount. The



Robert Carlisle

recount put Carlisle and Carpenter on top, but on November 3, 1863, Judge A.D. Boren ordered the clerk, A. F. McKinney, to issue certificates of election to Yager, Miller and Bryant. Miller never appeared at any meeting, but Lester Carpenter did. It is not recorded what transpired. Mr. Carpenter apparently became Second District Supervisor by default and attended both the November 16, 1863 and February 15, 1864 meetings. He was replaced in April, 1864 by Hardin Yager. There is no record of what happened to Mr. Carpenter. Mr. Yager continued as Second District supervisor until August 22, 1864, when he was succeeded by Joseph Thorn. Thorn served only a few months, resigning on April 18, 1865. The office of Second District supervisor was officially declared vacant and remained so until James Waters was elected and took office on October 31, 1865. It appears that

for some time in the mid-1860s, Second District Supervisor was an untenable position to hold.

Hardin Yager was elected county treasurer in 1865. He thereafter became known as "Honest Old Hardin Yager." He remained as treasurer for twenty-four years. He was the lone Republican holding office in the county in those days, as, opposite the national trend in the states that had fought with the Union during the Civil



Joseph Thorn

War at that time, San Bernardino County was a decidedly Democratic stronghold.

Yager was generally and genuinely well liked and received throughout the county.

In 1889, on February 3, at the age of 70, he died suddenly at his home in San Bernardino.

Reports were that his death cast a gloom over the entire city and county.

He was interred next to his mother in San Bernardino's Pioneer Cemetery. George Beattie was selected to succeed him as county treasurer



Urijah Hardin Yager

cating his brothers and sisters.

On August 31, 1845, he married Adeline Downy in Hancock County, Illinois. Miss Downey had come to the United States earlier that

with his health, Urijah, who went by his middle name Hardin, was advised by his physician to move to a drier climate. In 1848, he and his wife, mother, and younger brother Isaac moved to Council Bluffs, Iowa and soon thereafter, with other Mormon families set out for Salt Lake City. All of his horses and cattle were lost during the sojourn to Utah. He and his family remained in Utah for three years, during which time he saved all he could to purchase more animals before continuing to San Bernardino, where the Yager Family arrived in

### Lawsuit Forces Highland To Consider Ward System

from front page

district. He also provided two proposed maps delineating possible city wards.

At the June meeting, however, Mayor Sam Racadio and councilman Larry McCallon said going to the expense of an election over the issue

was ill-advised, since voters might reject the ward concept, in which case those intent on suing the city could proceed anyway, perhaps with further causes of action, since it could be demonstrated the city residents themselves had acted in precluding the creation of the ward system.

Council member Penny Lilburn was absent and the vote deadlocked

2-2. Thus, no action was taken.

After the suit was filed, the city, which will need to lodge its request for the ballot measure with the county registrar of voters by August 9 for it to be placed on the ballot this year, scheduled a special meeting for July 24. At that meeting, with Lilburn present, the council voted unanimously to schedule

a vote on the ward proposal for the November election.

Depending on the outcome of that election, the lawsuit could be rendered moot. Accordingly, the next substantive hearing on the case, which is being heard in San Bernardino Superior Court in Division 37, is scheduled for January 14, 2015, a trial setting conference.

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**Poling Shows Widespread Voter Opposition To Local Taxes** *from front page*

appears to be on the road to bankruptcy. Increasingly desperate city officials there are looking at a host of financial fixes, not the least of which would be a utility tax.

Adelanto city manager Jim Hart has proposed a 7.95 percent utility tax to be applied to both residential and business customers. But, under California law, any new tax to be imposed on residents must first be approved by those to be taxed. Before putting the measure on the ballot, the city hired a consultant to do a phone poll of a cross section of city residents conducted. The most optimistic interpretation of those results was that the prospect of the tax's passage was marginal, at best. The most realistic interpretation was that the measure would fail and probably fail convincingly.

That poll result, however, did not stop the city council from voting this week to place the tax on the November ballot. Councilman Jermaine Wright was the lone dissenter in approving it.

Quixotically, perhaps, the city's voters will be asked "To address Adelanto's fiscal emergency and to prevent bankruptcy, prevent elimination of fire protection services, protect 911 emergency response, police protection, gang and crime prevention, senior services and other essential general services, and to protect local businesses, jobs, and restore fiscal stability shall the city of Adelanto adopt a temporary 7.95 percent utility user tax for seven years, with low income senior discounts, annual audits, citizen's oversight, and require all funds be used locally?"

In Twentynine Palms, the fire department since 1958 has been overseen by the water district. The department at one time grew to include two fire stations and seven firefighters to cover the 55 square miles within the Twentynine Palms

City Limits and the 33 square miles of unincorporated county area that also falls under the water district/fire department's 88-square mile jurisdiction. The city does not contribute to, participate in or subsidize the fire department's operational budget, which is infused entirely by a special tax on landowners within the fire department's service area.

At present, that special tax brings in \$1.2 million per year. Under the constraints of that budget, Twentynine Palms Fire Chief Jim Thompson runs a department that previously boasted two fire stations, its headquarters, Station 421 located at 6560 Adobe Road in the city, and Station 422, located at 3834 Lear Ave. in the unincorporated county community of Desert Heights. Though in years past both stations were staffed 24-hours a day by a three-person engine company consisting of a paid company officer and two volunteer reserve firefighters, last year, the Lear station was shuttered and now all fire department operations are run out of the Adobe station. The professional personnel in the department are now limited to five personnel: Thompson, captain Matt Helmkamp, captain Robert Marquez, engineer Tim Cole, and engineer Lee Martin. The district also has a single person clerical staff position that has been vacant through attrition since March 2013. These are augmented by 28 reserve/volunteer firefighters, all of whom have attended a fire academy. Four of those are local volunteers. The others are aspiring firefighters from more distant areas in San Bernardino County, or Los Angeles, Orange or Riverside counties. Each serves a one-day 24 hour shift per week in Twentynine Palms. The 24 who do not reside in or near Twentynine Palms return to their distant abodes upon the conclusion of their shifts.

In 2012, an effort to beef up the fire department was made when

a ballot initiative, Measure H, was offered to the voters for approval. Measure H would have increased the special tax customers of the Twentynine Palms Water District pay from the current \$80 per unit to \$120 per unit with an additional \$6 per year increase for the next 10 years to provide enhanced fire protection and emergency medical aid to the community. Voters nixed the initiative, with 850 votes of endorsement, or 48.27 percent, and 911 in opposition, or 51.73 percent. That mail-in balloting concluded on April 17, 2012, in which 1,761 voters, or 32.93 percent of the 5,421 eligible to participate, returned ballots.

In the intervening time, Thompson was tasked to constrain the department's operations to function within the available funding parameters. There has been discussion, which has yet to lead to any action, of the city taking on responsibility for the operation of the fire department.

In an effort to explore current funding enhancement possibilities, the Twentynine Palms Water District hired the public opinion firm Lew Edwards Group to test local voter attitudes toward another tax pro-

posal. Lew Edwards in turn worked with FM3 & Associates to phone approximately 250 of the district's 5,400 registered voters between June 7 and June 26. They posed a series of differently worded questions calculated to elicit the range of voter attitude based upon how a taxing proposal would be presented.

In this way, it appears that Lew Edwards Group conducted both a straightforward pole, in which respondents were asked, without any attempt to influence their answers one way or the other, how they would vote on a tax initiative, as well as a follow-up "push poll" in which those questioned were prompted with information to see if and how that influenced their responses.

Of note is the element in California elections law that requires that a special tax intended for a specific purpose must pass by a two-thirds majority. This is contrasted from a general tax, which needs only a fifty percent plus one majority to go into effect. According to FM3/Lew Edwards, at the extreme end of the push polling, a \$32 per residential unit, 10-year parcel tax increase was statistically favored

by 64 percent, a \$24 per unit, 10-year increase was favored by 60 percent and a \$12 per unit, 10-year increase found 68 percent in favor.

Support for the tax increase in the Desert Heights area, where the fire station that traditionally services that area has been shuttered, ran as high as 72 percent. But in the more heavily populated area within the Twentynine Palms city limits, the support for the tax registered no higher than 61 percent.

Based upon the polling numbers, Lew Edwards Group recommended that the district forego seeking the tax increase at this time. The water board's directors followed suit and voted 4-0 to suspend further efforts to put the tax measure before voters this year.

In Upland, the Lew Edwards Group was also utilized to conduct a poll of a cross section of city residents to determine their attitude toward the imposition of a one cent sales tax.

Rather than start with a straightforward question of whether those polled supported the tax, Lew Edwards started with a 75 word ballot question that incorporated into it elements of an argument in favor of the

tax without a countervailing argument against it. The ballot question read:

"Upland Vital City Services Measure. To provide emergency funding to prevent bankruptcy, maintain Upland's financial viability as a full-service city/protect vital local services including police patrols, firefighters, paramedics, 9-1-1 emergency medical response, and crime prevention; and protect deeper cuts to parks street/pothole repair, youth/senior programs/other city services, shall the City of Upland establish a one-cent sales tax, with citizens' oversight, annual independent financial audits, all funds used only in Upland?"

As such, the Upland proposal considered in the poll was a general rather than specific tax, requiring only a simple majority – fifty percent plus one – to pass. Despite that, voters on the first two go-rounds supported the concept by less than a fifty percent margin. It was only after those polled were twice prompted with further suggestions in favor of the tax that a majority of poll respondents said they would vote for it.

"By the third ballot ask, 53 percent of re-

*Continued on Page 8*

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## Compton's Probe Of Public Works Irregularities Got Him Suspended From Colton City Manager's Post

*from front page*

leave, public statements by some members of the council suggest that Compton's termination is likely, pending the outcome of Talley's investigation.

Nevertheless, despite



**Amer Jakher**

a shroud of secrecy that has been placed over the matter, ostensibly in compliance with the confidentiality that normally attends any personnel action relating to public employees, an independent inquiry that in some respects parallels the ground that was covered by the original audit and the follow-up investigation Compton initiated thereafter has churned up documentation implicating Colton Public Works Director Amer Jakher in ordering his department's employees to carry out "off the book" assignments that utilized city materials and equipment on work that had not been officially authorized by the city council. One of those projects involved repair work to property owned by city councilwoman Susan Oliva. Another project was one that provided improvements to the street upon which councilman Frank Gonzales lives.

Compton's first line of expertise is in the field of municipal finance. He was the finance director and former assistant city manager in Ridgecrest, at one time the finance director for Omnitrans and was most recently before coming to Colton the accounting manager for the city of Fountain Valley. Last year, Compton became concerned

with what appeared to be at best sloppy book-keeping and at worst the misappropriation of city resources and funds in the public works department. In looking over the department's books, he noted inconsistencies and omissions with regard to tasks performed, equipment and manpower utilized and material involved.

Concerned that something was amiss in the department, on October 1, 2013 Compton retained for \$25,000 the services of Imperial Beach-based Government Staffing Services, which was to include an arrangement with Benjamin Miller, described in the purchase order as a "principle accountant," to perform "long term financial plan modeling."

Miller's audit confirmed Compton's preliminary conclusions that some work in the public works department was not being properly documented and had not been properly instigated through the service order process which entailed proposals from public works staff being formalized into a report that was then signed off on by a vote of the city council. It appeared that at least a handful of public works undertakings over the last four years existed as "off the books" ventures.

Among the off-the-books projects was the construction of a set of speed humps in the 700 block of Canary Street, where councilman Frank Gonzales resides. The only documentation relating to that project was a service request dated September 24, 2008 by then Second District Councilman Richard DeLaRosa seeking the speed bumps and a subsequent endorsement of the project by city's traffic safety committee on August 12, 2009. All of the other formal requirements for the project's approval requested by citizens through a Public Records Act request were not contained in city files. One such requirement is a petition seeking speed humps signed by 70 percent of the homeowners in the

area. No such petition was on file. Neither was there indication that the city had billed the affected residents for their share of the cost of the project, which is required for speed humps to be installed, or that those payments had been received. Nor was a required traffic engineering survey of the speed of vehicles on that stretch of Canary Street conducted, leaving the



**Frank Gonzales**

city with potential liability issues. There was no work order for the project, no invoice for materials used and no time sheets for the time city employees spent installing the speed humps. There is no record of the project having been presented to the city council for approval as required. Violated in the carrying out of the project were rules contained in a City of Colton Engineering Department Document entitled "Policy of the City of Colton Relative to the Use of Speed Humps for Traffic Speed Control on Public Streets," which was authored by Jakher himself and recorded as an official city document on December 18, 2007.

The *Sentinel*, in connection with an inquiry into Colton Public Works Department operations that was independent of that undertaken by Compton but which traced much of the same ground, has learned of another "off-the-books" public works project was work on a wall behind councilwoman Susan Oliva's home in the 800 block of Edgell Drive that was carried out in July 2013. At that time, the Colton electric division was engaged with a properly ordered and documented removal of an abandoned city of Colton utility pole from an easement on Oliva's property. The electric de-

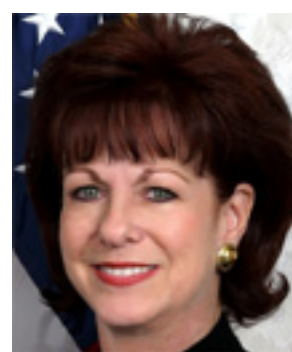
partment service request contains the language "Amer will be making repairs to the block wall." On that authority alone, the public works division with no description of the wall repairing project on private property, which in this case is owned by a member of the city council, and with no other work orders, no invoices for materials used and no time sheets for time city employees spent building the portion of the block wall on Oliva's property, the work was undertaken and completed.

The full range of "off-the-book" and other questionable activity uncovered by Compton in the public works department is not publicly known at this point. Compton did not respond to the *Sentinel's* request for an interview this week. One knowledgeable source told the *Sentinel* that Compton's inquiry had uncovered the matter relating to the unauthorized Canary Street speed humps construction but had not delineated the off the books wall construction on Edgell Drive.

Compton, in following up on the information gleaned from the audit, utilized his authority as city manager to make expenditures of up to \$25,000 without prior city council approval to retain, at a cost of \$7,700 an investigator to look at the circumstance in the public works division. Given that the matter being investigated touched on improvements to or enhancements to the street around property owned by a council member, Compton elected not to inform the council of the investigation until the probe was completed.

As the investigation progressed and inquiries were made within the public works department, the existence of the investigation became known to at least some staff members. Moreover the substance of the investigation could be readily surmised. By May, word of the investigation had reached at least some of the mem-

bers of the city council. This spring, the council had scheduled a routine evaluation of Compton's performance as city manager. Normally, the city manager typically sits in on the executive sessions of the city council, which are held behind closed doors and out of the view of the public for the purpose of discussing issues such as litigation or pending litigation, negotiations,



**Susan Oliva**

the proposed or actual purchase of real estate and personnel matters, all of which are deemed confidential. City managers are excluded from those closed sessions where their performance is a subject of discussion. At the April 1, May 23 and June 3 regularly scheduled meetings of the Colton City Council, closed session "public employee performance evaluation [s] pursuant to Government Code Section 54957 Title: City Manager" were part of the agenda. The council adjourned into each of those three closed sessions and then returned from them without giving any indication of reportable action. Two days after the June 3 meeting, however, toward the end of the business day, Compton was informed that he was being placed on administrative leave. He was then abruptly and ignominiously walked out of City Hall by a plain clothes police officer.

A terse announcement that Compton had been suspended, pending a review of "certain personnel actions taken" was provided to the press. Compton's right to confidentiality was cited when request for substantive details were made.

The city council assigned Cristina Talley, the city attorney, to carry

out a review of Compton and his action. Simultaneously, Ward, the police chief, was tapped to fill in for Compton.

Expectations that Talley might report back to the council and the public quickly were not met. Little in the way of substantial information about why Compton was not in place was provided. Some of the more vocal members of the community expressed dismay over the wisdom and timing of the suspension, given Compton's financial expertise and the city's dependence on his guidance in formulating and meeting the late June deadline for the city's 2014-15 budget, which corresponds with the governmental fiscal year running from July 1 to June 30.

It then emerged that the council that suspended Compton had been sharply divided, with Mayor Sarah Zamora, and council members Frank Gonzales, Susan Oliva and Isaac Suchil favoring the suspension and council members Frank Navarro, David Toro and Deirdre Bennett either opposed to it or skeptical about its reason and justification.

With Compton yet slowly twisting in the wind, in early July, the council brandished documentation at a public meeting some of the members elliptically suggested related to the "certain personnel actions taken" by Compton that led to his suspension. It was further indirectly suggested that Compton had exceeded his authority by micro-managing operations in the public works department and had engaged in expending \$81,851 relating to the public works department he was not authorized to spend. Of that \$81,851, \$75,000 of that total was identified as the \$25,000 purchase order with Government Staffing Services for Benjamin Miller's audit; \$12,000 worth of work by Fullerton-based Revenue & Cost Specialists, Ltd. for a development impact report; a \$25,000

*Continued on Page 9*



**Leon Seeking Re-election**

*from front page*

“I am absolutely running,” Leon said. We are in a place where Ontario needs to remain. We need to continue in the same direction on the right track. There are those who want to jump on the bandwagon. Two of my opponents are coming back after 15 or 20 years. They want to run the city they almost put into bankruptcy fifteen or 20 years ago. I am not about to let that happen.

Leon took particular aim at Favilla. “He is the epitome of a bad politician,” Leon said. “In everyone’s memory, he is the worst politician in the city of Ontario. He is not someone I want in a leadership position. He is a creature out of Ontario’s dark past. Now that things are good, he wants to come back and break us down.

Leon was even less charitable in assessing Avila, whom he characterized as “the laughing stock” of Southern California politics.

Leon sounded confident about his re-electoral prospects, given that he has been prominently visible in the political limelight for a decade and a half, and reinforced that with two recent bids, one for the California

Assembly and one for the California Senate. He said that recent polling has shown him with name recognition that dwarfs that of all three of his prospective opponents combined.

But beyond the political mechanics of selling himself to the greatest number of voters, Leon said his list of accomplishments provides a basis for his candidacy his competitors cannot match.

“With my tenure as a council member and mayor for 15 years, we have taken the city from the brink of bankruptcy to being one of the most solvent cities in the country,” he said. “With the exception of the negative publicity Mr. Avila has stirred up, we have had very little controversy in Ontario during those 15 years. I can’t remember any issues in Ontario approaching the scandals the county of San Bernardino has experienced. No one is able to point to Ontario as an embarrassment to its citizens. We have found our footing and are the best run city in the county. My opponents were out of the picture during most or all of that time. When they were in office, they showed that they misunderstood the issues facing the city and made decisions that hurt business.”

Leon continued, “In the last several years, as a council we have attacked the issue of regaining the airport. Many of the projects that were previously unfunded or underfunded to the tune of tens to hundreds of millions of dollars are now being undertaken. If you look at the infrastructure of the city, despite the economic downturn, we have never stopped pulling ourselves up. We have never had a brown out. We have never had work furloughs. We have worked well with our employee unions. We have balanced every single budget during the downturn and this year, for the first time in five years we added to the budget. We will be adding ten police officers to the department in the coming year. There is not a surrounding city that has been able to do anything like this. We have continued with adding major amenities and upgrades, such as to the Ontario Mills, which continues to pay dividends back into the city’s bank account in the tens of millions of dollars. Albeit with controversy, we overcame opposition to see the SuperWalMart to completion, which now provides 100 jobs and in excess of \$1 million in tax revenue to the city. We built an arena for \$150 million, which

gives our city hosting capability that is not matched by any of the cities surrounding us. We have upgraded our library. We have upgraded our senior citizens center. We built multiple senior citizens housing projects. We upgraded our teen center and we are currently building another park downtown where we can have safe entertainment. We have added a three story office building downtown as well as helped in restoring office and retail businesses on the west side of Euclid Avenue. All of these things have been done with the intention of rebuilding our downtown to its former glory. Developers and world class businesses are coming to Ontario because of the stable economy and stable city administration that does not falter but maintains

the core. The last thing we need in this election cycle is a change in leadership that would change direction of the city and lay us in ruin again. They have been there before and failed the people. I have been here for 15 years on behalf of the residents of Ontario. My opponents have put us into the poorhouse during the good times. Through my leadership as mayor we took the greatest economic downturn since the depression came through without even skipping a beat. These are wrong people to think about leading the city.”

Leon was first appointed to the Ontario City Council in 1999. He was elected to the city council on his own merit in 2000 and re-elected in 2004. In June 2005 he was elected mayor in a special election and

re-elected to a four year term in November 2006 and again reelected in 2010.

Leon has represented Ontario on regional boards with Southern California Association of Governments, San Bernardino Associated Governments, and Omnitrans, and has served as the city council liaison to the Los Angeles World Airports Board of Airport Commissioners.

A native of Southern California, Paul is a graduate of Nordhoff High School in Ojai, the U. S. Army Security Agency Training Center & School at Ft. Devens, Massachusetts, and attended the Cleveland Institute of Electronics. He has been a resident of Ontario since 1977.

Leon is the senior pastor of Hope Chapel Four-square Church.

**Hinkley Water**

*from page 2*

...sures, it issued redrafted cleanup and abatement orders. Steadily over the last five years, the condition of the lingering contamination in Hinkley has grown into a larger and larger public issue as evidence of how the underground plume of chromium 6 continues to migrate through the

water table into the area from which local wells draw water used for household purposes has emerged.

The best hydrological data available two years ago was that the plume was more than six miles long and two miles wide and gradually expanding.

Chromium is the 21st most abundant element in the earth’s crust and as such naturally occurs in

rocks, soil, ground water and plants.

Under current guidelines, the U.S. Environmental Protection Agency specifies 100 micrograms per liter as the maximum acceptable total chromium contaminant level acceptable in water to be consumed by humans. The current California state standard is half that at 50 micrograms per liter. But that standard applies to the most benign form of chromium, and not hexavalent chromium or chromium 6.

Trivalent chromium – chromium 3 – is the dominant form of chromium in nature, and is virtually insoluble in water and stable and immobile in soil. Hexavalent chromium – chromium six – is not abundant in nature, is soluble in water and is a potential carcinogen if inhaled.

Earlier this spring, the Department of Public Health submitted its final regulation decree to the state Office of Administrative Law which placed a cap on chromium-6 of 10 parts per billion. That standard has now been accepted by the state under the Administrative

*Continued on Page 10*

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**Colonies Case Motions Heard from front page**

Partners, a consortium of 21 investors who brought to fruition the Colonies at San Antonio residential and Colonies



**Jeff Burum**

Crossroads commercial subdivisions in northeast Upland in the early 2000s. He is accused of arranging to pay off former supervisors Bill Postmus and Paul Biane as well as the former chief of staff of supervisor Gary Ovitt more than seven years ago.

Prosecutors allege Burum threatened, coerced and extorted Biane and Postmus to get them to agree to settle a lawsuit the Colonies Partners had brought against the county over flood control issues at the Colonies developments and then rewarded each of them with \$100,000 contributions to their political action committees in 2007 after they joined with Ovitt in approving a \$102 million settlement of the lawsuit in November 2006. Prosecutors allege Burum also provided Ovitt's chief of staff, Mark Kirk, with \$100,000 in the form of a contribution to a political action committee he formed, as an illicit payment for influencing Ovitt to support the \$102

million settlement.

Postmus, along with former sheriff's deputies union president Jim Erwin was originally named in an indictment handed down in February 2010. In that indictment, Postmus was charged with accepting bribes from Burum, and Erwin was charged with facilitating the extortion and bribery of Postmus. At that time, both Postmus and Erwin pleaded not guilty to the charges in the indictment. In March 2011, however, Postmus pleaded guilty to all 14 charges contained in the indictment



**Bill Postmus**

and then served as a star witness before a newly impaneled grand jury that handed down a superseding 29 count indictment in May 2011 that named Burum, Biane, Erwin and Kirk.

The case had been contentiously fought from the start. Defense attorneys in 2011 filed demurrer motions challenging the case against their clients on the sufficiency of the evidence and applicability of the law. In August 2011, Judge Brian McCarville granted several of the defendants' demurrers, ruling that prosecutors erred in simultaneously charging Burum with

conspiracy to engage in a bribing scheme while also charging him with aiding and abetting the receipt of bribes. McCarville also ruled that Burum could not be charged with misappropriation of public funds



**Paul Biane**

since he was not a public official, leaving only two of the original seven charges against Burum, 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 Cali-

fornia Supreme Court on December 10, 2012. More than a year later, on December 23, 2013, the California Supreme Court reestablished the essential elements of the case, granting the gist of the prosecution's appeal more than a year and two months after the Fourth District Court of Appeal in Riverside dismissed the most crucial charges lodged against Burum.

Last year and earlier this year, Burum's attorney, Stephen Larson, a former federal judge, filed a total of five mo-



**Mark Kirk**

tions to dismiss the case, including ones based on statute of limitations grounds, lack of probable cause, prosecutors' misinstruction of the grand jury, withholding of exculpatory evidence, prosecutorial misconduct, misconduct on the part of investigators in their filings to obtain search warrants and an illegal effort by both prosecutors and investigators to seize privileged materials in the possession of the defense team.

Beginning on July 23, Smith began hearing oral arguments on those motions before a near-capacity crowd in one of the largest courtrooms in the newly opened San Bernardino Justice Center. In one of his first rulings, he severely weakened the prosecution's case by dismissing conspiracy charges against the defendants on statute of limitations grounds. That dismissal also erased the 43 overt acts alleged as part of the conspiracy in the indictment.

Smith then moved on to throw out 12 other charges in the case, likewise on statute of limitations grounds, pending his own determination of whether he would give the prosecution the opportunity to amend the

complaint.

While the indictment stated that law enforcement officers did not learn of the alleged bribery scheme until November 2008, defense attorneys argued that the victim, i.e., the county



**Jim Erwin**

and its officials, knew of or had strong grounds to suspect as early as 2006 that the illegal activity described in the indictment had taken place, thus making the May 2011 indictment too late given the three-year statute of limitations.

Smith said that though there were numerous suspicions with regard to, and even unsubstantiated allegations of, wrongdoing being batted about while the county and the Colonies representatives were seeking to negotiate a settlement in 2006, the circulation of such rumors did not meet the legal standard for initiating a criminal investigation, calling the suspicions no more than "a gut feeling something wasn't right. There were no facts or information to support a reasonable suspicion that there were offers or payments to defendants" or that Postmus and Biane had "agreed to accept payment in exchange for their votes" at that time. Thus, Smith ruled, defense attorneys' contention that the statute of limitations had elapsed when the indictment was handed down in May 2011 was not sustained and he gave the prosecution leave to amend the indictment with regard to 12 of the counts he had earlier thrown out.


Smith granted a defense motion to dismiss a single count of conflict of interest each against defendants Burum and Erwin, concurring with an earlier appellate court ruling that the conflict of interest statute could

not be applied to private citizens. Burum has never been a public official and Erwin, who was a public official previously and afterwards, was not working for the government at the time of the alleged crimes.

Smith gave strong indication he is leaning toward dismissing misappropriation of public funds charges against all four defendants, although he has not yet made that call.

The court then turned to the so-called Johnson motion, named in reference to the precedent-setting case Johnson v. Superior Court, a defense request that the charges be thrown out, citing allegations prosecutors withheld exculpatory evidence from the grand jury. Larson asserted that prosecutors offered grand jurors a highly selective sampling of Bill Postmus' statements and did not produce to the grand jury statements Postmus made which contradicted his grand jury testimony and additionally withheld information about Postmus' use of methamphetamine, which was characterized as "out of control" by one county official. Larson further criticized prosecutors for essentially hiding from the grand jury Burum's testimony before a prior grand jury which Larson said was exculpatory. Supervising Deputy California Attorney General Melissa Mandel insisted to Smith that the grand jury had been provided

*Continued on Page 8*



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**Voter Resistance To Taxes**

*from page 7*

spondents indicated they would support this measure, which is within the margin of error of +/- 4.9 percent for this voting sample," a letter to the city dated July 9 from Lew Edwards Group states.

The letter says, "Lew Edwards Group's analysis of the public opinion research conducted by FM3 Research from June 21 to 28, 2014

shows that a one cent general purpose sales tax is above the vote threshold of a simple majority, but within the margin of error for viability in November 2014. As Lew Edwards Group typically advises its cities or public agencies to proceed with placing a measure on the ballot only if a jurisdiction is above the margin of error on the third ballot test, Lew Edwards Group recommends that the city wait for a future election when there is more op-

portunity to engage the community further on its services, fiscal situation and management."

According to the letter, "Support for a general purpose sales tax does increase slightly at the half cent level, with potentially 58 percent of respondents indicating they would support a half cent measure. While this is potentially viable under the right set of circumstances, in our organization's experience it is not prudent to place a measure on the

ballot without robustly engaging the community in the dialogue around the need for such a proposal. While the city previously convened a fiscal sustainability task force, unfortunately it would appear as though time does not permit the city to engage in a broader community and stakeholder dialogue about the features of the potential proposal prior to the county registrar's submittal deadline of August 8th. Specifically, engaging taxpayer ad-

vocates, local business owners, and city service providers among others are necessary constituencies to get input from before finalizing such a proposal for the ballot."

Martin Lomeli, Upland's interim city manager, in a memo entitled "Survey Results" to the Upland City Council dated July 9, stated, "I was given an oral briefing of the results of the "Survey Assessment" recently conducted by the Lew Edwards Group. Essentially the results

of the survey indicated it would not be recommended that the city proceed with any sales or business license tax measures at this time. Both measures were not viewed appropriate by the respondents. The business license option was especially viewed negatively. Based on this information, I would not recommend further consideration of either option at this time."



**Colonies Case** *from page 7*

with a transcript of Burum's previous testimony but that the grand jurors had elected not to read it. The prosecution had gone beyond its statutory responsibility in providing access to exculpatory material relating to the defendants, Mandel claimed.

Mandel said Postmus' drug abuse and his plea deal had been disclosed to grand jurors.

In responding to the defense contention that a

more thorough showing of exculpatory evidence to the grand jury in 2011 would have resulted in the grand jury not voting to indict, Smith ruled prosecutors met their obligation to inform the grand jury of any exculpatory material that was available and that the prosecutors' obligation extended only to making it available, such that the grand jury could use its discretion on what evidence it wanted to examine before concluding whether an indictment was appropriate. In so

doing, Smith denied the Johnson motion. Moreover, Smith said, what exculpatory evidence there was would not have been likely to overcome countervailing probable cause to issue the indictment.

A series of four "995 motions" for dismissal, based upon the defense's contention that the prosecution presented insufficient evidence to the grand jury to justify the indictment, resulted in what amounted to a running debate between Mandel and Larson as

to whether Burum's efforts in 2006 which consisted of having Patrick O'Reilly, a public relations consultant working for the Colonies Partners, prepare mailers that targeted both Postmus and Biane, represented an extortion attempt, as Mandel suggested, or the simple exercising of Burum's First Amendment free speech rights, as Larson maintained. That year, Postmus, the chairman of the board of supervisors and the chairman of the San Bernardino County Re-

publican Party, was vying for county assessor. Biane was unopposed in his run for reelection as supervisor but was campaigning on behalf of Measure P, which was to raise supervisors' pay from \$99,000 per year to \$151,000 per year. The mailers dwelled on Postmus' homosexuality and drug use, which was not generally known, and on Biane's near insolvency.

Mandel said the mailers transitioned from being permissible political speech to extortion when Burum offered to

withhold the mailers and financially support their future political endeavors in return for Postmus' and Biane's support of the lawsuit settlement. Mandel called this a "quid pro quo" and said that the combination of threats beforehand followed by the provision of the \$100,000 donations after the vote constituted "aiding and abetting the receipt of a bribe."

Mandel said the \$100,000 bribes were laundered by Burum's

*Continued on Page 11*

*Continued on Page 10*  
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## Investigation Triggered City Manager Suspension

from page 5  
contract with Lancaster-based Passantino Anderson Communications LLC for work on the Colton and Grand Terrace Wastewater Project and \$13,000 worth of work by the Carlsbad-based firm of BW Research Partnership also on the Colton and Grand Terrace Wastewater Project. Suchil also mentioned the \$7,700 Compton had used to retain the yet-unidentified investigator to look into public works operations.

Ensnared in his home in Redlands and forbidden from returning to Colton City Hall at least until Talley's review is completed, Compton was unable to respond or otherwise defend himself. Nonetheless, some familiar with the situation noted instantly that any accusation of misappropriation or misapplication of money could not hold up, given that as a condition of his hiring as city manager Compton had been given the discretionary authority to sign

contracts for \$25,000 or less without needing prior council approval. Moreover, the need for the Passantino Anderson Communications and BW Research Partnership consulting contracts had been discussed during staff meetings and in negotiating sessions between Grand Terrace and Colton in which Jakher was involved.

Those within a select circle of knowledge at City Hall recognized a discrepancy between representations and suggestion emanating from City Hall relating to Compton's suspension and information they possessed.

On July 13, a group of Colton residents – Steve Cade, John Anaya, Donna Lawrence, Ron Lawrence, Gary Grossich and Linda Tripp – signed a letter of complaint to the Colton City Council, Ward and Talley in which they cited the circumstances relating to the unauthorized Canary Street improvements and the unauthorized construction work on the wall at Oliva's home.

"We are asking for an immediate investigation into the city of Colton

Public Works Department and their handling of these two situations, as well as investigating what role and level of involvement council members Frank Gonzales and Susan Oliva had regarding these violations," the letter states. "It is our understanding that city manager Stephen Compton was investigating potential wrongdoing within the public works department just before Compton was placed on administrative leave. Our complaint may or may not be part of the original investigation Mr. Compton initiated, but we want to make sure our complaint stands on its own merits and is investigated as such."

Roughly a week after the complaint letter was sent, Ward tendered his resignation as city manager. Before doing so however, he assigned Talley to carry out an investigation of the complaint letter's accusations.

Talley has not returned numerous phone calls from the *Sentinel* seeking her input.

With respect to the action taken against Compton, councilman Frank

Gonzales this week told the *Sentinel*, "We put him on admin leave. We are looking into things that happened that we are unhappy with."

Gonzales said he anticipates that the city attorney will provide documentation of the action Compton took that will delineate how he exceeded his authority. "It will be another week before we get the results," Gonzales said.

The problem was that Compton went off on his own, initiating action that had not been directed or even discussed by the city council, Gonzales said. "There was an accountant hired by him," Gonzales said. "We never approved anything like that. The council never knew about an investigation and never knew what the investigation was about. I can't say any more because it would be likely to jeopardize the outcome."

As to whether there had been any improper action by Amer Jakher, Gonzales said, "To my knowledge, no. If there was anything being done wrong [by Jakher], we would have authorized

him [Compton] to look into it. At least, that is my opinion."

Jakher, who is now serving in the role of city manager as well as public works director, told the *Sentinel*, "I am so sorry but I can't say anything about that because we are not allowed to. This involves things that are a personnel matter and it involves attorney client privilege. Once things come out and we can disclose it, we will."

Cade told the *Sentinel*, "It appears that Mr. Compton has acted within his legal authority as the city manager when he signed contracts and initiated audits/investigations into possible wrongdoing in the public works department. And it is only common sense that with that authority already in hand, he would not advise the council of these investigations since it appears that several council members directly or indirectly received benefits from these actions in the public works department."

Cade continued, "My question to the city council is this: 'Why have you placed Mr.

Compton on administrative leave, yet you have done nothing with Mr. Jahker when there is already enormous amounts of evidence indicating wrongdoing? Is it because of the personal relationships Jahker has with many council members?"

"This has the appearance of favoritism and must be addressed at once," Cade said.

Grossich told the *Sentinel*, "I'm surprised Councilman Gonzales continues to put himself out as the mouthpiece for the Council. In reality, he should be recusing himself from any comment or involvement in this situation until his role in the investigation into the unauthorized speed humps installed on his street is determined."

Grossich said, "It appears Mr. Compton's big mistake was looking into potential wrongdoing by a department head who it appears had performed favors which benefitted certain council members. It's pretty obvious when you look at the way the two investigations are being handled and the two individuals in

*Continued on Page 10*

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## San Bernardino County Coroner Reports

Coroner case #701405759 – On 07/30/2014 at 9:05 AM, a 2010 Nissan Pathfinder was southbound Interstate 15 at Duncan Canyon Road in Fontana, when the vehicle collided with a bridge pillar and became engulfed in flames. The male driver, who was the solo occupant of the vehicle, was pronounced dead at the scene. Once positive identification is completed, and the next of kin is notified, the name of the decedent will be released. The Fontana Police Department is investigating this incident. [07302014 1727 SY]

Coroner case #701405683 – On 07/26/2014, at 10:09 PM a 911 call was received reporting a collision on Rancherias Road in Apple Valley. When emergency personnel arrived they confirmed Cody Speer, a 16 year old resident of Apple Valley, dead at 10:14 PM. The San Bernardino County Sheriff - Coroner are investigating the collision. An autopsy is pending. [072714 1050 JK]

Coroner case #701405685 – On 07/27/2014, at 5:03 AM a 911 call was received reporting a collision on Ayala Drive in Rialto. When emergency personnel arrived they confirmed Alberto Vera, an 18 year old resident of Rialto, dead at 5:12 AM. Rialto Police Department is also investigating the collision. An autopsy is pending. [072714 1050 JK]

Coroner case #701405679 – On 07/26/2014, at 6:49 PM, Riverside County Sheriff and Fire Department personnel were called to a home in Mira Loma, for the report of an unconscious two year old. Kimberly Gonzalez, a two year old resident of Riverside, had been found floating in a backyard swimming pool by family members. She was transported to Kaiser Permanente Hospital, Ontario, where she was declared dead at 7:25 PM. The Riverside County Sheriff Department is investigating the incident. The San Bernardino County Sheriff Coroner Department will be performing an autopsy to determine the cause of death. [072714 1038 JK]

Coroner case #701405638 – On 07/25/2014 at approximately 12:30 AM, officers from the San Bernardino Police Department attempted to stop the occupants of a Ford Expedition in the area of Baseline St. and Cedar St. The driver of the vehicle failed to yield to the officers and a pursuit ensued. The Ford Expedition rolled over at Baseline St. and Elm St. in the city of Highland. The driver of the Expedition, 25 year old San Bernardino resident Jamel Miller, was confirmed dead at the scene of injuries sustained in the collision. The San Bernardino Police Department and the San Bernardino County Sheriff's Department Major Accident Investigation Team (MAIT) are investigating the incident. [072514 1613 SY]

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

### Hinkley Water from page 6

Procedures Act.

Project Navigator Ltd., an environmental engineering firm based in Brea which is the scientific adviser to the Hinkley community has been monitoring wells in the area. There have been contradictory re-

ports about the level of chromium contamination in the area, with the distinction between chromium 3 and chromium 6 often being blurred.

More than two years ago, with no certain, final and comprehensive cure of the problem in sight, Pacific Gas & Electric in April 2012 began surveying ho-

meowners with regard to their willingness to sell their property and move elsewhere. When roughly two-thirds of those surveyed indicated their readiness to depart the community, PG&E began making offers to individual property owners and undertook appraisals of their properties. As soon as mutually acceptable terms

between PG&E and the individual homeowners were arrived at, purchases were made. In early 2013, homes in Hinkley were being sold to PG&E at a rate of two to four per week. Once the houses are empty, Pacific Gas & Electric has not spared time in having those homes razed, foreclosing any possibility that squatters or anyone

else will be tempted to take up residence therein again.

In early 2012, Hinkley's population stood at 1,900. Today it has dwindled to an estimated 1,100, as residents continue their exodus. Last year, the Barstow Unified School District moved to shutter Hinkley School at the end of the 2012-13 school year.

The town is down to one market, a post office and a tavern.

In early 2012, Hinkley's population stood at 1,900. Today it has dwindled to an estimated 1,000, as the residential exodus continues at a decelerated rate. Last year, the Barstow Unified School District moved to shutter Hinkley School at the end of the 2012-13 school year. The town is down to one market, a post office and a tavern.

Because of the drinking water standards set by the state, the Lahontan water board no longer has the authority to order PG&E to continue the water programs.



### Investigation Triggered City Manager Suspension from page 9

question are being treated, that something is seriously wrong. The city council placed Compton on admin leave while appointing Mr. Jakher acting city manager. At the end of this embarrassing episode, I hope ethical judgment and fair decision making will prevail over personal favors and friendship."

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### Colonies Case Motions Heard from page 8

funneling of the money into the political action committees controlled by Postmus and the three defendants in the case.

Paul Grech, the attorney representing Kirk, disputed that characterization, however. He said that the indictment was an effort to criminalize standard political activity such as the formation of political action committees and that at any rate, there had been no need to bribe his client since his client had done nothing to further the alleged criminal activity alleged in the indictment. Kirk had no vote in the settling of the lawsuit, Grech said, and told Smith that supervisor Ovitt testified under oath that Kirk did not influence his vote to approve the Colonies settlement.

Smith made no ruling on the 995 motion.

The last defense motion Smith heard on Thursday dealt with what the defense team alleges was an illegal and unconstitutional "raid on the defense camp," in which district attorney's office investigators used a complaint by Bill Postmus that his cell phone had been hacked to obtain and serve a search warrant on the El Segundo-based investigative firm of Thomas Dale & Associates, which was doing investigative work for Larson on behalf of Burum.

In obtaining the warrant, prosecutors and their investigators had assured the judge issuing the search warrant that they would utilize a special master to review the seized materials before the prosecution ob-

tained access to them, so as to prevent any of the defense's privileged materials from being compromised.

Larson's colleague, Mary Andruess, said the prosecution had not honored that commitment and had instead "rummaged through privileged information."

Deputy District Attorney Reza Sadeghi went on record as denying Andruess' claim, though he acknowledged that the prosecution team was chomping at the bit because it believed that "Mr Burum was involved" in tapping Postmus' cell phone. The prosecution team dug themselves in even deeper when Sadeghi elicited testimony from district attorney's office investigator Eric Bremner that he did not see any of the materials or documents seized during the search and that the files seized were entrusted to the special master without any prior examination by the district attorney's office. Sadeghi assured Smith that the only document he saw during the search on the Thomas Dale & Associates premises was the search warrant document. Shortly thereafter, Andruess played for the court an internal security video taken at the Thomas Dale & Associates office in which Sadeghi, Bremner and other investigators were seen looking through the seized documents while the special master, Brian Collins, was outside or standing around the Thomas Dale Associates lobby, according to an employee Sisley Brunon. "I did see him go upstairs relatively early in the search, but he returned downstairs after only a few min-

While they are much more prevalent in Arizona, there are a good number of zebra-tailed



lizards on the east side of the Colorado River in the Mojave Desert.

Known by their scientific name *Callisaurus draconoides*, zebra-tailed lizards are medium-sized as lizards go, up to 4 inches from snout to vent. They are tan to yellowish, with long, slender limbs and a flattened tail. Two longitudinal rows of small gray-brown spots run down the middle of their backs. The upper surfaces of the body are often marked with numerous cream spots or flecks. The back of each thigh is marked with a distinct, dark, horizontal line. The tail is marked with gray-brown bands that become black on the underside where they sharply contrast with the white background. The groin and lower sides are often tinted yellow. There are two dark bars on each side of the belly that extend up onto the sides just behind the forelimbs. On males the belly bars are surrounded by patches of blue and

utes," Brunon said in a declaration submitted to Smith. "Specifically, I observed law enforcement agents searching through file cabinets and other storage areas in what appeared to be a careful document-by-document review."

Andruess also played audio from Bremner's belt recorder of exchanges between Bremner and Sadeghi in which they are heard discussing the privileged documents they are looking at.

This produced a palpable, rapt silence in the courtroom at the demonstration that Sadeghi had misled the court with his pointed questioning

sometimes yellow and orange. A pink or peach spot often marks the throat. On females bars are faint or lacking. The body scales are small and granular. The external ear openings and forward position of its side bars distinguish this lizard from the similar looking greater earless lizard.

These lizards inhabit desert flatlands but can range up to elevations around 5,000 feet. They are most likely encoun-



tered in areas with sandy soil and plenty of open space in which to run as well as washes within foothills and bajadas.

The zebra-tailed lizard hibernates underground during the cold months of winter and late fall. In the summer it will periodically sleep in the open on warm nights. When approached by a predator it often curls and wags its tail over the back exposing the black and white "zebra stripes." This bold action lets the predator know what it is dealing with.

of Bremner and his own statements.

Andruess said that in abrogating the function of the special master the prosecution out-and-out violated Burum's Sixth Amendment rights and attorney-client privilege. Investigators, she said had brazenly engaged in "outrageous conduct," by which the only cure was dismissal of all of the charges against her client.

Though Smith, a former prosecutor himself, sought to maintain a calm demeanor and gave no verbal clue from the bench as to his thoughts in the face of Sadeghi's faux pas and the ques-

tionability of Bremner's testimony, the degree to which the judge was shaken by what had just transpired in his court

hottest weather.

The zebra-tailed lizard feasts on a variety of



insects, including grasshoppers, bees, wasps, caterpillars, beetles, and ants. It also feeds on a variety of spiders, small lizards, and occasionally plant material. They will sit patiently and await prey to come to them. These lizards have been observed remaining motionless for 9 hours and 51 minutes during a ten hour period, simply waiting for an insect to chance into their field of view.

Zebra-tailed lizards are a thermophilic species, meaning they require high temperatures to develop. They will alternately bask in the sun or seek shade, having a mean body temperature of 100.8°F, and a median temperature of 102.6°F.

The Zebra-tailed Lizard mates in spring and lays one or more clutches of eggs in summer. Clutch size ranges from 1 to 15 eggs. Hatchlings begin to emerge in July. Half of the females lay more than one clutch a year.

tionability of Bremner's testimony, the degree to which the judge was shaken by what had just transpired in his court

was visibly apparent to those in the courtroom.

The final issue aired

*Continued on Page 12*

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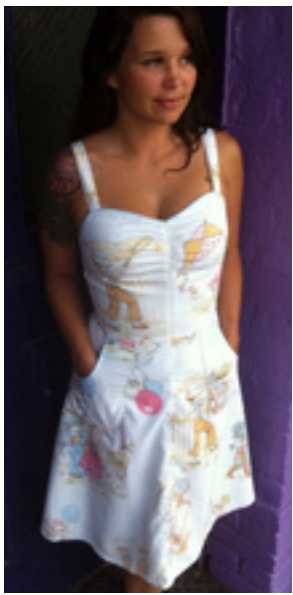
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# California Style Up Front

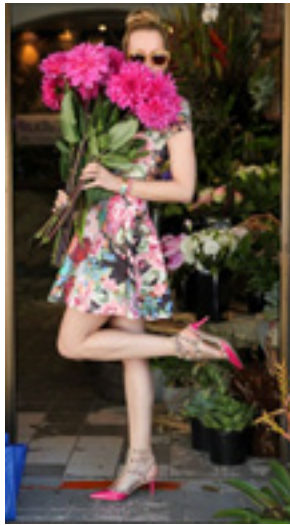
By Grace Bernal



The fashion front is interesting with all the



summer prints popping up. They're perfect be-



cause they define category and it echoes all the lights and buildings that



surround us. The colors are pastels and bright. Color blocks are great and they can echo with all the wonderful buildings and floral prints that surround us. The cottage and Holly Hobbie patterns are just adorable.



It's all real interesting this summer even in the rising temperatures. So, color is the place when it comes to tops, dresses, and handbags. It's always nice to see a differ-



ent angle in prints. The tastes are different and it turns everything into a new direction. Keep this summer up front and personal and take colorful and floral patterns wherever you desire. Fashion can be fun, especially when you're in control!

"Oh, sorry. I mean, I'm Holly. Holly Hobbie." ~Holly Hobbie

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

## Colonies Case Dismissal Motions from page 11

in the four days of hearings this week followed, with oral arguments on the motion brought by the prosecution to disqualify Larson, Andruess and their law firm, Arent Fox, as Burum's legal representatives. That motion is based upon Arent Fox having hired former assistant U.S. Attorney Jerry Behnke in

May. Behnke was formerly a part of a joint federal/state/local task force that targeted public corruption crime, and it is the prosecution's contention that Behnke's employment with Arent Fox provides the defense with an unfair advantage. In the immediate aftermath of the debacle involving Bremner and Sadeghi's misrepresentations to Smith about their

handling of the materials seized in the Thomas Dale & Associates office search, Mandel appeared to relish being able to hector Larson for what she suggested was an ethical breach in hiring Behnke, whom she represented as being the "lead prosecutor" in U.S. Attorney's investigation of the Colonies case. Mandel established that Behnke supervised the serving of search

warrants by the FBI at Burum's business and home in Rancho Cucamonga in September 2011. Mandel elicited testimony from now-retired district attorney's office investigator Robert Schreiber that Behnke was present for the formation of the joint task force and that he met and conferred with Behnke on a half dozen occasions between April 2010 and June 2011 at the FBI's Riverside office. During these task force meetings, which were essentially overseen by Behnke, Mandel said, county, state and federal investigators freely exchanged information about the Colonies investigation. Larson failed to inform the prosecution about Arent Fox's hiring of Behnke, Mandel said, insisting that was an omission which "potentially impeded the People's right to a fair trial."

Smith indicated that oral arguments relating to the 995 motions on all four defendants had been concluded and he was taking them under submission but that he was reserving his ruling until August 6, when the hearing would next convene. Likewise, he indicated that arguments as to the prosecutorial misconduct in making the raid on the defense camp were concluded and he would reserve his ruling on the motion to dismiss that has arisen out of those circumstances until August 6. Smith made no ruling on the motion to disqualify Arent Fox, deferring that until later. Smith said his ruling on the remaining issues pertaining to PC 424 - misappropriation of public funds - was also reserved and that he needed briefing from both sides relating to matter.

He also referenced the government code in indicating his belief that the donations made to the political action committees controlled by Biane, Erwin and Kirk could not be considered personal income for state tax purposes and was inclined to dismiss nine related counts against those three defendants. On August 6, a last hearing on an omnibus prosecutorial/investigative misconduct motion to dismiss will be held. Smith said he intended to review the audio and video recordings related to the search at Thomas Dale & Associates. Upon the last of Smith's rulings on the dismissal motions, which could come as early as August 6 but will likely not be made at least until August 11, a clearer picture of what issues will be litigated before a jury will emerge.

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