

# The San Bernardino County Sentinel

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

Friday, March 27, 2015 A Fortunado Publication in conjunction with Countywide News Service 10808 Foothill Blvd. Suite 160-446 Rancho Cucamonga, CA 91730 (909) 957-9998

## Cannabis Initiatives Drive Cities To Risky Interpretations Of Election Code

**YUCCA VALLEY**—The rash of voter initiatives relating to permitting medical marijuana dispensaries to function within several San Bernardino County municipalities is testing the limits of California election law. In the cities/towns involved - Upland, San Bernardino, Adelanto, and Yucca Valley - there are some basic similarities.



**Richard Adams**  
ties. Each has political leadership, i.e., a city or

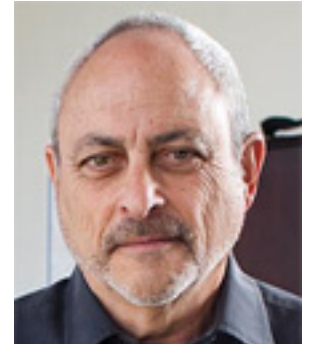
town council, which is on balance opposed to liberalizing local ordinances to allow pot shops to proliferate. Each of those municipalities finds itself struggling financially in the aftermath of the just-concluded, five year-running economic downturn that has deprived them of revenue. And in each municipality there is also a cadre



**Lona Laymon**  
of marijuana legalization advocates who have

pushed for the city/town allowing medical marijuana dispensaries being set up. In all four, those advocates contemplated using the initiative process to put a measure on the ballot to have their respective city's voters make the decision on whether the current local ban on the marijuana clinics should be abandoned, believe- **See P 4**

## SB's Ability To Meet Audit Deadline For Bankruptcy Exit Dubious



**Allen Parker**

**SAN BERNARDINO**—Racing to meet a May 30 deadline to present the city's bankruptcy exit plan, San Bernardino city officials have learned they may very likely disappoint the judge hearing the entire bankruptcy matter as the figures upon which to base future city financial action will simply not be available until after the deadline passes. In a desperate measure to meet that deadline, the city council agreed to nearly double what it is paying to get those audits completed.

The city of San Bernardino filed for Chapter Nine bankruptcy protection in August 2012, and Riverside-based federal bankruptcy judge Meredith Jury has pretty much indulged the city in most of its efforts to hold off its myriad of creditors as it attempts to stabilize its financial picture and structure a future municipal operation in which revenues match expenditures.

But the city's financial situation, past, current and future, is exceedingly complicated. The city's previous auditing firm - Rogers, Anderson, Malody and Scott - was unable to get its arms around the matter and the audit it was supposed to complete for fiscal year 2011-12 - just as the city was **See P 7**

## Judge Cuts Fontana Water Company Off From Access To Rialto-Colton H<sub>2</sub>O Basin

**San Bernardino** County Superior Court Judge Bryan Foster's finalized ruling halting the Fontana Water Company for engaging in unbridled pumping of water from the Rialto-Colton Basin was entered on March 20.

Foster had tentatively ruled in February that an injunction against the Fontana Water Company

was in order.

Fontana Water serves about 210,000 users in a service area that covers most of Fontana and portions of f Rialto, Rancho Cucamonga, Ontario, and unincorporated areas of San Bernardino County, utilizing 34 wells. But four of those wells tap into the Rialto Colton Basin, where water rights were adjudicat-

ed in 1961.

Since at least 2003, Fontana Water, which is owned by El Monte-based San Gabriel Valley Water Company, has been sucking water out of the Rialto Colton Basin at a rate well beyond its allotment.

The 1961 water adjudication grants various established pumpers clearance to draw from

the aquifer, such that in wet years, the entities can extract freely, with the parties limited to their base pumping allowance in normal years and reduced to lesser amounts in dry years.

With the onset of an extended drought, the water suppliers were supposed to reduce their pumping in accordance with the lower water lev-

els in the Rialto-Colton Basin since 2009. While the other pumpers limited their drawing of water from the Rialto-Colton Basin, Fontana Water has not.

In 2013 the San Bernardino Valley Municipal Water District, the West Valley Water District, and the cities of Colton and Rialto filed a lawsuit **See P 10**

## Aeromexico Launches Mexico City To Ontario Flights

**Ontario International** Airport on Wednesday announced that Aeromexico will add roundtrip service four times a week on Tuesday, Thursday, Friday & Sunday to Mexico City, Mexico beginning April 6 for travelers wanting more international service.

Aeromexico currently flies out of Ontario to and from Guadalajara four times a week and

with its new flights to Mexico City, the airline continues to increase its number of flights from four to eight flights per week. This marks a significant move for Aeromexico and is welcome news for travelers at Ontario Airport.

"We're excited to see the return of Mexico City service, especially as the spring and summer seasons approach," said Ontario **See P 2**

## Victorville Latest City In SB County To Pull The Plug On Red Light Camera Systems

**VICTORVILLE**—Victorville's seven-year running experience with red light camera systems is coming to an end, following the city council's 4-1 March 17 vote against renewing the contract it has with Redflex for ten of the devices.

The council had the option of renewing the current arrangement it has had since 2010 with Australia-based Redflex, which has an American

corporate office in Arizona, or entering into a contract with different terms that would be more favorable to the city. The council took neither path, and indications were that the cameras will come down as of July 1.

Victorville is one of the last of several San Bernardino County cities to jettison the red light camera program. Previously, Chino, Grand Terrace, Hesperia, Loma

Linda, Montclair, Rancho Cucamonga, Rialto San Bernardino Upland and Yucaipa had contracts with Redflex or its main competitor, American Traffic Solutions for the operation of the systems. But a combination of profiteering by the corporations operating them, misrepresentations as to their value as a revenue producer for local governments, their ineffectiveness and public discontent **See P 8**

## County Giving Up On Regulating Fortune Tellers, Pool Halls & Theaters

The county is giving up on regulating fortune tellers, pool and billiard halls and theaters.

The county has long had ordinances relating to licensing such operations but, according to a report by San Bernardino County Clerk of the Board of Supervisors Laura Welch dated March 17, "Such regulations are redundant and unnecessary because

these businesses are already sufficiently regulated by other state and local laws. Such repeal will also, as a practical matter, have a negligible effect because there is currently only one fortune telling business licensed within the unincorporated area of the county, no business licenses have been issued for theaters since 1948, and no license has been

issued for a pool/billiard hall since April 1972."

The portion of the county code relating to pool and billiard halls was originally adopted in 1947 and was last amended in 1963. The provisions of the county code give significant discretion to the board of supervisors in approving a business license. They also prohibit gambling and the serving of alco-

hol in pool/billiard halls. "The concerns underlying the adoption of the original ordinance, to the extent they still exist, are adequately addressed by other regulatory authority," said Welch. "California Alcoholic Beverage Control enforces state liquor licensing laws and gambling is regulated by state law. Pool/billiard halls are also subject to zoning requirements.

Defined as "commercial entertainment - indoor," they are limited to certain commercial land use zoning districts, certain industrial and special use zoning districts, and, with a conditional use permit, the rural living district."

The portion of the county code relating to theaters requires movie theaters and stage theaters to ob- **See P 2**



### County Drops Licensing Requirements For Psychics from front page

tain a business license. The sheriff's department, public health department's division of environmental health services, county fire, and land use services department's building and safety and planning divisions are required to review applications. The ordinance also prohibits the sale and consumption of alcohol. California Alcoholic Beverage Control enforces state law regarding the sale

and consumption of alcohol. "Elimination of the business license requirement would not limit these divisions and departments in conducting inspections pursuant to their own authority," Welch said. "Theaters are also subject to zoning requirements; they may operate with a minor use permit or a conditional use permit in all districts of the commercial land use zoning district except for neighbor commercial and office commercial. There are also specific noise standards and parking standards for theaters."

The portion of the

county code relating to theaters relating to fortune telling requires business licenses for fortune telling. Environmental health services, county fire, building and safety, and planning must review the application. "Elimination of the business license requirement would not limit these divisions and departments in conducting inspections pursuant to their own authority," Welch said. "Fortune telling businesses are subject to zoning requirements. They are a permitted use in all of the commercial land use zoning districts as psychics or palm read-

ers, except neighborhood commercial and office commercial, and require a site plan permit and, under certain circumstances (large operations), a conditional use permit."

In conclusion Welch said, "Repeal of the above-described business license provisions will not undermine the ongoing regulation of pool/billiard halls, theaters, and fortune telling establishments because these businesses are already sufficiently regulated through separate state and local authority."

### The San Bernardino County

## Sentinel

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### Aeromexico Re-institutes Flights From Ontario To Mexico City from front page

International Airport's manager Jess Romo. "It will provide our international travelers going to Mexico with more flights choices. Aeromexico last served Mexico City from Ontario Airport in 2000."

Aeromexico's chief

revenue officer, Anko van der Werff, said, "With the start of these new flights, we now offer service to 29 different routes from the United States to Mexico, which consolidates us as the airline with more and better options to travel between these countries".

Aeromexico will operate 737-700 aircraft, which seats 132 pas-

sengers - 12 of them on Clase Premier (the carrier's First Class), with departures from Terminal 2 at Mexico City International Airport and arrivals at the International Arrivals Terminal in Ontario. On Tuesdays, Thursdays, Fridays and Sundays, AeroMexico Flight 0793 will depart Ontario at 1:05 a.m. local time and arrive in Mexico City at 7:40 a.m.

local time. On Mondays, Wednesdays, Thursdays and Saturdays, AeroMexico Flight 0792 will depart Mexico City at 9:10 p.m. local time and arrive in Ontario at 11:25 p.m. local time.

Tickets are on sale now on [www.aeromexico.com](http://www.aeromexico.com).

Ontario International Airport, located approximately 35 miles from downtown Los An-

geles, is a medium-hub airport, which will with the Mexico City increase have full commercial service to 15 major U.S. cities and through service to many international destinations. There are approximately 60 daily flights offered out of Ontario by seven carriers. For more information about Ontario International, visit [www.lawa.org](http://www.lawa.org)

Grupo Aeromexico, S.A.B. de C.V. is a holding company whose subsidiaries are engaged in commercial aviation in Mexico and the promo-

tion of passenger loyalty programs. Aeromexico, the largest airline in Mexico, operates more than 600 daily flights and its main hub is in Terminal 2 at the Mexico City International Airport. Its destinations network features more than 80 cities on three continents, including 45 destinations in Mexico, 16 in the United States, 15 in Latin America, three in Europe, two in Asia and two in Canada.

The Group's fleet of more than 120 aircraft is comprised of Boeing 787, 777, 767 and 737 jet airliners and next generation Embraer 145, 170, 175 and 190 models. In 2012, the airline announced the most significant investment strategy in aviation history in Mexico, to purchase 100 Boeing aircraft including 90 MAX B737 jet airliners and 10 B787-9 Dreamliners.

As a founding member of the SkyTeam airline alliance, Aeromexico offers customers more than 1,000 destinations in 178 countries served by the 20 SkyTeam airline partners, rewarding passengers with benefits including access to 516 premium airport lounges around the world. Aeromexico also offers travel on its codeshare partner flights with Delta Air Lines, Alaska Airlines, Avianca, LAN, TACA and TAM with extensive connectivity in countries like the United States, Brazil, Canada, Chile, Colombia and Peru. More information is available at [www.aeromexico.com](http://www.aeromexico.com) [www.skyteam.com](http://www.skyteam.com) <http://disfrutaam.tumblr.com/>

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## Baker In The News

Baker, the 2.7 square mile community some 65 miles from Barstow at the junction of the I-15 Freeway and State Route 127, found itself in the news this week on a couple of accounts, neither of which was appreciated by locals.

One of Baker's residents, 39-year-old Earnest Ortega Huerta was found dead in the desert near the Dumont Dunes on March 19, it was disclosed this week. Caltrans workers working on Highway 127, which leads to Death Valley, found Huerta's lifeless corpse near mile marker 137.

Deputies from the San Bernardino County Sheriff's Department and officers from the California Highway Patrol responded. Huerta, died, it appeared, from upper body trauma.

Huerta's death was ruled a homicide and the sheriff's homicide detail is looking into the circumstances and seeking further leads. Detective Mike Walker and sergeant Jason Radeleff have been assigned to the Huerta death. They can be reached at 909-

387-3589. According to the coroner, it has not been determined how long Huerta's body might have been in the desert before being found.

This week, between 8 p.m. Thursday and 6 a.m. this morning, Baker was without electricity as a consequence of Southern California Edison subjecting the area to a planned maintenance power outage. The outage was the second in a fortnight, as Southern California Edison subjected the town of 735 to an earlier planned maintenance outage. The flow of electricity was discontinued as repair and maintenance was undertaken on components and systems at the Baker substation.

Though fewer than 800 people live in Baker, some 110,000 transit through it almost every weekend, the lion's share of those being Southern California residents going to Las Vegas. According to Southern California Edison, the utility attempts to time the electrical outage when it will have the least disruption on the businesses that cater to those motorists. Customers were notified in advance of the outages.

and Edison notified the San Bernardino County's emergency responders, i.e., the San Bernardino County Sheriff's Department and San Bernardino County Fire Department, that the outages were coming.

## Redlands Police To Conduct DUI Checkpoint Tonight

Redlands police will set up a checkpoint to snare intoxicated drivers or those without valid licenses tonight, Friday, March 27, in Redlands.

The operation is set to begin at 8 p.m. and end at 1 a.m. The location of the checkpoint was not disclosed in the press release giving required notification of the undertaking.

## San Antonio Hospital Renamed

San Antonio Community Hospital has been renamed San Antonio Regional Hospital.

San Antonio Hospital has been in existence since 1907, when it was originally located at the corner of San Antonio and Arrow Highway. In 1924 it moved to its present location on San Antonio Road just east of Campus Avenue and near what is today Memorial Park.

Twenty-five years ago the hospital began to reach beyond Upland, opening the Rancho San Antonio Medical Plaza in Rancho Cucamonga and shortly thereafter the Sierra San Antonio Medical Plaza in Fontana in the last three decades. Next month, San Antonio will add a third satellite facility with the opening of the Eastvale San Antonio Medical Plaza.

According to Harris Koenig, the facility's president and chief executive officer, the rechristening of its flagship Upland facility to San Antonio Regional Hospital is intended to announce to the world the expansion of its service

area. Work at the Upland site has been ongoing for some time and later this year, the \$160 million expansion will be complete. It is to include a new patient tower with 92 private beds, including 12 for critical care, and an enlargement of its emergency department by 8,000 square feet, entailing another 52 beds.

## Lucerne Valley Woman Still Missing



Krystie Stuart

Krystie Stuart, who disappeared on March 2, is still missing.

Her disappearance was lost in the shuffle and extensive media attention given to the similar circumstance relating to that Sahray Barber, who went missing from San Bernardino on March 9. Barber turned up safe at a shelter in Los Angeles on March 20.

But Stuart's fate remains unknown. On March 2, a Monday, Stuart left her home in Lucerne Valley for a dentist appointment in Apple Valley. At the dental office, Jess Ranch Dental, she was not in what was characterized as "the proper frame of mind" for her scheduled procedure, so the appointment was canceled. She made a phone call shortly thereafter, but never made an expected rendezvous with a friend later that day.

She had seemingly vanished into thin air. On March 8 her white Dodge Dakota was found near a burned-out structure in an unincorporated area in northern Apple Valley. Sheriff's department investigators combed through the vehicle, but had little success finding possible

*Continued on Page 8*

## Forum... Or Against 'em

### Observations from a Decidedly Continental Perspective

By Count Friedrich von Olsen



I was a bit taken aback by word I received this week that Rick Mayhew, who holds the dual fire chief position in Upland and Montclair, is going to retire shortly after just about 16 months in those positions...

This is bad news for Upland and Montclair, but it is also bad news for the Los Angeles County cities of San Marino and Pasadena. And the fuller implication of this is bad news for taxpayers and residents in cities all over the state of California...

Rick, who lives in La Verne, was hired by Upland as its fire chief in February 2013. He came in to replace Dave Carrier, the retired fire chief from Ontario brought in to serve in an interim capacity in April 2012 following the retirement of Michael Antonucci. During Carrier's tenure there had been discussion of closing down the Upland Fire Department altogether and Upland contracting with any of a number of fire departments, from San Bernardino County to Los Angeles County, to Ontario to Chino Valley, to CalFire...

The hiring of Rick was seen as a commitment to keeping the Upland Fire Department intact. He had never been a fire chief before, but he had an impressive 31-year track record as a firefighter first in South Pasadena, where he had risen to the position of battalion chief with the department there, and then with the San Marino Fire Department, where he acceded to the level of division chief. Upland had done about as well as it could do. Indeed, Rick Mayhew's selection was a commitment to him, to the department and to the community. Underlying this, of course, was the belief that Rick Mayhew had likewise made a commensurate commitment to Upland...

Within a year there would be an indication that then-city manager Stephen Dunn and the city council had chosen wisely. Consulting with each other, Dunn and Montclair City Manager Edward Starr came up with a proposal to merge their respective fire department's management and administration teams with an eye toward merging both departments altogether. First the Montclair City Council embraced the concept and then the Upland City Council. Faced with a not overwhelming but yet intense administrative challenge and an increased workload, Mayhew did not resist or hesitate, but jumped in with both feet and accommodated the preparation for the move and then facilitated it after both city councils approved the arrangement in December 2013. He efficiently devoted himself to making the arrangement work and coordinating managerial functions between the neighboring 73,732-population and 36,664-population cities, paving the way for a smooth transition into the next phase in which the higher-paid Upland firefighters will be working side-by-side with their lesser paid colleagues from Montclair...

No one can complain about the job he has done. But now that he is retiring, at the relatively youthful age of 54, I am going to complain about the job that he isn't going to do...

As I suggested above, his hiring by Upland and then by Montclair entailed a three-way commitment: Montclair and Upland to him and he to Upland and Montclair. By taking this early retirement, I believe he is breaking his commitment...

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## Cannabis Initiatives Push Cities To Edgy Uses Of Election Code from front page

ing the voters in general are more favorably inclined to the idea than their elected officials. Along the way, those advocates have sought to promote the law change by touting the revenue-generating possibilities of taxing the marijuana sales.



Gary Saenz

In 209,924-population San Bernardino, the actual logistics of gathering the requisite number of signatures on the petition for the initiative - ten percent of the city's registered voters - proved too daunting. But San Bernardino had filed for Chapter 9 bankruptcy protection in 2012, and the city officials have grown increasingly desperate to find some form of revenue enhancement. Into that mix was thrown the idea of allowing marijuana clinics to set up in the city, pursuant to a taxing regime that would pour ten percent of the clinics' profits into city coffers.

In July 2014, San Bernardino City Attorney Gary Saenz, taking stock of the number of pot shops sprouting up in the county's largest city, offered his view that the cost and difficulty of shutting down dispensaries made the city's ban on the enterprises that has existed since 2010 "futile." The council formed a legislative review committee composed of three council members to study the issue and promised to reconsider the issue. Saenz said the city was contemplating allow some dispensaries to function under a strict set of guidelines that would include significant licensing fees.

Meanwhile, a proponent of licensed clinics, Karmel Roe, undertook an ultimately unsuccessful effort to gather enough signatures to get a dispensary permitting initiative on the ballot. A Redlands-based attorney who had previously been the city manager of Adelanto, James DeAguilera, threatened legal action against the city over its continuing enforcement of the ban.

During the discussion of the concept of legalizing medical marijuana sales in the county seat, many entrepreneurs were emboldened, and some took the risk of opening dispensaries in the belief that in the liberalizing atmosphere, they would be able to operate unmolested. That ultimately proved to be a fallacy, however, as they were able to stay in business for a short time but were slapped back when the city rejected the idea of allowing some dispensaries to operate legally. Earlier this month, the police department and city code enforcement division embarked on concerted operations to close them down, seize their wares and cash on hand and serve them with court orders enjoining them from persisting in their operations.

In Adelanto, where a state of financial crisis had been officially declared by the city council in June 2013, Johnny Salazar, the owner of the Green Tree Health Healing Clinic, a medical marijuana dispensary, earlier this year began promoting the idea of having the city sanction such operations, which would be regulated and taxed. Salazar encountered rough sledding at first, as the council in general, and councilmember Charley Glasper in particular, were adamantly opposed to the concept of allowing Adelanto to be put on the map as one of the few San Bernardino County cities embracing marijuana sales, even if it offered a means of providing needed revenue. But as Salazar dialogued with city officials, discussing the possibility

of putting a dispensary permitting initiative on the ballot, Glasper, who remained in opposition to the whole idea of permitting marijuana sales in the city, softened. He appeared to be willing to have the city council use its authority to schedule such a vote, if, he reasoned, the city could piggyback another vote on a city-sponsored initiative to impose a sales tax or utility tax on its residents and if Salazar would pay



Charley Glasper

for the costs of the special election for those initiatives. Glasper hopefully calculated that the city's voters just might pass the tax measure and reject the marijuana clinic proposal and for that reason was on the verge of voting to put the measure on the ballot. Salazar, however, was unwilling to bankroll the special election, angling instead to have the council simply adopt an ordinance establishing dispensaries meeting certain criteria

permission to operate. For Glasper and the remainder of the council that was a deal-breaker, and the concept has been abandoned.

In 73,732-population Upland, initiative backers, with the support of the California Cannabis Coalition and the financial backing of Randy Welty, a strip club and marijuana dispensary owner, began circulating a petition for an initiative in October and in January turned over to the city clerk's office petitions signed with 6,865 signatures, 5,736 of which were verified by the registrar of voters office as having been signed by registered voters in the city. This amounted to more than 15 percent of the city's voters and by law qualified the initiative to be put on a special ballot no more than 105 days after the verification. Nevertheless, three members of the city council - Mayor Ray Musser, councilwoman Carol Timm and councilman Glenn Bozar - were philosophically opposed to Upland hosting such marijuana clinics. City attorney Richard Adams, sensing the direction the council majority wanted to take, researched the issue and referenced Section 17.158.100 of

the coalition sponsored initiative, Article XIII C section 1(e) of the California Constitution and Proposition 26 approved by California's voters in 2010 in propounding a theory that the initiative vote could be held off until the November 2016 general municipal election in Upland. The referenced section of the initiative calls for levying a \$75,000 "fee" upon the applicants for a dispensary license. Adams



Randy Welty

said that the California Constitution and Proposition 26 required that any tax to be levied upon local residents by a municipality must be approved by voters at a general municipal election. The fee designated in the Upland marijuana dispensary initiative qualifies as a tax, Adams reasoned, and this gave the council leeway to postpone the initiative election until next year. Council member Gino Filippi and Debbie

Stone sought instead to have the council approve a special election, at a cost of some \$150,000 to \$180,000, for June 2015. They did not get a crucial third vote and subsequently, Musser, Timm and Bozar supported putting the vote off until November 2016.

This was not the end of the matter, however, as Welty and the Cannabis Coalition, on behalf of the Upland voters who signed their petition, induced famed constitutional rights attorney Roger Diamond to file, on March 19, a petition for a writ of mandate with San Bernardino Superior Court, in which he stated the California Elections Code Section 9214 and Article 2, Section 11 of the California Constitution require that the city hold the special election this year and that Adams had misinterpreted Article 13c of the California Constitution as applying to a voter initiated initiative when it applies exclusively to an initiative initiated by a public entity such as a city.

"By its conduct respondents [i.e., Upland city officials] are violating the California constitutional guarantee of the right of initiative and petitioners' rights under

*Continued on Page 6*

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## Glimpse Of SBC's Past CART66 Before The CMP Horse

By Ruth Musser-Lopez

I can be pretty dang dense sometimes. For example, it took me into my early twenties to realize that 90% of the jokes people tell have a

sexual connotation. I always tried to be pure in spirit before that, but it gets to a point where you just got to get real.



**Figure 1. Landmark corner with median on Route 66 (formerly National Trails Highway) at the intersection of "N" Street, aka North Broadway and River Road, aka Needles Highway in Needles, California.**

review, during the last couple of years I would often receive an email or be directed to a web address that included the phrase CART66. An important one was CART-

66CMP@LardnerKlein.com. I kept thinking, this important person, Jim Klein, who is contracted to put the plan together, wants us to get on the cart and get some kicks on Route 66. Well no, not exactly, I did not realize that ...CART66 is really an acronym--CA for California and RT for Route, so I put it together it is California Route 66 or CART66 as opposed to the road in Arizona (AZRT66), New Mexico (NMRT66), and Oklahoma (OKRT66) etc.

Speaking of "getting real" brings us to the CART66 before the horse situation. You know the old saying "You've got the cart before the horse" which means you got everything "half ass backwards" or more mildly, you aren't doing something in the right order. Well, forgive me for being so "dense" that I didn't notice sooner...



**Figure 2. Garces Circle in Bakersfield is the inspiration of a hoped for Padre Garces and his Mojave Guides statue representing the historic Mojave Desert crossing in 1776.**



**Figure 3. The three-story Green Mansion is an example of a rare construction technology.**

but that is exactly what is about to happen in Needles, California (if not stopped)--major changes are to be made by the city of Needles to alter the historic footprint of Route 66 without ever having given the public an opportunity to object on the public record. If you think of the Corridor Management Plan (CMP) as the horse, and California Route 66 (CART66) as the cart, simply put the city has put CART66 before the horse. The Needles City Council is intent on demolishing a significant section of the road (CART66) in Needles before the CMP is ever completed. CART66 before the CMP horse.

Among other historic events of significance, Needles is the setting of scenes from the book

ly funded I-40 Interconnect Project, officials got caught. The Needles I-40 Interconnect Project is a project that is supposed to satiate the State of Arizona by fast tracking traffic from the I-40 over to the Arizona side of the Colorado River

and the two-lane highway there. With the Arizona threatening to build their own highway completely bypassing Needles, federal funding was obtained through a local assistance program of the Federal Highway Administration (FHWA) with Caltrans being delegated with FHWA's duties for oversight with regard to compliance with the federal environmental laws.

From the J Street off ramp, downtown Needles to the bridge crossing the river, pavement rehabilitation and



**Figure 4. The Green Mansion setting will be impacted, tree to be removed, road to be widened coming close to the steps.**

intersection improvements, including signals, turn lanes, sidewalks and crossings to comply with Americans with Disabilities Act (ADA) standards, some road widening, utility relocations, and some drainage improvements are to

be installed. Temporary construction easements (TCEs) and so-called "sliver-takes" (thin strips of new right-of-way to be acquired from adjacent properties) have also already been taken by eminent domain and condemnation.

I know I am not the



**Figure 5. The Sage Motel is an example of Route 66's "atomic age art" signage--"missed" in the cultural report documentation.**

only one who is surprised to find out that the city is at least three years in on a federal project plan where environmental documents never came before public scrutiny and they did this under the guise of being "exempt" from public notification and environmental review. The corner is not the only historic structure in the project area to be demolished. There are at least five other historic properties that will be impacted. How could the city's project be "exempt" or "categorically excluded" from completing an environmental assessment when significant historic structures in what could be considered an important historic district of cultural properties along Route 66 are to be impacted by a federal project?

Well, as it turns out the Riverside County based firm "Applied Earthworks, Inc." who came into San Bernardino County and conducted the cultural resource assessment, advertently or inadvertently failed to record, missed or omitted all the historic structures and their settings in harm's way. What did they miss?

For one thing, they apparently found no

significance in the landmark corner, curve and median at the corner of River Road and Broadway. This corner, with all of its character and charm, being landscaped with native plants may very well turn out to be one of, if not the only original wide sweeping 90 degree corner with a stop sign on the historic California portion of the Mother Road [another term for Route 66] as it existed in its heyday.

For those traveling east, the landmark signals the right turn to historic downtown Needles. Otherwise, one must continue straight on to the turnoff for the bridge crossing the river to Arizona. For those traveling west, they must stop at a rare 90 degree corner turn on Route 66 or find themselves at the river's edge in the Aha Macav (Mojave) Indian Village a block away.

The city is only a few months out from beginning demolition and this disheartens me very much since I always envisioned being able to someday figure out a way to finance a statue of Padre Garces, the Franciscan monk, and the Mojave guides who showed him the way across the Mojave Desert on foot in 1776 from Needles to the San Bernardino Valley.

I've often dreamed of something akin to "Garces Circle" in Bakersfield being installed in the median, which is very close to the present day Mojave "village." The inclusion of the Mojave guide figures would have been so fitting and symbolic---a great statement of Needles historic relevance since 1776. But now the median will be no more, soon to be replaced by a straight shot 4-way corner with traffic signals, just like any other city corner in the world--unless the city is stopped or the project altered.

Other historic structures to be impacted include the setting of his-

*Continued on Page 9*



Pot Initiatives  
Trigger Cutting  
Edge Reactions  
From Cities

from page 4

Elections Code Section 9214. There is no conflict between Article 13c of the California Constitution and Elections Code Section 9214,” Diamond asserted in the filing for a writ of mandate.



Roger Diamond

Furthermore, according to Diamond, the city of Upland mislabeled the \$75,000 fee specified in the initiative as a tax. “Petitioners’ proposed medical marijuana dispensary initiative ordinance does not impose any general tax,” Diamond’s filing states. “Article 13c, Section 1 of the California Constitution defines a ‘general tax’ as ‘any tax imposed for general governmental purposes.’ Petitioners submitted evidence to respondents demonstrating conclusively that the \$75,000.00 annual licensing and inspection fee established by propo-

posed Section 17.158.100 of the proposed medical marijuana dispensary initiative petition would not be a general tax but rather a regulatory fee. Without any support in the record whatsoever, respondents have asserted and have allegedly based their position on the false claim that Section 17.158.100 is a general tax.”

In response to questions posed to him by the Sentinel in the wee hours of March 24 after a marathon city council meeting on the evening of March 23, Adams said that he was confident the city would prevail in a test of whether the \$75,000 fee can be characterized as a tax. “We looked at that very thoroughly ahead of time,” he said.

The matter appears to be headed for a showdown, with possible precedent setting implication, in San Bernardino Superior Court.

Further east in San Bernardino County, in the incorporated East Mojave Desert town of Yucca Valley, another test of how far the election code can be stretched is playing out.

In Yucca Valley, advocates for the availability of medical marijuana in that town effectively overran the town council’s procedural blockade

of local marijuana clinics by getting the requisite number of voter signatures on a petition to direct the town council to adopt a new code allowing dispensaries or otherwise put the matter to the ballot. The town council eventually acceded to the success of that initiative petition process, but in so doing altered the initiative from its original form. It is that altered version of the initiative that is going on the ballot. The California Election Code requires that initiatives to be voted upon cannot be changed from what the petitioners asked for. Thus the circumstance in Yucca Valley is bound to create a test case in which the legality of the entire process and the enforceability of the initiative, if it is indeed passed by the voters, may be called into question.

The Alliance for Safe Access of Yucca Valley, led by Jason Elsasser, began circulating the petition late last summer. The petition called for the city to permit the opening and operation of one medical marijuana clinic per 10,000 residents living in the town under a set of rules governing hours when the dispensaries can be operated and within zones outside the proximity of

churches and schools. Elsasser and the Alliance undertook their effort after the closure of another clinic, which had gotten its operating charter from the city by applying for a business license as an ‘herbal shop.’

Upon town officials learning that the enterprise was a dispensary, they initiated efforts to close it but were met by the owner’s threat of litigation. The town and the clinic owner arrived at an agreement by which the owner was able to remain in business for a specified period. Before that deadline elapsed, the operation proved lucrative enough for the owner to reach his financial goals and he voluntarily closed.

Advocates for the availability of medical marijuana asserted that there is considerable demand for medical marijuana in Yucca Valley and that the town council, by its efforts to prevent the operation of dispensaries in town, has been forcing customers to purchase the product from criminals selling it illegally or travel to other cities where clinics are permitted and where those municipalities have tapped the tax revenue available from the sales.

That argument proved persuasive enough to get

more than ten percent of the town’s voters to endorse the petition for the initiative and the registrar of voters verified the requisite number of signatures as valid.

The town council initially balked at the idea, and called for a study of the situation, as is permitted by law. Eventually, town officials concluded that the success of the initiative drive made a vote on the matter inevitable, and they agreed to hold the election on June 2.

But prior to doing so, the city approved the creation of an ad hoc committee to study the citizen initiative, appointing Councilmen Merl Abel and Robert Lombardo to serve as the committee’s members. They initiated a round of discussions with Elsasser and the Alliance for Safe Access of Yucca Valley, which turned into negotiations on the final form of the initiative to be voted upon.

A compromise initiative was hatched from that process.

According to a town staff report for the town council’s March 3 meeting, the revamped measure is in the main similar to the initiative endorsed by more than ten percent of the town’s voters “but with additional provisions to enhance regulations for the protection

of public health, safety and welfare, and providing for the town’s recovery of certain fees and costs attributable to law enforcement and other operational expenses affected by dispensaries.” The 26-page initiative redraft, entitled Medical Marijuana Authorization and Regulation Initiative, dwells on certain details the original initiative language did not, such as restrictions on loitering, security and a financial audit.

On March 3, after council member Robert Leone, a former police officer, made a motion calling for simply adopting the initiative as drafted but saw that motion die for the lack of a second, the council voted to put the redrafted measure allowing on a special election ballot for June 2.

That initiative is to read, “Shall the Medical Marijuana Dispensary Authorization and Regulation Initiative Measure be enacted to allow the operation of medical marijuana dispensaries in the jurisdictional boundaries of the town of Yucca Valley at a rate of one dispensary per every 10,000 residents, and attendant provisions regulating such operations?”

Given Yucca Valley’s 20,700 population, the initiative, if passed would permit two dispensaries to set up operation in town.

A question remains, though, over whether the June 2 vote on the initiative, as it is now drafted, will be in compliance with the California Election Code. The initiative process in California calls for measures approved for the ballot in a voter-endorsed process be presented to the electorate in the exact form presented by the petitioners and approved by at least ten percent of the voters. Given that the initiative Elsasser and the Alliance for Safe Access presented to the voters is different from what the town’s voters will be voting on in June, the undertaking is out of step with the code.

Continued on Page 7

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## SB Audit Likely To Be Tardy from page 3

heading into bankruptcy – literally took two years to complete. That document was not submitted until June 2014.

In the meantime, with questions mounting over the integrity and quality of the financial monitoring, guidance and strategy the city had received in the past, the city ditched Rogers, Anderson, Malody and Scott and brought in the Macias, Gini and O'Connell LLP accounting firm, depending on that company to provide a transparent profile of the city's financial condition overall as well as its income and outgo, liabilities and assets, investments and rates of return, reserves and balances.

In June, the council approved a contract with Macias, Gini and O'Connell, LLP to perform an independent audit of the city's financial records for the fiscal year ending June 30, 2013 and the fiscal year

ending June 30, 2014. The estimated cost when the contract was executed between the city and the auditing firm was \$218,086 for each fiscal year and included the annual financial statements, successor agency to the city redevelopment agency financial reports, single audit report (including 6 major federal grant programs), and an appropriations limit review.

Last year, Macias, Gini and O'Connell represented that the available city financial figures would allow them to carry out the auditing in a timely manner. From all appearances, it seemed the firm understood the urgency of completing the reports expeditiously. That need became manifest in November when Jury told the city the exit plan had to be presented to her by May 30.

Inexplicably, Macias, Gini and O'Connell did not begin the fiscal year 2012-13 audit until November 2014.

According to a report from the city's finance

department for the city council's March 16 meeting, Judge Jury's "deadline necessitates that the city have audited beginning numbers to support the city's plan and as such, Macias, Gini and O'Connell is auditing both fiscal years simultaneously. Because of the complexity of the city's audits, the city being in Chapter 9 bankruptcy, the number of transactions that require testing and the tight deadline mandated by the city of April 30, 2015 for completion of the audit reports, it is now estimated that costs will increase \$270,000 to \$488,086 for fiscal year 2012-13 and will increase \$220,000 to \$438,086 for fiscal year 2013-14."

Over a barrel, the city council in accordance with a recommendation in that report amended the city's contract with Macias, Gini and O'Connell to reflect the estimated increases in costs to perform the auditing services.

Despite the significant increase in the

amount the firm will be paid, Macias, Gini and O'Connell's officers are not confident they will be able to complete the auditing of the city's financial statements in time for them to be assimilated into the bankruptcy exit plan due for presentation to Jury on May 30.

The city and Macias, Gini and O'Connell will be cutting it pretty thin. The auditors believe they can have the 2012-13 audit in the can by April 30. But under even the most optimistic of projections, it will be touch and go on whether the 2013-14 audit will be finished by May 30, let alone well enough in advance of that date to allow the numbers to be carefully considered and abstracted into the plan of adjustment.

The rush job the city is being forced to do carries with it a high probability that corners will be cut and mistakes made in formulating the plan of adjustment. For some time Jury has been holding an increasingly im-

patient line of the city's creditors at bay. If such errors manifest in the plan or the documentation the city provides, it will give many of those creditors more ammunition with which to attack the city and its credibility.

Last week, city manager Allen Parker and assistant city manager Nita McKay blamed – some said scapegoated – former finance director Scott Williams for the delay.

Williams, who had only been with the city since December, was ignominiously placed on administrative leave and then dismissed less than three weeks ago. Williams had been hurriedly hired into the position after his predecessor, David Cain, bailed from the position in September after having lasted 18 months in the post.

When he was confronted by the council about the delays in having Macias, Gini and O'Connell getting the auditing show on the road, Parker said that Wil-

liams had control of the information the auditing firm needed to go over to make its report but that Williams had dithered, carrying out his own review, even though McKay had been pushing him to turn over to Macias, Gini and O'Connell everything the firm needed to do its work. According to Parker, some order of personality conflict had emerged between Williams and McKay, and McKay had petulantly balked at working with McKay and taking orders from her, even though she was higher in the municipal pecking order than he was.

At one point, Parker came close to expressing complete despair over the city's listing financial ship ever being righted, saying that the city's problems were years or decades in the making and that the city council's demands that he and current staff, most or all of whom have only been with the city for a few years, solve the problems in the near term are hopelessly unrealistic.

## Marijuana Measures Have Cities Exploring Options In Election Code from page 6

Adams, who as city attorney in Upland has done considerable in depth research into the California Election Code as pertains to initiatives, said that the initiative to be presented to Yucca Valley voters on June 2 will deviate from what is specified under the code.

The vote is likely to yet go on, Adams said, if the process is not challenged. Outsiders or

others without standing could not challenge the process the Yucca Valley Town Council approved, Adams said. But if the ballot initiative were to be challenged by an individual with standing, a day of reckoning will come for Yucca Valley, according to Adams.

"A challenge could only be made by an individual with standing," Adams said. "Someone with standing would be one of the signers of the initiative petition."

Yucca Valley Town Attorney Lona Laymon said substituting in the

revised initiative was legal.

"The petition proponents and the town negotiated the revised measure pursuant to the provisions of Elections Code § 9604," Laymon said. "Upon reaching a good faith compromise on a revised measure, the proponents of the initiative petition withdrew the original measure before it was acted upon by the town council and filed with the county registrar of voters."

Laymon said the initiative language was not set in stone once the

signed petitions were turned over to the town clerk.

"The statute allowing for negotiations with regard to the measure, Elections Code § 9604, creates the opportunity for negotiation as to the terms of any measure even after signatures have been obtained. Section 9604 permits proponents to 'withdraw the measure at any time before filing the petition with the appropriate elections official, i.e., the county registrar of voters. While there is little case law interpreting Section 9604, we believe this plain statutory language would override a challenge to a negotiated measure placed on the ballot and/or the concurrent withdrawal of the original measure before filing—indeed, the statute is very clear in stating that proponents may 'withdraw' their measure before filing."

Laymon added, "In terms of timing, please note that we interpret the phrase 'filing with the appropriate elections official' as referring to

the filing of the measure with the County Registrar of Voters, not the Town Clerk. Here's why: Subsection (a) of § 9604 dealing with local initiatives refers to filing with the 'appropriate elections official.' Subsection (d), however, makes a distinction that a withdrawal under §9604 is effective for a local initiative upon receipt 'by the appropriate local elections official.' This would seem to create a distinction between the election official charged with actually processing the election, i.e., the county registrar of voters and the local elections officer whose duty is to present the petition to the council in order to call the election, i.e., town clerk. Therefore, the statute allows the withdrawal of a petition any time before filing with the county registrar of voters, which was precisely the case in Yucca Valley."

As to the potential launching of a challenge to the town's action by an individual with "standing," such as one

of those who had signed the petition in the expectation that what was presented to him/her would be what was voted upon, Laymon said, "We are aware of cases granting citizen/signatory standing in the context of citizen initiatives. However, those cases involved a writ of mandate to compel the placement of a measure on the ballot, not to prevent the statutorily-authorized withdrawal and substitution of a compromise measure."



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**Victorville Closes  
Out Contract With  
Redflex For Red  
Light Camera  
Systems***from front  
page*

derailed the programs. Red light cameras came into vogue in much of San Bernardino County just as the economic downturn of 2007 hit. While billing the installation of the devices as a safety enhancement measure, many local municipalities were hoping they would generate, by means of the state-mandated minimal \$489 citations they entail, more revenue. But in nearly every case, the deals made with Redflex and American Traffic Solutions, granted the companies operating the cameras the lion's share of the profit to be had from the systems. Processing the tickets, as required by law, through the courts entailed court costs, which further lessened the city's piece of the action on the operations. In most of the cities, a police department

employee was devoted either full or part time to working the system, augmented by two to three other non-sworn employees who devoted part of their work weeks to the processing of tickets. The human interaction with the automated systems, and in particular the interaction of sworn law enforcement personnel, became an issue as an increasingly sophisticated public began to use elements of the traffic code to contest the tickets, citing in some cases the need for tickets to be issued by officers with current training certification to be valid. This undercut the Redflex and American Traffic Solutions selling points, which asserted that the automated systems would be cost efficient. In the cases of at least three San Bernardino County cities, when the fees paid to Redflex or American Traffic Solutions and the courts were subtracted from the net ticket proceeds, those cities were losing money on the ventures.

Coming into play was the consideration that red light cameras, by certain statistical analysis, increased rather than diminished traffic accidents. In this regard, there had been controversy over red light camera programs from even before they were put in place in San Bernardino County. Some opposed them on safety grounds, arguing that it would result in an uptick in rear-end collisions as many motorists in reaction to yellow lights came to an abrupt halt. Advocates of the system said that the cameras would nonetheless prevent more serious T-bone accidents, i.e., ones that involved cars being broadsided in the city's intersections. Statistics appeared to bear this out. The systems proved highly unpopular with a large percentage of the county's residents, many of whom were being cited to appear for making what would turn out to be, upon a time-consuming court appearance, legal right hand turns

against a red light. When cities looked into shutting the red light camera operations down, they were confronted with clauses in the Redflex and American Traffic Solutions contracts that required the cities put up a substantial amount of money, in some cases hundreds of thousands of dollars, to buy out the contracts. Some elected to bite the bullet and pay off the companies to end the arrangements early. In Victorville's case, the

city is hanging on to the bitter end of the contract. On March 17, the city council heard a presentation from captain Sam Lucia, who heads the San Bernardino County Sheriff's Victorville station, which serves as the Victorville police department. Lucia, presented statistics indicating collisions were down almost 91 percent at both camera-guarded and non-camera intersections in Victorville and that overall in the

city vehicle mishaps had reduced by 54 percent since 2007. Paradoxically, drivers in Victorville were increasingly running red lights during the same time frame. The traffic light cameras perhaps had an impact Lucia said, but he could not say that for sure and he could not quantify it. Sizing up whether this was "solely" attributable to Redflex, he said, "I don't know."



**Stuart Disappear-  
ance***from page 3*

evidence or information about her whereabouts. The San Bernardino County Sheriff's Department declared her officially missing on March 11 and brought in one of its helicopters to carry out an aerial search of the area surrounding where her car was found. The sheriff's department, however, has not put the same emphasis on the Stuart case as did

the San Bernardino Police Department devote to the Barber matter and investigators seem to believe Stuart voluntarily left or is in hiding. This is belied, those familiar with her say, by her abandonment of her pickup truck and the personal items left behind in it. Avidly religious, it is completely out of character for her to have not at the very least returned to attend church on Sundays, according to those who know her. It is believed that as a result of her disappear-

ance she does not have access to prescription medications she uses. She is described as a thin white woman, 29-years-old, 5 feet 9 inches tall and 107 pounds, with brown hair and brown eyes. She was last seen wearing a camouflage hat, white shirt, black pants and white shoes. Anyone with information about Stuart or her whereabouts is asked to call detective Bill Doemner at the Victor Valley Sheriff's Station at 760-956-5001 or 760-552-6800.

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## Five Fighting On Behalf Of San Bernardino County In Battle Of The Badges

Five representatives from San Bernardino County will be among



**Jon Knowlton**

the 28 combatants taking part in the March 28 Battle of the Badges Boxing and Kickboxing event at Pechanga Resort and Casino in Temecula. Competitors included police officers and firefighters from a number of San Bernardino County, Riverside County, Los Angeles County and Orange County communities, members of public safety organizations and the United States armed forces. They will square off in a standard 25-foot by 40-foot ring to support at-risk youth and honor San Bernardino Police Officer Gabriel Garcia, who was gravely wounded in, but now on the mend from, a shooting by a suspect last year.

On the card will be five foot eleven inch 180 pound 54-year old Edward "Brooklyn Bomber" Espinoza, representing the Orange County Sheriff's Department against five foot six inch 180 pound 53-year-old Jon "The Bear" Knowlton, representing Upland Animal Services; Six foot one inch 245 pound 31-year-old Danny "The Lummo" Chandler, representing the Escondido Fire Department against five foot eleven inch 250 pound 27-year-old Thomas "The Train" Kolb, representing the Riverside County Sheriff's Department; five foot ten inch 175 pound 31-year-old Brandon "The Grenade" Vierra, representing the U.S. Forest Service against six foot two inch 165-pound Justin Bonnar, representing the U.S. Army; five foot five inch 155 pound 30 year-old Catharine "Chaos" Marshall, representing the U.S. Marine Corps against five foot eight 160-pound 33-year-old Alice "Anchor" Lopez, representing U.S. Pro-

bation; five foot seven inch 154-pound Dustin Rodriguez of the Santa Monica Fire Depart-



**Sean Shanen**

ment against five foot eight inch 154-pound Brandon Manning of the Los Angeles Sheriff's Department; in the co-main event five foot seven inch 160 pound 22-year-old Katherine Proudfoot, representing the 29 Palms Fire Department against five foot three inch 155 pound 37 year old Christina Banuelos, representing the Riverside Sheriff's Office; in the main event five foot three inch 155 pound 37-year-old Omar "Havoc" Romero, representing the Riverside Sheriff's Office against five foot eleven inch 175-pound 35-year-old Travon "T-Bomb" Taylor, representing the Orange County Sheriff's

Department; six foot three inch 280 pound 25 year-old Brian Harrington, representing the Pechanga Department of Public Safety against six foot seven inch 285 pound David Goliath" Smith; five foot nine inch 155 pound 34-year-old Julian "Brown sugar" Zermeno representing the Santa Monica Fire Department against five foot seven inch 154 pound 41-year-old Shen Gutierrez, a criminal defense attorney; five foot eight inch 145 pound 39 year old Mike "The Preacher" Sarkissian, representing the Victorville Unified School District Juvenile Task Force against five foot ten inch 155 pound 33-year-old John "Mean Machine" Barnes of the Washoe County Sheriff's Department; five foot eight inch 175-pound 45-year-old Sean Shanen, representing the Fontana Unified School District Police Department against five foot eight inch 175 pound 33-year-old Manny "Pac Man" Trujillo, representing the Riverside County Sheriff's Department; five foot four inch 132

pound 26-year-old Gracie Melendez, representing the Orange County Sheriff's Department



**Mike Bates**

against five foot five inch 135 pound 24-year-old Kesha "Mean" Guilin; six foot two inch 245 pound 34-year-old Justin "Bubba" Robinson, representing the Camp Pendleton Fire Department against six foot two inch 220 pound 37-year-old Ruben "Give You A Shawa" Gamboa, representing the Whittier Fire Protection District; and six foot 252 pound 38-year-old Mike "The Night Nurse" Bates, representing Loma Linda Hospital against six foot 240 pound 26 year old Edgar "The Animal" Villarroel, of United Security in Hemet.

Shanen this week told the *Sentinel* that he has

been training for the bout since October, "sparring, circuit training, doing foot work, bag work."

He said the Battle of the Badges events are held about once every six months and that he hopes Saturday's bouts are "well attended because it's for a good cause. We are working to help parents raise good children by keeping them off the streets. The Fontana Boxing Club is closing down and the building is old. I'm hoping in collaboration with the Fontana Unified School District and the city of Fontana we can establish and open a Cops 4 Kids in Fontana besides the facility that's already going strong in Colton."

Proceeds from Saturday night's event will go to Cops 4 Kids & Communities to benefit at-risk and underprivileged youth in Southern California.

The bouts are being staged at the Pechanga Resort Casino & Spa, located at 45000 Pechanga Parkway in Temecula. Doors will open at 5 p.m. and the first bout begins at 6 p.m.

### Glimpse from page 5

toric "Green Mansion" and possibly the prohibition era tunnels under it, which are said to be "old opium dens" that were also said to be used to smuggle whisky and women from the shops around the railroad depot to the "Green Mansion" brothel.

As extraordinary as it may seem, the "Green Mansion" is an example of a little known and apparently quite sturdy and long-lasting home construction technology that does not require metal or nails and surprisingly involves the use of a native arrowweed for the walls. The technology is credited to our San Bernardino County local Native Americans, the Pipa Aha Macav (People of the River)—the Mojaves. Reportedly, in 1910, it was adapted by Euro-Americans, the Tryon Family in Needles, who stretched the

technology to the limits, creating a large, long standing, three-story



**Figure 6. In the path of bulldozers, historic walls and a road thought to be 100 years old to a historic hill top home—totally missed by the firm contracted to complete the historic report. Note the cell tower in the background which the city allowed to be placed directly on the historic site in the middle of the historic district, despite the objections of the author about 15 years ago.**

framed, 22 room structure using what appears to be arrowweed rods or wattle for walls, located at the end of "Dead Dog Road" which eventually became one of the busiest intersections in town, River Road and K Street, a block from the bridge

crossing over into Arizona and three street east of Route 66 (N Street/

Broadway). I highlighted this property in the June 20, 2014 edition of Glimpse of SBC's Past.

What will become of the Sage Motel's historic "atomic age art" signage during project construction is unknown. The sign is adjacent to old

Route 66 in the project area just south of the "curve." Typically a cultural report would recognize the sign, state the potential impact of the project and recommend avoidance of the signage. In this case, by not mentioning that there were cultural resources, the project proponents who happen to be the local, state and federal government, exempted themselves from the requirement of public review of potential impacts.

Also in the path of bulldozers are historic walls and a road to a historic hill top house—all entirely "missed" in the cultural report prepared by a Riverside-based archaeological firm. The road is likely over 100 years old and the Works Project Administration may have later built the walls at the base of the hill. The setting of two historic circa 100-year old vernacular homes on the corners of J Street

and Route 66 are to be disturbed. Further studies are needed to determine the ages of these historic structures and features that add to the overall character of



**Figure 7. The setting of vernacular 100 year old homes on the intersection of J and Rt66 will be impacted by the I-40 Interconnect undertaking, but never even mentioned in the cultural report prepared by a Riverside firm.**

the National Old Trails Highway/Route 66 historic district in Needles where J street is to be widened between the J Street off ramp of the I-40 and its intersection with Route 66.

Since it is a federally funded project, CalTrans reviewed the cultural resource report on behalf

of the Federal Highway Administration to determine if sites eligible for the Nation Register of Historic Places would be impacted. Route 66 is already on the National

Register and it will be impacted, but apparently that widening the road and changing its footprint was not considered so "significant" that the impact needed to be submitted for public review. Andrew Walters, principal architectural historian from Caltrans District

*Continued on Page 11*



San Bernardino County Coroner Reports

Coroner Case #701502334 On 03/19/2015 at approximately 9:12 AM, San Bernardino County Sheriff's deputies responded to a report of a deceased Hispanic male at mile marker 31 on State Highway 127 in Baker. Ernesto Ortega-Huerta, a 39 year-old resident of Baker, was pronounced dead on-scene and had upper body trauma present. San Bernardino Sheriff's Department Homicide is investigating. [03232015 1445 SC]

Coroner case 701502394 On Saturday, 03/21/2015, at 1:38 PM, a shooting was reported at a gas station in the 1000 block of W. Kendall Dr. in San Bernardino. Mark Anthony Garcia, a 27 year old resident of San Bernardino, was transported to St. Bernardine Medical Center, where he was pronounced dead in the emergency room at 2:26 PM. San Bernardino Police Department Homicide Detail is investigating. [03222015 0445 SC]

Coroner Case # 701502286 On Wednesday, 03/18/2015, at approximately 4:20 am, Jeffrey Loup, a 50 year-old resident of Hesperia, was driving a 2008 Nissan Altima southbound on Cajon Blvd. near Kendall Dr., in San Bernardino when the vehicle left the roadway and struck a tree. Loup was pronounced dead at the scene. The California Highway Patrol is investigating the collision. [03192015 1235]

Coroner Case #701502293 On Wednesday, 03/18/2015, at approximately 0825 AM, Ivette Delgado Arauz, age: 32, of Rancho Cucamonga, was rear ended by a tow truck on the eastbound Interstate 10, west of Sierra Way in Fontana. Paramedics responded and was pronounced dead at the scene. CHP is investigating this traffic collision. [03192015 1235]

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Judge Cuts Fontana Water Company Off From Access To Rialto-Colton Basin from front page

against the Fontana Water Company, alleging that at the direction of its parent company, the San Gabriel Valley Water Company, it has since 2005 extracted nearly three times its base water pumping allotment established as part of the water rights adjudication

regime put into place 54 years ago. That lawsuit was followed with another in 2014, filed by the cities of Colton and Rialto and the West Valley Water District, essentially reiterating the charge that the Fontana Water Company is utilizing more water from the basin than it is entitled to. The Rialto-Colton Basin lies just east of the Chino Basin. There is a 1,600 foot wide and four mile long patch of ground that lies between

the two aquifers where the Fontana Water Company sunk wells and from which it has been aggressively pumping. Fontana Water sought to maintain that those wells were not drafting from the Rialto-Colton Basin and that the 1961 adjudication did not pertain to wells located in the border area. The plaintiffs in the lawsuit contested that assertion. Foster's ruling vindicates the allegations in those suits. Pursuant to his ruling, Fontana Water

will need to cease pumping water from the basin forthwith and not resume until September, at which point it would need to limit its use to the quantities specified in the 1961 adjudication. Fontana Water officials must now find other supplies. Fontana Water will have the option of purchasing water from the state water project, which conveys water from Northern California to Southern California by means of the California Aqueduct, subject

to availability and a price that has fluctuated in recent years from \$500 to \$1,200 per acre foot. An acre-foot is the amount of water that will cover an acre to a depth of one foot, that is 43,560 cubic feet or 325,853.4 gallons, which is typically the amount of water consumed by a household of four people in one year. In the West Valley Water District, which has declared a Stage II Drought Alert and requested that its customers voluntarily reduce

their water usage by 10 percent, district general manager Anthony "Butch" Araiza hailed the court's decision. "Judge Foster's ruling confirms that everybody, even Fontana Water Company, must play by the same rules, especially during a historic drought," said Araiza. "Nobody is exempt from the drought and Fontana Water Company can no longer take everyone else's water in violation of established water rights agreements."

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## Glimpse... from page 9

8 in the environmental support/cultural studies section of the San Bernardino office (909-383-2647) suggested to me that since the road project consisted of “sliver takes” and only a small portion of the “setting” of the historic structures would be impacted, this was perhaps an explanation as to why the historic properties weren’t recorded.

This explanation however is another cart before the horse: How can one determine if the project will have “no effect” if the historic property potentially in harm’s way has not been documented? Route 66 is to be widened, “sliver takes” from properties alongside the road are to be taken. The widening itself is an impact to the historic footprint of Route 66. Cutting into the setting of historic structures brings traffic closer to the structures with exhaust from vehicles waiting at the traffic signal adjacent and closer than before to historic properties like the Green Mansion on K Street and the 100 year old vernacular houses on Broadway

and the historic Route 66 Sage Motel signage. In the case of the historic wall and hillside roadway on J Street, they will be obliterated. So how is that considered to be “no effect,” exempt from recording, evaluation and impact alleviation/mitigation?

The federal regulations 36 CFR 800 for compliance with Section 106 of the National Historic Preservation Act (NHPA) requires a good faith effort to identify, document and record historic properties including consultation with local historians, review of the existing literature and field surveys. After this identification process, the agencies were supposed to then evaluate these properties for their potential eligibility on historic registers and determine the potential impact of the project undertaking upon these identified properties. Then the agencies are to seek ways to avoid minimize or mitigate any adverse effects upon these properties (like, mapping, photography, taking measurements, writing descriptive narrative). They are not supposed to

Continued on Page 12

The Pima ratany, which is also known as the littleleaf ratany or the range ratany, is a semi-parasitic plant, a relatively rare phenomenon in San Bernardino County.



The Pima ratany derives some, though not all, of its nutritional requirements from another living plant. Though it free-loads on other plants, it can itself be exploited by humans, and has several uses.

The Pima ratany, of the Krameriaceae family, is a perennial shrub or subshrub, and inhabits the desert and upland areas of Southern California and Arizona. It features flowers of a brilliant magenta pink, which bloom in the spring, summer and fall. The Pima ratany will grow to about two feet

tall.

The flowers have five petal-like, oval, magenta sepals and five tiny petals. The sepals are cupped forward and the distinctive bottom sepal is cupped and curled upwards. There are three upper petals and two lateral, glandular petals. The nutlike fruits are rounded and covered in fuzzy, white hair and reddish spines that are covered with tiny barbs. The leaves are alternate, small, green, hairy, and linear. The stems are



branched and sprawl at the base.

The Pima ratany is a hemiparasite, that is, it is a partial root parasite of nearby plants. Like all parasitic plants, the Pima ratany has an organ, called a haustorium, which connects to the conductive system of

nearby host plant to extract water and nutrients. In the case of the Pima ratany, its haustorium connects to the root of its host. The plants it is



most likely to steal from are the trangleaf bursage and the creosote bush. The biological action of ratany is caused by the astringent rhataniatannic acid, which is similar to tannic acid.

The Pima ratany is not wholly dependent upon parasitizing the roots of other plants, as it photosynthesizes on its own.

Another rare quality of the Pima ratany is that its flowers have glands called elaiophores, which produce a lipid, i.e., oil, which is offered to their bee pollinators in lieu of nectar. Bees of the genus Centris, some-

times known as oil bees, acquire nectar from other plants, but also are attracted to the ratany’s oil, which they combine with pollen to feed their larvae.

Rhatany is also the name given to krameria root, and a botanical remedy consisting of the dried root is prepared. Infusions have been used as a gargle, as a local hemostatic and remedy for diarrhea. The dried root has been mixed with cocaine to make lozenges.



When finely powdered, the dried roots have been a main ingredient in tooth powders. The powdered roots contain a virtually insoluble free red substance called ratanhia red, which is used as a dye. In Portugal, ratanhia red is used to color wines ruby red.

## The Count... from page 3

First, it is robbing the residents of Upland and Montclair of his services. I know standards are changing, but less than a generation ago, early last decade and in the late 1990s, the standard age of retirement was 62. A generation ago the retirement age was 65. Before that it was 70, which was more than the average life expectancy. I am not suggesting that we consign Rick to staying as chief until he dies. But I think it would be proper that he remain in the position of Upland fire chief for more than two-and-a-half years and in the position of combined Upland/Montclair fire chief for more than a year-and-one-half...

Second, of some consideration here is the pension system, of which Rich is to be a beneficiary. A factor in how large of a pension a

public employee receives is the highest rate of pay earned at any point during the employee’s public career. That salary is multiplied in a formula that involves the number of years worked times a percentage, usually two percent in the case of non-safety employees and often two-and-one-half or even three percent in the case of safety employees. In Rick’s case, his salary was boosted when he took on the dual Upland/Montclair assignment. This means that the pension he will receive, ultimately paid for by the taxpayers in Pasadena, San Marino, Upland and Montclair, will be higher...

To me it is a bit unseemly for someone to work his way up to the top of the totem pole and then, after being there only briefly, depart, taking with him the full advantages and perks of the top spot as if he had been their forever. In the

case of public employees who by law are entitled to pull a very generous pension based upon the generous salary they received for the remainder or their lives courtesy of the taxpayers, this creates problems...

One problem is a practical financial one. A system that gives out such generous pensions to the growing numbers of those who have hustled up the public employment ladder and have left cannot sustain itself. It will break the bank. In time, it will collapse of its own weight...

And another problem is one of perception. Until this week, I perceived Rick Mayhew as a noble individual, one who was capable and dedicated and hard working. Now, I am less sure. I do not want to say that he fooled us, that while he may have been capable he was not truly dedicated and is in fact lazy, and angling to ex-

plot us by gaming the system so he can collect an annual pension for the next thirty years that is greater than the salary most people in the private sector ever earned. While I am not ready to say that, there are some who will...

I want to give Rick a chance to prove those naysayers wrong. I hereby challenge Rick Mayhew to rescind his retirement filing and declare his intention to remain as fire chief in Upland and Montclair until he reaches the ripe old age of 60. He can comfort himself with the thought that retirement isn’t all that it is cracked up to be. And he will know that he is valued and productive, which is what makes life worth living...



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# California Style Hatting



It's another week and the sun is rising earlier and brighter everyday. Spring is also bringing



wind into the Inland Empire and its blowing up the women's skirts. Although pants have replaced skirts for the most part its all about "HATTING" at the moment. But the hat has got to be held on to due to the strong winds. Felt



hats are perfect for the sun and because they are light it looks fun when they are held on to during the windy days. This is a new thing about the brim hat because it sud-



denly hit the streets and it can be so much fun to wear, too. Wide brim hats look great with shades, scarves, and bright lipstick. Its just



another fun accessory to add to your outfit. Spring has just begun and the hat is just the tip of the



iceberg of the great fashion pieces that are about to move upon us. Enjoy your hat and any other accessory for that matter. The weather is looking great and winds are in full speed, so make

By Grace Bernal



sure you're holding on to your hat while walking the streets. Enjoy the spring wind and have a great week.



A person carries off the hat. Hats are about emotion. It is all about how it makes you feel.  
~Philip Treacy



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

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## Glimpse... from page 11

just say, "Oh, we know they are there, but we think we can avoid them, so we won't say anything about them." Except for the notation that Route 66 is to be impacted and it is on the National Register, none of this other documentation was done. The

point is that the agencies involved in this project are out of compliance with Section 106 of the National Historic Preservation Act and a reevaluation of the project's impact upon cultural resources needs to take place along with reconsideration of what measures should be taken to alleviate the adverse im-

pact. The public should have a say in all of this—the public has a right to be informed and to object to the government's plan to adversely impact Route 66's historic footprint and related cultural features and artifacts. So where does the CART66CMP fit into all of this? Well, had the city of Needles and CalTrans

waited until the BLM's Route 66 Management Plan is approved, Chapter 6 of that plan addresses ways to eliminate this sort of "falling between the cracks" undertakings on Route 66. Jim Klein, the lead consultant on the project, "hopes that the process outlined in the CMP, starting on page 117, will help to ensure projects like these are more sensitive to the historic context of Route 66." Klein also told me that as a result of my comment at the webinar, the team is "recommending that Needles, Barstow, and San Bernardino County flag projects that are located along Route 66 so that proponents will use a more appropriate process from the beginning."

Now, with all that said, I am going to be kind to myself. It may have taken me a long time to fig-

ure out what the city and CalTrans were up to, but "better late than never." The bulldozers aren't out on Route 66 (yet) and I haven't had to lay in the Mother Road in front of them (yet), as was close to the case of the activist who cried foul over in 29 Palms when bulldozers were already cutting through the prehistoric deposit at the Oasis of

Mara when archaeologist Cindy Stoddard caught them (See story, Destruction of the Oasis of Mara in the Glimpse of SBC's Past in the 9-20-13 issue of the *Sentinel*). Thank you for reading this column and please contact me, Ruth Mussner-Lopez, 760/885-9374, if you will be willing to lay down before the bulldozers at Needles' very

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