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Judge Rewrites Upland's Measure Q To Prevent Advocation Of Park Sale

By Mark Gutglueck

More than two years after the Upland City Council as it was then composed agreed to sell more than four-and-a-half acres of Memorial Park to adjoining San Antonio Hospital for conversion to a parking lot, a differently-comprised city council this week gave its consent to having that sale ratified by the entirety of the City of Upland's voting population, a require-

ment of state law the city and hospital had previously sought to bypass.

Along the way, city officials, the hospital's corporate officers and both entities' lawyers had sought to load the ballot measure relating to the sale with language intended to persuade residents to accede to the sale. Nevertheless, a core group of residents opposed to the sale, assisted by an open-government attorney, have thwarted

the city's efforts at every turn. As a consequence, a majority of the now-four-fifths strength city council appears to have become disenchanted with the law firm that has been providing the lawyers who have been serving in the capacity of city attorney throughout the time the city has been undergoing the city parkland sale ordeal.

On March 26, 2018, with 72 hours notice, the Upland City Coun-

cil, which then consisted of Mayor Debbie Stone, councilmen Gino Filippi and Sid Robinson and councilwomen Carol Timm and Janice Elliott, voted 3-to-1 with Robinson not participating and Elliott in opposition to reduce the grounds of historic Upland Memorial Park by 4.631 acres, handing the difference off to San Antonio Regional Hospital to be used for a parking structure.

That came after months of quiet, indeed private and secret, discussions between the city's senior staff and the management of San Antonio Regional Hospital. At the March 26, 2018 meeting, after the city council adjourned into a closed door session with then-City Manager Bill Manis, then-Development Services Director Jeff Zwack and then-City Attorney James Mark-

man, the final See P 2

SBC Democrats Takes 3 Steps Forward, 2 Steps Sideways & Then 2 Steps Backwards

After four election cycles of continuous dysfunction under Chairman Chris Robles, the San Bernardino County Democratic Central Committee has regrouped under a new chairwoman, Kristin Washington. This week, during the first major meeting of the full central committee at which its direction under the revamped leadership could be discerned, the central committee made progress in allowing a fuller rendering of opinion and advocacy to be brought into consideration that might create the foundation of wider and more intensive commitment to supporting the party's candidates in the November 2020 race. Yet on display, however, was the factionalism within its ranks that has plagued the local Democratic Party in the past, a confusion as to protocol, along with manifestations of the self-centered orientation and alliances of the party's more dominant members that have crippled it for over a decade.

With the ascendancy of Ronald Reagan in California politics in the 1960s, the Republicans captured control of San Bernardino County. For more than four decades, the GOP enjoyed undisputed primacy over the 20,105-square mile jurisdiction, as Republican voters in the largest county in the lower 48 states outnumbered Democrats. During that era, only in the most heavily concentrated blue collar districts and cities of the county were Democrats consistently elected to public office.

In 2009, for the first time in more than a generation, the number of registered See P 5

Dew Says Victorville Needs To Be Dedicated To 'Every Child, Family And Person

"Our city is deserving of those who are most experienced and most committed to serve every child, every family and every person," Lionel Dew said in explaining his motivation in running for Victorville City Council.

Dew has sought the position before, finishing fourth in an 11-candidate race in 2018 when two seats were at stake, and

coming within a shadow capturing a position on the city's ultimate decision-making panel in 2016, when he placed a close fourth among ten candidates competing for three positions on the council. Dew ran in 2014, as well. This year he is among 21 candidates for three council openings, including incumbents Blanca Gomez and Gloria Garcia, who out-

distanced him in 2016, along with Terrance Stone, Robert Bowen, Frank Kelly, Elizabeth Becerra, Lizet Angulo, Roger LaPlante, Adam Verduzco Jr., Craig Timchak, Webster Thomas, Ashiko Newman, Paul Marsh, Mike Stevens, Kimberly Mesen, Eric Negrete, Kareema Abdul, Ryan McEachron, Valentin Godina and Jerry Laws.

Dew said that in governance there are "complexities regardless of the level" of authority, whether it is local, state or federal. To function at a leadership level, he said, requires three qualities or talents in those who are to serve in an elected capacity. "Those are executive experience that consists of making executive decisions, a genuine desire to serve



Lionel Dew

others rather than yourself and a real- See P 3

Ramirez Says His Government Work Will Inform His Council Service



Ivan Ramirez

He is running to represent District 4 on the Redlands City Council, Ivan Ramirez said, "because we need respon-

sible and reasonable people in office with a people-centric approach. We also need people who know how a public agency works. I have over nine years of experience in local government, serving the people of this county in various capacities. I started at the bottom and worked my way up to positions with a high degree of responsibility, including managing a \$55 million dollar budget and key See P 3

Tres Hermanos Ranch, Twice Purchased By Industry For \$54 Million Overall, Now In JPA Preserve Status

By Gail Frye and Mark Gutglueck

Tres Hermanos Ranch, located on 2,445 acres straddling Chino Hills and Diamond Bar at the Los Angeles County/San Bernardino County boundary, is to remain in the possession of the Tres Hermanos Conservation Authority now that litigation over the authority's acquisition of the property has been dismissed.

In 1978, the City of Industry paid \$12.1 million to the heirs of petroleum magnate Tom Scott, former Los Angeles Times Publisher Harry Chandler and California pioneer John Rowland to acquire the land. The city then turned the property over to its redevelopment agency, known as the Industry Urban Development Agency, which had intentions of converting it to a reservoir to guarantee the city would

have adequate water into the future. The land remained undeveloped, and with the advent of California legislation in 2011 that shuttered all of the state's municipal redevelopment agencies, several private land developers, including GH America Inc. and South Coast Communities of Irvine, expressed interest in acquiring the expanse for the purpose of developing it both residentially and commer- See P 3

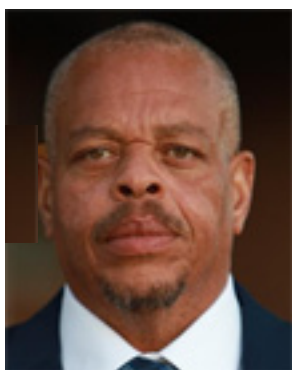
Listening, Understanding & Sound Decisions Are Leadership Watchwords, Williams Says

"I believe that I can have an impact on issues here in Barstow," Leonard Williams said in explaining why he is a candidate for Third District councilman in this year's election in the northernmost of San Bernardino County's cities. "For years I believe that people have not been represented on the council. If you do not interact with your constituents, how do you know how

they feel? I believe that is a major problem with this council."

Williams said, "I believe I am qualified for the position because I am one of the people, because of my understanding of the issues, my ability to listen to all sides and make a sound decision for the people of my district and for the city as a whole."

Williams said, "I am not a native of Barstow,



Leonard Williams

so I do not have any longheld beliefs about any person or organi-

zation within this city, which plays a major role in the politics of Barstow. We must look forward and learn from the mistakes of the past and not dwell on them. That is one reason why I believe we have a hard time moving forward. I will offer a fresh look at the issues."

In sizing up the city's major challenges, Williams said "Crime is a huge issue within the

community, but with the passing of Measure Q in 2018, it has afforded the city the opportunity to hire more police and firemen, and purchase the equipment that is needed to fight the growing crime within the city."

With regard to economic development and housing, he said "To attract new development, we must get the crime in our city under See P 5

Hospital & Upland Planners Made No Preparations For Parking Demands With Expansion Of San Antonio Hospital *from front page*

terms of the sale of the park property were explained to the council. At the council's open public session for its regularly scheduled meeting that took place later that night, the council approved selling 4.631 acres of park property to the hospital, the primary grounds of which adjoin the 38.5 acre park.

In approving the purchase and sale agreement, the council authorized Manis to execute all necessary documents to approve the sale, with San Antonio Hospital paying \$906,931.55 per acre, or a total of \$4.2 million to acquire the property.

While Mayor Debbie Stone and then-council members Gino Filippi and Carol Timm went along with making the sale, Councilwoman Janice Elliott opposed it. Then-Councilman Sid Robinson, by design, was not present at the meeting.

Because it was anticipated that the sale would raise the hackles of the community, the council followed City Attorney James Markman's recommendation to authorize him to pursue a so-called validation proceeding intended to foreclose any procedural or future legal challenge to the sale. In its validation action filed with the court, the city invited anyone opposed to the sale to lodge a protest, which would then be heard by a judge rather than being subjected to a vote. The challenge to the validation had to be filed within 60 days. Once the court validated the sale, any future lawsuits contesting the sale would be barred. The calculation by Markman and of the city council majority and senior city staff, which then included Manis and Zwack, was that no one would go to the expense of hiring an attorney to make an answer to the validation petition.

The validation procedure was directed to the courtroom of Superior Court Judge David Cohn in San Bernardino. To the chagrin of city officials,

Marjorie Mikels, an attorney living in the city, as well as Cory Briggs, an attorney based in both Upland and San Diego, filed answers to the validation action. Mikels did so on behalf of herself and some longtime friends and neighbors. Briggs did so as an attorney retained by other Upland residents.

Those responses took issue with the proposed sale on multiple grounds. Among those was that the city selling off a slice of the park – in particular the one considered by the council on March 26, 2018, which includes a long-extant and actively-used baseball field – is tantamount to abandoning public property. Such abandonments, under state law, cannot be effectuated without a vote of the citizens residing in the jurisdiction that owns that property.

Having miscalculated in his assumption that no one would come forward to contest the sale in the course of the validation proceeding, Markman was obliged in the face of Briggs' and Mikels' filings to make a convincing case to Cohn that the city council, acting on its own authority, was within its rights to sell off city land. Faced with the argument that a municipality's abandonment of property it owned and was putting to beneficial public use had to be subjected to a vote, Markman asserted that selling the property did not constitute an abandonment.

Ultimately, some 14 months after the sale of the park property was approved by the city council, on May 29, 2019, Judge Cohn, after hearing the responses to the validation action, dismissed the city's petition for validation. In effect, anyone with standing – meaning essentially any city resident – was yet at liberty to file a lawsuit challenging the sale.

Meanwhile, in the November 2018 Upland Municipal Election, both Councilman Gino Filippi and Councilwoman Carol Timm were turned out of office, at least in part as a consequence of city resident outrage over the proposed sale of the park property. In addition, Councilman Sid Robinson, who had not been present for the March 2018 vote to sell the

park property but who was politically aligned with Filippi and Timm and could generally be counted upon to support them, had chosen to not run in the election. Councilwoman Janice Elliott, who had opposed the sale, had gained election at the same time by competing in the race as a candidate in the city's newly created District 2 in accordance with Upland's switch to an electoral ward system. Replacing Timm on the council was Rudy Zuniga, who viewed the sale of the park property unfavorably. The two other replacements on the council – Ricky Felix and Billy Velto – were either not strongly or in any way supportive of the parkland sale.

At its July 8, 2019 meeting, the Upland City Council considered whether the city should appeal Cohn's decision. The council, with Elliott, Zuniga and Velto prevailing, voted 3-1 against doing so, with Mayor Stone dissenting and Councilman Felix abstaining.

Thus, had the city proceeded with the sale of the 4.631 acres to San Antonio Regional Hospital under the terms approved by the city council in March 2018, it would do so at its own peril, since a legal challenge to that action would most certainly have occurred.

San Antonio Hospital's board and corporate officers faced a dilemma. They had embarked, beginning in 2011, on a major expansion of the hospital which involved an outlay of \$160 million to create the four-story Vineyard Tower at 999 San Bernardino Road, the addition of 92 beds to increase the total number to 363, and intensifying the facility's urgent medical care capability by swelling the number of stations in the hospital's emergency room from 34 to 52. That expansion took until 2017 to complete. It made no adjustment to the hospital's existing parking lot. In 2017, the hospital embarked on a further expansion, a \$30 million, 60,000-square-foot structure at 1100 San Bernardino Road to house an ambulatory care center as well as a City of Hope outpatient cancer center on the first

floor, the intention being to make the oncology services of the City of Hope, which has its major campus in Duarte, available to patients locally. The hospital did construct a parking lot behind the 1100 San Bernardino Road project.

A considerable degree of the financing for the hospital's energetic expansion had been bond financing, consisting of \$125 million in certificates of participation essentially issued by the City of Upland which a previous city council had authorized in 2011.

Remarkably, neither hospital officials nor Jeff Zwack, then the city's community development director, had focused on the need for additional parking to accommodate the substantial influx of patients to San Antonio Regional Hospital that came about as a consequence of the expansion. By the end of 2017, the seriousness of that oversight was becoming drastically apparent, as the existing parking lot filled up relatively early in the day and remained stuffed with vehicles well into the evening, oftentimes requiring that infirm patients driving to the hospital alone for non-emergency treatment or appointments walk well over an eighth of a mile and sometimes as far as a quarter of a mile to get to the hospital entrance. Harris Koenig, who became president and CEO of the hospital in June 2011 and had been responsible for San Antonio transforming from a community hospital to a regional one, somewhat belatedly turned to the city for help. As the head of Upland's major community institution, one that had been in existence since 1907, one year after Upland had incorporated as a municipal entity, Koenig found a sympathetic ear in that of Marty Thouvenell, the city's longtime police chief then retired who had come out of that retirement in July of 2016 to serve what turned into an eighteen month-long stint as Upland's interim city manager. Thouvenell then was given a year-long contract to serve in the role of the city's primary management consultant when Bill Manis was brought in on January 2, 2018 to

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serve as city manager. Thouvenell was a major influence upon Manis as well as Zwack, who in his capacity oversaw the city's land-use, planning and developmental issues. From as early as 2011, Zwack had neglected to properly address the parking and circulation issues relating to the hospital expansion. A decision to utilize the parkland, which is immediately proximate to the hospital campus, quickly emerged. Manis, whose knowledge of the city was relatively limited, understood that a majority of the city council was intent on facilitating the hospital's operations. He went along with the concept of taking what amounted to roughly 12 percent of the 38.5 acres of remaining parkland, which had been reduced on more than one occasion in prior years to accommodate a portion of the hospital grounds, conditional upon the city attorney, James Markman, certifying that such a diversion of the property was legal. For his part, Markman was anxious to accommodate the council as well, which appeared willing in the main to go along with divesting the city of the park acreage for the good cause of ensuring that the hospital would be able to fulfill its mission of safeguarding the health of the community.

In fact, the city council's resolve to solve the hospital's problem brought on by the poor planning relating to parking issues while the 2011-to-2017 expansion was ongoing was less firm than was apparent on the surface. Councilman Sid Robinson's political base consisted of those involved in youth

sports in Upland, primarily those involved in Little League and Pony League baseball. He had misgivings about eradicating an actively used baseball diamond at Memorial Park, and was reluctant to support his council colleagues – Stone, Filippi and Timm – and Markman, Manis, Zwack and Thouvenell in the fix they had come up with. Robinson, however, was torn. He had been appointed to the city council in December 2016 as a result of a vacancy on the panel that emerged when Stone had been elected mayor the prior month with two years yet remaining on the council term she had been elected to in 2014. Robinson had finished second behind Elliott in the November 2016 city council election. He had become a firm and fast element of the city's political establishment, one that was unquestioningly supportive of staff at City Hall. He had grown to identify himself as a member of that establishment. Recognizing that opposing the sale of the parkland to the hospital would put him sharply at odds with three of his council colleagues and poison his relationship with Thouvenell, who as the city's management consultant virtually dictated city policy and controlled Manis, Robinson made a deal with himself. He compromised his own principles by not protesting the proposed parkland sale or opposing it. But he assuaged his conscience by not supporting it, either. In this way, he sought to salvage his status as a city official and remain on favorable terms with the council's ruling coalition.

Continued on Page 4

Ramirez from front page

information technology contracts for the County of San Bernardino's Information Services Department. During the course of my career as a public servant, I have taken all my roles seriously and have always put people first. Unfortunately, not everyone in public service shares my same passion and motivation to promote quality public service. For years I have preferred positions in government that allowed me to do actual government work and serve the public, not elected positions in local government. I thought that somebody else with a different kind of passion should do it. Eventually I realized that I am that somebody. Having personally seen what bad decisions from elected officials can do to local government, I realized that they are the last barrier to achieving quality governance and public service." He is qualified to hold the position of city councilman, Ramirez said, because the nine years of experience he has in local government serving in various capacities has provided him with a skill set that corresponds to the areas the council oversees.

"As a former budget and contracts administrator for the County of San Bernardino, I have had experience managing multi-million dollar budgets and key information technology contracts critical to countywide operations," Ramirez said. "As a contracts administrator, I have negotiated with companies of all sizes to ensure the best terms were in place to protect the people of San Bernardino County. During the course of my career as a public servant, I have always put people first, taken all my roles seriously, and never accepted the status quo. 'That is how we have always done it' has never been acceptable to me, and because of that, I have managed to make each place I have worked in more productive and efficient."

He is distinguished from his opponents, Ramirez said, by the governmental experience he possesses and

the budgeting responsibility he has been entrusted with.

"As far as I know, none of the other candidates has ever been directly involved in the administration of a government agency or has ever managed a government budget," he said. "When you hear about how 'staff recommend' certain action regarding budgets at a city council or county board of supervisors meeting, they are referring to staff like me, who perform budget analysis and present our elected officials and executive staff with options regarding the budget. Having been on the administration side of a county department and now the San Bernardino County Transportation Authority, I have developed extensive knowledge about the bureaucratic side of government. I believe this is good knowledge to have if you are going to be making decisions regarding the budget, as the decisions you make will ultimately have an impact on government operations and ultimately the services we offer the public. Redlands is facing a budget crisis worse than what we saw during the Great Recession. That's why on day one Redlands is going to need someone who has had experience with a budget, understands city staff language, and someone who has made tough decisions regarding the budget and understands the impact of those decisions. I think that person is me."

Ramirez said, "The single most important issue facing the city right now is the budget crisis created by the COVID-19 pandemic. Right now, the city council and staff are making difficult decisions regarding the budget and those decisions are going to have an impact on the quality of city services. Like the rest of the state, Redlands is also struggling with housing affordability."

In coming to terms with the COVID-19, budget and housing issues, Ramirez said, "The city is going to have to make some tough decisions regarding the budget. The budget will ultimately have to be balanced as required by state law, but it is going to require sacrifices. The city will need to work with

residents and our labor groups to determine how to prioritize the budget. Redlands won't solve the housing affordability crisis that is plaguing the entire state on its own, but it will have to do its part by supporting housing projects while respecting Redlands' slow growth approach."

To defray the costs of dealing with Redlands' ongoing challenges, Ramirez said, "The city will have to work with residents and labor groups to prioritize the budget. The city recently completed a resident survey, so we know what the residents' priorities are. Sacrifices will need to be made in order to balance the budget, but I am hopeful that this will be temporary. Redlands also has a 1 percent sales tax measure on the ballot. If voters choose to pass this measure, this will create additional revenue to meet the needs of Redlands."

Ramirez went on. "In addition to the sales tax, I believe the city should be exploring other sources of revenue," he said. "Currently Ordinance 2851 does not allow cannabis dispensaries within city limits. The ordinance cites negative effects of cannabis on public health, safety, and welfare as the reason for the ban on cannabis dispensaries, manufacturing, and cultivation. I believe the ordinance is largely based on antiquated ideology rather than facts. The city also doesn't operate in a vacuum; residents can easily purchase cannabis in surrounding cit-

ies or have it delivered straight to their homes. All the city essentially accomplished with this ordinance is to surrender precious revenue to surrounding areas in favor of ideology. Now is not the time for that. Every dollar will count towards balancing the budget. A vacancy tax could also yield additional revenue to help tackle some of the issues residents have expressed as being high priorities, including graffiti and homelessness. In my district there are several single family homes and multifamily homes that have been vacant and blighted for years. Blighted properties attract criminal activity like graffiti. Owners of these properties need to be held accountable for the neglect, and currently code enforcement is not enough. In addi-

Tres Hermanos Ranch from page 3

tionally, bidding as much as \$100 million for it. In August 2017, the City of Industry, which had substantial representation on the boards of both the successor agency to the Industry Urban Development Agency and the oversight board to the successor agency to the Industry Urban Development Agency, boldly took action to acquire the property, tendering a \$41.65 million offer on the property, which was accepted.

To the chagrin of both Chino Hills and Diamond Bar, as well as many of those cities' residents, the City of Industry entered into

an agreement with La Jolla-based San Gabriel Valley Water & Power, controlled by William Barkett, to convert the ranch into a solar power generating field utilizing photovoltaic panels to produce 450 megawatts of electricity that would be sold to manufacturers in the City of Industry. Both the City of Chino Hills and the City of Diamond Bar sued the City of Industry over the matter. Meanwhile, Barkett was provided with more than \$20 million by the City of Industry to design, plan and begin work on the solar field. When Barkett failed to perform, however, a falling out between the City of Industry and San Gabriel Valley Water &

Power ensued.

After Barkett and San Gabriel Valley Water & Power undertook legal action against the City of Industry, an arrangement was made to expand the membership of the Tres Hermanos Conservation Authority, a joint powers authority [JPA] first formed in 1999 between Chino Hills and Diamond Bar, to include Industry. The three cities then closed a deal by which Chino Hills paid \$2,959,967 for the Tres Hermanos Conservation Authority to acquire the 1,750 acres of Tres Hermanos Ranch in Chino Hills, and Diamond Bar paid \$1,205,033 for the

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-M.G.

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Continued on Page 12

Dew from front page

ization that the oath of office is not to be taken lightly," he asserted. "It is a contract never to be violated. My experience at every level – federal, state, county and local – has afforded me executive experience to render effective policies leading to progress."

Dew said he has demonstrated his ability to work within the framework of government to be effective in helping people. "We are experiencing a pandemic and as a United States Air Force retired medical manager I adhere to FDA guidelines to safeguard every citizen," he

said.

The major issues facing Victorville, Dew said, are achieving and maintaining "safety, security and economic progress, instituting leadership and overcoming our community's general lack of confidence in itself."

He said, "It is important for the state, county and local governments to be on the same page in order to save lives and foster prosperity."

He is no wild-eyed radical with a Molotov cocktail in one hand and a Marxist text in another who is looking to tear the system down, Dew said. Rather, he is wants to work side-by-side with the existing political leadership and social

establishment in Victorville. "I have the greatest confidence in our city's managerial team," Dew said. "My approach is to think of our city's budget as that of a Fortune 5 entity that requires great care and vision."

Dew is prepared to hit the ground running if he is elected to the council, he said.

"I was a planning commissioner for the City of Victorville," he said. "I have served on boards and committees benefiting the lives of fellow Americans."

Dew has lived in Victorville for 30 years. He points out that he did not attend high school in Victorville, saying, "I did, however, serve as vice president of

the Victor Elementary School District Board Of Trustees."

Born in Virginia, Dew attended Victor Valley College and Southern Illinois University, studying liberal arts and health care management. Since his retirement from the Air Force, Dew has made his way in the world as a real estate investor.

Dew said it is his goal to "provide safety for every child, every family and every person, provide security for every home, every church, every school, business, corporation and recreation facility and to develop a robust economy that not only produces jobs but also careers."

-M.G.

City Leaders & City Attorney Miscalculated, Figuring Residents Would Not Challenge Park Sale *from page 2*

For his part, Markman resolved to please his political masters on the city council by use of the obscure and recon-dite nature of the law to insulate the city council, city staff and City Hall in general, along with the hospital. He hit upon using the validation procedure, which would create a very limited timeframe during which any opposition to the sale would need to emerge and make its opposition known. Once that protest period elapsed, the city would obtain an order from the court that the sale was validated, with no potential at all for anyone to block the sale after that point. In marking out that strategy, Markman was taking a calculated risk. Under state law, a municipality cannot divest itself of park property without a vote of that city's residents assenting to the sale. That section of the law, Markman understood, was a relatively obscure one. There was a likelihood, he figured, that no one would take stock of the law, and even if someone did, there was equally little likelihood that such a person would go to the expense or trouble of hiring an attorney to contest the validation.

As it turned out, however, Markman had miscalculated. Within a fortnight of the March 26, 2018 vote of the city council to sell the 4.631 acres to the hospital at a total price of \$4.2 million, a solid tide of opposition to the sale had developed across the community. From that cauldron of discontent, both Mikels and Briggs came forward to make their challenges of the validation, from which ultimately emerged Judge Cohn's finding that the sale should not be validated. Additionally, the move turned out to be professionally disastrous for Zwack, Manis, Koenig and Markman, and politically devastating to Robinson, Filippi and Timm, with the latter three having to stand for election or re-election in 2018 in order to remain in office. In the

face of the resident uprising over the reduction of the park, as well as another proposal to shutter in its entirety Cabrillo Park on the city's lower west side so it could be developed into residential housing, Zwack proved to be the first casualty, leaving in June 2018. Manis remained intact as city manager slightly longer, but found his position untenable by September, at which point he tendered his resignation, which became official on November 1, 2018. In the November 2018 election, both Filippi and Timm were defeated in their bid to remain in office, the outrage in each of their newly formed voting wards – District 3 and District 4, respectively – so great that they were beaten by their challengers. Robinson, whose primary constituency was that element of the city closely involved in youth sports, learned early, by late spring, in fact, of the discontent roiling among the Upland population. Because of his craven unwillingness to take a stand against the sale of the parkland and the baseball diamond in particular, he was seen as a traitor to his constituency. Rather than vie for election and suffer a humiliating defeat and rejection by those who had once thought highly of him, he opted to not seek election and avoided the ignominy visited upon Filippi and Timm of being voted out of office. Thovenell, too, was an object of scorn and derision for his part in orchestrating the parkland sale. The acrimony and infamy heaped upon him as a result induced him to end one month early his contract as a management consultant to the city, which was to run until January 1, 2019 with options to renew it. A little more than three months after Judge Cohn's ruling rendered the easiest solution for the hospital's parking woes immediately unachievable, the San Antonio Hospital Board of Directors forced Koenig out as president and CEO of the hospital. Markman, who at that point was yet hopeful that Judge Cohn would reject the arguments being made by Mikels and Briggs and grant the validation, remained

in place. But some five months after Judge Cohn dismissed the city's validation motion, Markman, by that point a thoroughly despised figure among a cross section of Upland residents, resigned, just as a majority of the city council was on the brink of terminating him. The council, however, did not terminate the city's arrangement for legal services with Markman's law firm – Richards Watson & Gershon – and agreed to have one of Markman's colleagues with the firm, Steven Flower, move into the role of Upland city attorney.

San Antonio Hospital, meanwhile, had not resolved its parking insufficiency issue. Taking stock of the existence of state law that requires that a vote of the residents must take place before a municipality can shed any existing park property, the hospital's management had come to recognize that such a vote would need to take place, and that it would have to prevail in that vote, if it was going to be able to buy the 4.631 acres. To put such a referendum before the voters, the hospital would need to gather the valid signatures of 15 percent of the city's voters who had participated in the last election endorsing such a ballot measure. An alternative existed, that being that the city council could use its authority to place the proposition in support of the sale on the ballot. Using its influence with Mayor Debbie Stone, who had assembled a loose coalition over the course of 2019 that consisted of the general support of councilmen Ricky Felix, Rudy Zuniga and Bill Velto, the hospital obtained council approval for putting the measure on the November 2020 ballot. By doing it that way, the council obtained an assurance from the hospital that it would pay the roughly \$130,000 cost of having the measure appear on the ballot rather than the city paying for it, which would have been the case if the hospital had succeeded with a petition drive to force the measure onto the ballot.

Flower was under pressure at Richards, Watson & Gershon to in some fashion salvage

or resurrect his professional colleague Markman's reputation and good name. Additionally, he perceived, perhaps not fully accurately, that the loose ruling coalition led by Mayor Stone was yet intact, and that it was that coalition's will that the hospital prevail on the vote with regard to the sale. Accordingly, when he put the language together for the ballot measure, he shaded things in a way that was intended to move the city's residents toward supporting, rather than voting against, the measure. Indeed, subtly embroidered into the text of the measure was what some interpreted to be an argument in favor of it. The measure, as written by Flower, stated, "In order to secure at least \$4,300,000 for the City of Upland to use solely for public improvements to Memorial Park, which may include a new baseball field, additional public parking and other new public amenities, landscaping, structures, and walking trails, shall the City discontinue using approximately 4.63 acres of Memorial Park so it may be sold to San Antonio Regional Hospital to add new facilities and increase capacity for critically-needed medical services?"

That ballot language was sent to the San Bernardino County Registrar of Voters Office, which agreed to place it on the November ballot.

There remain elements of the Upland community opposed to any reduction of the footprint of Memorial Park. One among those, Marjorie Benesh, represented by Briggs, filed suit against the city, asserting the ballot wording "is the language of advocacy" and was therefore not impartial. Given that the registrar of voters' deadline for receiving the language on ballot initiatives had elapsed on August 17, an expedited hearing on the matter was set before Judge Cohn on August 25. Cohn's authority as a Superior Court judge was such that he could order the Registrar of Voters to make changes to the ballot language, even if the registrar's deadline for receiving that language had already passed.

On Friday, August 21

at 8:30 p.m., the Upland City Council scheduled an emergency meeting, to be held at the highly uncommon meeting time of 7:30 a.m. on Monday, August 24, to consider submitting an alteration to the language of the ballot measure, which by that point was designated Measure Q, to the registrar of voters.

At Monday morning's meeting, the city council, which at this point has been reduced from its normal five members to four members following the resignation of Councilman Ricky Felix announced in May and made effective in June, the council heard Flower contend that he "continue[s] to believe that the existing ballot label is impartial and fairly describes the nature of the measure." Flower nevertheless said that "to avoid any potential uncertainty and in an abundance of caution, San Antonio Regional Hospital is requesting the city council to consider amending the ballot label to ensure the voters have an opportunity to decide this question of public importance."

Flower, Mayor Stone and City Manager Rosemary Hoerning, who are yet militating for the sale of the property in accordance with the wishes of the hospital, were concerned that if Judge Cohn did come to a determination that the wording of Measure Q was biased, he might dispense with the measure being placed on the November ballot altogether. Thus, Flower rewrote the measure so it was proposed to be worded, "Shall the measure allowing the City of Upland to abandon and discontinue using for park purposes approximately 4.63 acres of Memorial Park so it can be sold to San Antonio Regional Hospital, in order to add facilities and increase capacity for medical services, for a price not less than \$4,300,000 that would be used solely for public improvements to Memorial Park, which may include a new baseball field, additional public parking, landscaping, walking trails, and other new public amenities, be adopted?"

At this point, the nature and purpose of the proposed parkland sale first broached in March

2018 has changed. Whereas originally, the property was to be used for a parking lot or parking structure, it appears the hospital is now contemplating constructing buildings upon the property to house medical facilities. This raises multiple issues, including questions relating to the value of the parkland to be sold as well as how the hospital yet intends to resolve its parking dilemma.

On Tuesday, August 25, 2020 at 1:30 p.m., Judge Cohn held in his courtroom a hearing on Benesh's challenge. The *Sentinel* was present, as Briggs made a video appearance on behalf of Benesh, and Stephen Lee, an attorney with Richards Watson & Gershon, represented the city through a telephonic connection. San Bernardino County Assistant County Counsel Jolene Grider represented the San Bernardino County Registrar of Voters, also telephonically.

Briggs argued that both the ballot measure and Flower's "impartial analysis" of the measure, which is to be included in the sample ballots provided to the city's voters, were biased in favor of the measure. He also asserted that the city had failed to meet the registrar of voters' deadline, such that the measure should be stricken from the ballot altogether.

Lee argued that there was no bias in either the ballot measure language itself or the analysis, as written by Flower. Under withering questioning by Judge Cohn as to the references to the money from the sale being applied to improvements to the city's parks and whether such a guarantee existed, particularly with the use of the term "may" in how the money would be used, Lee faltered.

There also ensued among Judge Cohn, Briggs and Lee, a discussion as to whether § 4221(b)(1) of the California Government Code applied to the proposed sale of the property, which would trigger provisions of the Surplus Land Act requiring that the property would first need to be declared as surplus city property before it was sold and

Continued on Page 8

Washington's Replacement Of Robles In SBCDCC Displaces Some Of The Dysfunction from front page

Democrats in San Bernardino eclipsed the tally of registered Republicans. That trend matched what had been going on in virtually all of California since the late 1990s, as more and more of the Golden State's voters moved into the Democratic camp. Nevertheless, into the beginning and middle years of the second decade of the Third Millennium in San Bernardino County and even until today, the Republicans have continued to dominate at the polls, at least partially because of the greater degree of voter turnout among Republicans than Democrats generally, both nationally and in California.

In 2012, the San Bernardino County Central Committee chose Chris Robles, a political consultant by trade, to serve in the role of San Bernardino County Democratic Party chairman. Robles, it was widely thought, would bring his expertise with regard to running election campaigns to the job, boosting the party's performance all around, allowing the Democrats to close the gap and claim victory in the races for municipal, county, state legislative and federal legislative offices where they were competitive but finishing narrowly behind their Republican rivals. It was hoped as well that Robles would help the party drive more and more Democratic voters to the polls

in the less competitive contests where the Republicans were also consistently winning, even though Democratic voters in those areas were more numerous than the Republicans. By slowly building the party up in such areas, the hope was the Democrats might regain San Bernardino County as a whole.

Despite the expectations the Democrats had for Robles' leadership, in 2012, 2014, 2016 and again in 2018, even as the numerical advantage that the Democrats had countywide continued to climb, the Republicans continued to outperform their primary political rivals.

Internally, the Democrats were split over revelations that Robles used his position as chairman for personal gain by luring candidates seeking the Democratic Party endorsement to his personal campaign consulting business to further their chances of gaining the party's endorsement, a conflict of interest for Robles. Robles took money from and worked for candidates who were not endorsed running against endorsed candidates, and even worked for Republicans in contravention of his duty to support the party's endorsed candidates. Robles was censured by the state party for his conduct, though his supporters, including those associated with the powerful California Teachers Association, brushed off the charges and remained loyal to Robles. The resulting squabbling rendered Democrats seemingly incapable of uniting effectively under Robles' leadership. Indeed, Robles' most impressive display of his political acumen con-

sisted of his ability to structure the executive board of the central committee with his personal supporters as he handed out perquisites and positions of influence and power in the party to his allies in an effective manner that kept those who were questioning the party's overall performance in the county at bay. Whereas the party would make a modest effort at getting those members of the central committee vying for office who were Robles' supporters elected, the party was doing woefully little for the rest of its candidates. This created what was essentially three factions within the San Bernardino County Democratic Central Committee: Robles' loyal supporters, those wanting to see Robles removed as party chairman, and a third group less focused on what the local party's leadership was going to be than on promoting Democratic candidates and causes. Robles managed to obtain reelection as party chairman in 2016, but in 2017, the faction intent on his removal rebelled, succeeding in ousting him during a meeting after he abruptly departed in the face of widespread protest over his leadership. Robles immediately, however, appealed to the state party leadership to have that action taken in his absence declared null and void, and he remained in charge of the county's largely ineffective Democratic political apparatus. In 2018, the Democratic party's lackluster performance in San Bernardino County again demonstrated Robles' absolutely hapless performance in the party leadership role.

Earlier this sum-

alike. Our problem is we are not well equipped or funded for the growing homeless population."

To deal with the city's problems, Williams said, "We have to continue to fully fund our police department, giving them all the tools that are needed to combat our growing crime. We must be realistic about what we can and cannot do when it comes to economic development and housing. We must be able to think outside the box to move our community forward. I think we are on the right track with youth activities and

must continue our progress. An idle mind is the devil's workshop. I have purposed we fund a full-time city homeless coordinator position, which we do not have at this time."

Williams said a bit of reprioritization will provide the money to redress the city's difficulties.

"I do believe that we have the monies within our budget to accomplish these things," he said. "Measure Q brought in over seven million dollars last year, so we have the room in our budget. Many of these programs

mer, a clear majority of the Democratic Central Committee's membership had swung behind Washington, something of a political juggernaut herself who for the last several years has led and embodied the Redlands Area Democratic Club.

Weary from the battles, lack of progress and censure from the California Democratic Party, Robles and all but one of his executive committee decided not to run for re-election. Washington easily won in a vote of the newly constituted members of the central committee on July 18.

At last night's meeting on Thursday, August 27, the entire central committee was scheduled to take up the subject of endorsements of candidates to be made in the various races to be held on November 3.

Already understood is that the central committee is supporting the state endorsement of the Democratic candidates running in the state and federal legislative races that are considered partisan. What was taken up on August 27 were the county and municipal races, which are officially considered nonpartisan. In San Bernardino County, however, no election is considered nonpartisan by the Republicans. On 17 of the county's city and town councils, Republicans outnumber Democrats. On the San Bernardino County Board of Supervisors, Republicans outnumber Democrats 4-to-1. These realities are a function of the Republican Central Committee working quietly but efficiently to promote its own in such local races. This year, under Washington, the Democratic Central Committee ap-

are already in effect."

Williams has never held elective office, he said. He has volunteered and been selected for an appointed position, he said, which has left him determined to be even more involved.

"I have no experience as an elected official, but I was appointed to the Resident Oversight Committee for Measure Q, which has given me great insight into the workings of city government," he said.

Williams has lived in Barstow going on 13 years. "I am not a native of Barstow," he said. "I

pears intent on responding in kind to the efforts of the Republicans.

A vestige of the cabal that had kept Robles in power over the last several years yet exists within the central committee, which includes Ralph Trujillo, Wendy Eccles, Mary Feeney, Christina Marquez, Mark Westwood, Nancy Glenn, Sean Houle and Robles himself. At various junctures on Thursday night, Robles' coalition sought to assert itself with regard to obtaining the full committee's endorsement of a handful of candidates favored by Robles, garnering only limited success. The upshot of those efforts and their aftermath is that Robles' power has essentially been attenuated.

Instead, a mixture of establishment Democrats and new blood have moved into positions of substantial influence in the organization. While the sway 40th Assembly District Assemblyman James Ramos holds was not openly apparent at the meeting, his presence as a remote controlling entity was felt, since Chairwoman Kristen Washington is not herself a member of the committee, but acts as James Ramos' appointed "alternate." As per the central committee's bylaws, if Ramos were to actually attend and hold his vote card at a meeting, Washington would not be entitled to act, and Ramos would not be chair. Rather, the vice chair of the party would be empowered to act as chair. More overtly, 47th District Assemblywoman Eloise Gomez-Reyes is now asserting her guidance of the local party, doing so in large measure by the

presence of her alternate, Ana Gonzalez, as the committee is coming out from under the shadow of Robles.

In her short span as committee chairwoman, Washington has been credited with facilitating communication within the committee all around in a way that is more open than what existed during Robles' reign. This was on display Thursday evening, when Washington, with a single exception, indulged the committee members in allowing them to weigh in with regard to their perceptions and preferences with regard to the subject at hand, the party's endorsements.

An inherent problem with political committees, Democratic or Republican, is holding the personal ambition of their constituents in check, and ensuring that the decision-making process is not overly influenced by those who have a selfish interest in the outcome that conflicts with the organization as a whole. Washington, it appears, is struggling in coming to terms with this reality, an intractable one since those attracted to politics to begin with are generally strongly opinionated and in many specific instances are themselves vying for political office, and have gravitated to a political organization to promote themselves first and have only a secondary interest in furthering the party.

This shortcoming was on display in the process that was arrived at for evaluating those seeking the central committee's endorsements. Among those named to the various committees inter-

Continued on Page 10

Sentinel, "I was married for 28 years and have two grown sons and one granddaughter."

He said, "Moving here to Barstow I never thought I would fall in love with the city and its people. The people in Barstow are the most caring and loving people I have seen in all my travels and places I have lived. I am proud to be called a Barstowian, and will do all I can to make this city and district prosper."

-M.G.



Williams Running For Council In Barstow from front page

control. Without that, no one wants to develop in the fifth most dangerous city in California. We must continue to keep our youth engaged in youth sports, at our youth teen room, in our youth summer work program. We need youth activities."

"Homelessness," he said, "is a major issue across the country for large and small cities

was born and raised in San Francisco, and attended George Washington High School. I have three years of college at San Francisco State University. My major was international relations and my minor was economics. Due to having a young wife and child, I elected to drop out and join the military, where I had a great career, retiring in 2004 with 21 years of service."

At present, Williams is employed with the Department of the Navy at the Marine Corp Logistic Base in Yermo.

Williams told the

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must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

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FBN 20200007253

The following person is doing business as: MI OFICINA INCOME TAX 8990 SIERRA AVE. SUITE E FONTANA, CA 92335; JOSE A. GARCIA 8990 SIERRA AVE. SUITE E FONTANA, CA 92335

The business is conducted by: AN INDIVIDUAL

The registrant commenced to transact business under the fictitious business name or names listed above on: 11/02/2009

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing.

s/ JOSE A. GARCIA, OWNER
Statement filed with the County Clerk of San Bernardino on: 08/11/2020

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FBN 20200007251

The following person is doing business as: GARCIA & SON TRUCKING 17555 CORKILL RD SPC 53 DESERT HOT SPRINGS, CA 92241; JOSE A GARCIA 17555 CORKILL RD SPC 53 DESERT HOT SPRINGS, CA 92241

The business is conducted by: AN INDIVIDUAL

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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FBN 20200007249 STATEMENT OF ABANDONMENT OF USE OF FICTICIOUS BUSINESS NAME

The following person is doing business as: EL BORREGO RESTAURANT 12345 MOUNTAIN AVE. SUITE E,F CHINO, CA 91710; CARLOS A LOPEZ 12345 MOUNTAIN AVE. SUITE E,F CHINO, CA 91710 This statement was filed with the County Clerk of San Bernardino County on 10/15/2018. Original File#FBN20180011705

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s/ CARLOS A LOPEZ, OWNER
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FBN 20200007153

The following person is doing business as: ONTARIOS SMOG CHECK 5420 W MISSION BLVD. ONTARIO, CA 91762; EMISSION WORLD, LLC 1310 S RIVERSIDE AVE SUITE 3F-#133 RIALTO, CA 92376

The business is conducted by: A LIMITED LIABILITY COMPANY

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing.

s/ BENJAMIN LIZAMA, MANAGING MEMBER
Statement filed with the County Clerk of San Bernardino on: 08/10/2020

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FBN 20200007071

The following person is doing business as: MASTER AUTOMOTIVE TRAINING 9253 ARCHIBALD AVE. RANCHO CUCAMONGA, CA 91730; MAILING ADDRESS 7615 ETIWANDA AVE. #268 RANCHO CUCAMONGA, CA 91739-9998; AUTOMOTIVE TRAINING SERVICES INC. 7615 ETIWANDA AVE #268 RANCHO CUCAMONGA, CA 91739

The business is conducted by: A CORPORATION

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The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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s/ OSCAR GO-MEZ, PRESIDENT
Statement filed with the County Clerk of San Bernardino on: 08/07/2020

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FBN 20200007007

The following person is doing business as: RIALTO TEST ONLY 630 W RIALTO AVE UNIT B7 RIALTO, CA 92376; CABALLERO SMOG CHECK INC. 630 W

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RIALTO AVE UNIT B7 RIALTO, CA 92376

The business is conducted by: A CORPORATION

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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s/ ROGELIO LIZAMA, PRESIDENT
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Judge Calls Upland Measure Language “Advocacy” from page 4

whether priority would then need to be given to those entities that might have an alternate use of the property, including low income housing, schools and, ironically, parkland, before the sale of the land to the hospital could be considered and go through.

Ultimately, Judge Cohn ruled that the Surplus Land Act did not apply. Judge Cohn also ruled that the city’s reference in the impartial analysis of the measure stating that the eventual use of the property to be sold to the hospital would be subject to obtaining a zone change and being in compliance with the California Environmental Quality Act obviated the necessity of pointing out to the voters, as Briggs suggested, that conformity of that land use with the general plan should have also been included in the analysis.

Despite siding with the city on those two points, Judge Cohn concluded that the wording for the ballot measure that Flower had worked up was deficient on multiple score.

The standard language required in all ballot measures, Judge Cohn said, is the question being posed to the voters starting with “Shall the measure” and concluding “be adopted?”

In his ruling, Judge

Cohn further wrote, “Ms. Benesh is partially correct that the wording of the ballot question is biased in favor of the measure. The language about “a new baseball field, additional public parking and other new landscaping, structures, and walking trails” is language of advocacy. These improvements may or may not follow, even if the sale occurs. They are aspirational. The language puffs the measure and is not intrinsic to it.”

Cohn did not uphold Benesh’s objection about whether the language of the measure clearly demarks that the property might not end up in the hospital’s possession if certain conditions come to exist, but he stated, “Nevertheless, the wording of the ballot statement can be improved. After hearing the arguments of counsel, the court revises the language, pursuant to Elections Code section 9295, subdivision (b),1 as follows:

“Shall the measure allowing the City of Upland to discontinue using approximately 4.63 acres of Memorial Park, thereby allowing the property potentially to be sold to San Antonio Regional Hospital for not less than \$4,300,000, which, if the sale occurs, would be used solely for public improvements to other portions of Memorial Park be adopted?”

The city’s last-minute rush to usher the ballot measure before Judge

Cohn to get it on the ballot ultimately succeeded. For many in the Upland community, the stampede to get the issue of the sale before the voters did not take into consideration important aspects of the proposed sale, including the price of the property. One such issue is that the \$4.2 million price tag affixed to the land in 2018 was predicated on the end use of the acreage as a parking lot, whereas now the value of the property may have escalated since the hospital has indicated the land will be converted to buildings housing the far more intensive use of medical facilities.

A final procedural action needed to be taken by the city council to resubmit the ballot language to the registrar of voters office. To do so, the council again convened a special emergency meeting, this time on Wednesday night, August 26, 2020, at 7:30 p.m.

Ultimately, the council voted 4-to-0 to forward the new language as framed by Judge Cohn to the registrar of voters office.

Before that vote was taken, however, there was discussion in which it appeared that the erstwhile ruling coalition that Stone had strung together might be falling apart. It is in no way surprising that Councilwoman Elliott, who has all along been opposed to the city making the sale of the parkland to the hospital, expressed skepticism about the hospital relying upon the diminution of the park as a solution to the hospital’s parking dilemma. Both Councilman Bill Velto and Councilman Rudy Zuniga on Wednesday night gave indication that they are growing impatient with the fashion in which Richards Watson & Gershon have continuously erred with regard to both the law and public sentiment in trying to straitjacket the city into selling the park property. Velto, along with two others – former Planning Commissioner Alexander Novikov and Lois Sicking-Dieter – is challenging Stone in the mayoral race this year.

Zuniga suggested that Flower’s duplicity and advocacy for the hospital was creating both confusion and a credibility problem for him, his law firm and the city. He asked Flower, “Steven, does a ‘no’ vote mean no? Is there going to be ‘No means yes’ and ‘Yes means no’? I want to be clear. On a lot of these measures it’s always opposite.”

“A ‘no’ vote would simply mean that the council could not put forward this measure for another year,” Flower responded.

“Well, this just needs to go away if it’s voted no,” Zuniga said. “It needs to go away. The residents, if they vote ‘no,’ it needs to stop, and I hope it will stop. If the field’s gone and we lose it, National [Little] League will be tak-

ing over the north field. We need more fields. I shouldn’t get into it, but it just needs to go away.”

Flower then sought to vector blame for the matter on the previous city council, while making no mention of the degree to which his Richards Watson & Gershon colleague, Markman, had been intrinsically involved in the now more than two-year-running entanglement.

“If I might just remind everybody,” Flower began, “the way the purchase-and-sale agreement was constructed from the beginning by the prior council was such that the council was always going to hold final say because the zoning change is also a precondition to the sale going through. So, there’s still this last hurdle,” Flower said, implying that it was the wish of the current council for the sale of the property to take place. That seemed to provoke Zuniga further.

“Understood,” Zuniga said, “but if it’s voted down by the community, it can be brought back in a year, you are saying?”

“Yeah, per the government code,” Flower said.

“That contract, though, the existing contract right now that was ran up before, will that go away?” Zuniga pressed through Flower’s double-talk.

“It does not,” Flower said. “The closing date is further out.”

Zuniga, at that point speechless, glowered at

Flower. Velto leapt into the breach.

“I specifically asked that question at a council meeting,” Velto said. “I said, ‘If this vote [goes] no, does this end the sale?’ or words to that effect. I’m paraphrasing. And I was told, ‘Yes.’ I want to be clear about that because the issue was we take it to a vote and if the residents say, ‘No,’ that should be it. But I understand in the real world the hospital would have to go out and create a measure on their own, but the sale agreement [from March 2018] would not be in perpetuity.”

Flower then indicated that it was the council that was responsible for extending the applicability of the March 2018 sale agreement.

“No,” Flower said. “The closing date was revised with the amendment, and I don’t have the amendment in front of me, to allow for additional time for this vote to be held, and for there then to be time to allow the zoning change to be enacted.”

“Understood,” said Velto, “but if it’s a vote ‘no,’ there wouldn’t be the next step of a zoning change or anything like that, correct?”

“Theoretically, no,” said Flower. “I only say that because a successful vote is not an express condition of closing, but it does effectively raise a substantial barrier.”

Continued on Page 11

Internecine Democratic Rivalries For Endorsements Among Central Committee Members Vying For Office Trigger Revelations Of Potentially Problematic Histories For The Party *from page 5*

viewing the candidates were three central committee members who this year are themselves candidates for office. Those were Lizet Angulo and Leslie Irving, both of whom are seeking election to the Victorville City Council, and Jim Gallagher, a one-time Robles ally who is running for city council in Chino Hills. While the central committee took steps to assure that none of those three directly oversaw the recommendation for the office they were seeking, in the case of Angulo, she worked with Christina Marquez in evaluating the candidates in the race for Rialto mayor, in evaluating candidates for the San Bernardino County Board of Education and Etiwanda School District's Area 5 board position. Angulo also worked with Scott Brown in evaluating candidates for Big Bear's District 1 council seat, in looking at candidates in the Victor Valley High School Board of Education and the Hesperia Unified School District Board of Education. She coordinated with Curt Lewis in evaluating candidates for the San Bernardino County Board of Education and Rialto mayor. Likewise Aaron Bratton was side-by-side with her in evaluating candidates for the San Bernardino County Board of Education and the Redlands School Board District 4 seat. Angulo was also coordinating with Nancy Glenn in evaluating candidates for the San Bernardino County Board of Education, the Redlands School Board and the Etiwanda School District's Area 5 position on the school board. Marquez, Brown, Lewis, Bratton and Glenn were involved in evaluating the candidates seeking election to the Victorville City Council, of whom Angulo was one. Similarly, Leslie Irving worked with Gallagher in evaluating candidates for the Colton Joint Unified School District Board, the Redlands School District Board, the Fontana City Council, the Phelan-Pinon Hills Community Ser-

vices District Board, the San Bernardino Valley Municipal Water District Board and San Bernardino Valley Water Conservation District Board. Gallagher served as an observer on the interviews of Victorville City Council candidates, of whom Irving was one.

The Victorville City Council race presents an extraordinary dilemma for the Democratic Central Committee. The race has attracted 21 candidates for three positions on the council up for election this year, one of which is held by an incumbent Democrat, Blanca Gomez. Of those 21 candidates, at least 14 are Democrats. Thus, the central committee this year has fallen under some degree of criticism from within its own ranks and without for not conducting outreach among the members of the Democratic Party to seek to limit the Democratic candidates in the Victorville City Council race so they are not competing against one another and thereby splitting the Democratic vote. Voter registration in Victorville strongly leans Democratic, with approaching 25,000 or 44.8 percent of its 55,00 voters registered as Democrats and 13,000 or 23.8 percent registered as Republicans. Nevertheless, at present, the Republicans hold a 3-to-2 majority on the Victorville City Council. Among the 14 known Democrats in this year's race is the incumbent Gomez and Lionel Dew, who has nearly captured the council seat previously with strong showings at the polls. The central committee, however, declined to endorse either Gomez or Dew, instead recommending that Democrats cast their three votes in the upcoming election for Irving, Angulo and Kareema Abdul Khabir. In addition to overlooking Gomez and Dew, the central committee spurned one of its members, Roger LaPlante, who is also vying for city council in Victorville, after LaPlante relocated there from Apple Valley, where he unsuc-

cessfully sought a position on the town council in 2018. A factor in the failure of Gomez, Dew and LaPlante to claim the central committee's endorsements this year is the actuality or perception of their affiliation with Robles.

LaPlante, who has worked energetically on behalf of the Democrats as a former member of the California Democratic Party's executive board in Assembly District 33, the party's voter registration committee chairman in San Bernardino County as well as a candidate for State Assembly in the 33rd District, took being denied the party's endorsement in the Victorville City Council race personally. After a contretemps earlier this year, LaPlante had tendered his resignation from the central committee, but then rescinded it. After being denied a recommendation for the Victorville council race endorsement by the evaluation committee last week, LaPlante earlier this week once more resigned in a missive to Washington, who accepted his resignation shortly thereafter. At Thursday night's meeting, when LaPlante sought to participate, Washington announced to the committee that LaPlante had resigned, and thus his voice would be muted during the video conference. LaPlante was allowed to respond one last time. He told Washington, "You didn't have to tell everybody," his reference apparently being to his resignation. From that point, LaPlante was the one member of the central committee – or former member of the central committee – whom Washington refused to indulge.

Even prior to the meeting, LaPlante had gone public with information relating to Irving, who had prevailed over him and ten other Democrats in getting the Democratic Party endorsement in the Victorville City Council race.

In 2001, Irving was a resident of Compton, and she successfully vied for a position on the Compton City Council that year, posting a victory over her opponent, Melanie Andrews. Before she was sworn in to that office, however, accusations of voter fraud

against Irving surfaced. A challenge to the outcome of the race, as well as that one for Compton mayor in the same election, was lodged in Los Angeles Superior Court.

The trial court, in the personage of Superior Court Judge Judith C. Chirlin, after weighing all of the evidence and based upon what Chirlin and the California Second District Court of Appeal called substantial and credible testimony, concluded that Irving had engaged in election fraud. Nine witnesses, at least six of whom did not speak English, testified against Irving, stating that she or her campaign had registered them to vote, even though they were not citizens. The most devastating witness against Irving was Elvita Andrade, whose testimony replicated in many respects that of the other eight witnesses. Andrade testified that although she had spoken with Irving through a translator, she had also spoken directly with Irving in English. Andrade stated she had told Irving, in English, that she was not a United States citizen. Andrade claimed that Irving's response was "that citizenship had nothing to do with it, that it had nothing to do with the government, so that it would not [a]ffect my citizenship." Andrade said she had been told to sign an absentee ballot application, which she did, and that either Irving or the translator would pick up the absentee ballot from her when it arrived. Andrade stated that when the translator came to pick up Andrade's absentee ballot, she had signed the ballot and gave it to the translator without marking or punching it. Someone other than Andrade, after she had given it to one of Irving's campaign workers, marked and submitted Andrade's absentee ballot, which was demonstrated to the court to have been counted in the election, according to evidence and testimony in the case.

Judge Chirlin found, and the Second District Division 1 California Court of Appeal confirmed, that Irving "either personally or through her agents, (1) knowingly solicit[ed] nine non-citizens to register for absentee ballots in violation of sec-

tion 18100, subdivision (a); (2) [was] present in the nine absentee voters' homes while they were voting and telling them how to vote, in violation of section 18371, subdivision (a); (3) fraudulently register[ed] nine non-citizens and assist[ed] them to vote or complet[e] their absentee ballots for them, in violation of section 18500; and (4) solicit[ed] illegal votes from the nine nonqualified voters, in violation of section 18561." The trial court also disqualified Irving, under the provisions of section 18501, from ever holding office in California.

Irving appealed Judge Chirlin's ruling to the Second District Court of Appeal, which in March 2003 ruled that Irving had indeed engaged in the "commission of offenses against the elective franchise" Chirlin had adjudged Irving to have been involved in and that Irving's 2001 Compton City Council election was properly annulled. The Court of Appeal, while finding that Irving was disqualified from seeking or filling the council seat she had sought in the 2001 election for the remainder of that 2001 term, determined that because the case Chirlin was adjudicating was an electoral challenge rather than a criminal matter, the lifetime ban on Irving ever holding office again in California was improperly imposed. The Second District Court of Appeal ruling allows Irving to run for and hold elective office.

LaPlante contends that the Democratic Party is setting itself up for a scathing reproach by the Republicans for endorsing Irving. "The new San Bernardino County Democratic Central Committee is the most corrupt organization I have ever been a part of," he said. "I feel clean to move away from such unethical and inappropriate discrimination and bigotry."

Action taken with regard to three other endorsements Thursday night also stirred controversy. In those matters, the central committee as a whole deviated from the recommendations of the evaluating committee.

In perhaps the most significant and surpris-

ing of those, the committee rejected the recommendation of the evaluation committee to endorse Rialto Mayor Deborah Robertson, who has been mayor in that city of 104,000 population since 2012, in favor of Lupe Camacho.

Robertson faces allegations backed by an investigation for conflict of interest involving a city contract awarded to a nonprofit organization headed by her daughter. She has been dogged as well as a consequence of her support of embattled West Valley Water District Board Member Channing Hawkins. Robertson and Hawkins are supported by the longstanding faction headed by Assembly Member Eloise Reyes' deposed rival and predecessor Cheryl Brown, a loyal supporter of Robles.

Some central committee members decried denying Robertson the endorsement, based on their belief that the central committee would be well advised to adhere to a policy of backing Democratic candidates who have a proven track record of being elected.

In making a recommendation on whom Democratic voters should support in the race to represent Division 2 on the board for the San Bernardino Valley Municipal Water District, the evaluation committee had recommended Gil Botello over the incumbent, Gil Navarro. Navarro, a colorful and controversial political figure, has consistently pulled down Democratic Party endorsements in the past. Still, his tendency to test the political envelope and involve himself in issues that are sensational and attention grabbing and sometimes questionable appeared to rub itself thin with the panel that interviewed him, which included Irving, Gallagher and Washington.

In 2012, Navarro, who had been a member of the San Bernardino County Board of Education since 2006, was elected to the board of the San Bernardino Valley Municipal Water District. With multiple legal authorities, including county counsel and the attorney for the water district, insisting there was an incompatibility between *Continued on Page 12*

Councilmembers Confront Upland City Attorney from page 9

Flower's characterization of a yes vote as "successful" illustrated to everyone in the room that he, as the city's legal counsel, was militating on behalf of the hospital.

It was now Velto who was provoked.

"The reason why I voted the way I did was 'cause I believed that the residents should have the right to vote," said Velto. "That's the only thing I was in favor of. I don't have a personal opinion, yes or no, about the sale of the park. I believe it's up to the residents. If the residents vote 'no,' in other words if the majority is a 'no,' why then would the city still be bound by the agreement?"

Flower again demonstrated his bias in favor of the sale.

"Because a successful vote was never stated as being a precondition to closing," Flower said.

"Isn't that a failure in the contract to have no preset conditions that allowed the City of Upland to say 'Conditions precedent?'" Councilwoman Janice Elliott interjected. "There's no conditions precedent that gave us a way out."

Flower then sought to pin responsibility for that on the previous council, suggesting that Markman had framed the contract that way at the direction of the prior council majority.

"I can't speak to the direction that was given to my predecessor," Flower said. "I was never given that direction."

"The contract itself gave the City of Upland no out," Elliott said. "The hospital had a list of like nine conditions precedent that could allow them to back out of the sale. Upland had zero."

Velto continued, "I think under normal real estate contracts, the buyer has to fail to perform in order for the seller to have call for a breach of agreement, breach of contract, correct? That's how a standard real estate contract works. Once there's an agreement, the buyer has to default in order for the seller to then move forward and cancel." But

Richards Watson & Gershon had not provided the city with even that minimal protection in the contract, Velto implied, almost as if the firm was working for the hospital rather than the city.

"It seems to me we have an open-ended contract, and I don't know if that's legal to have an open-ended agreement," he said. "I'm not comfortable with what we have here. If that's really what we have here, I'm concerned because that means no matter what the vote comes out with, we could be back in court for a yes or no."

Flower simply glared back at Velto.

"I think that if the city fails to perform, that the hospital will have an action against the city," Velto said. Then with an intensity of emphasis, Velto said, "If it goes to [a] vote, and the vote is a 'no,' we better be done. If the vote is a 'yes,' then we move forward." Velto said he wanted a commitment in writing from the hospital to that effect. "I want an amendment in the future" to the existing agreement. "This agreement was not made by a majority of us sitting here," Velto said.

Ellia Thompson of the firm Ervin, Cohen and Jessup, representing the hospital, said the hospital would be amenable to such an amendment. "We are willing to do that," she said.

Zuniga then engaged with Thompson on why the hospital had not stood by the original closing or walkaway date on the purchase contract, which has now been extended to November 2021. Thompson justified the November 2021 closing date by stating that the hospital wanted to give itself a full year after the 2020 election to perform all that it would need to do and obtain zone changes, a general plan amendment and environmental certification to proceed. "Those things usually take a good eight, nine months and we wanted to have enough time," she said. "We thought one year was plenty of time."

At one point, despite having acknowledged that the hospital had revamped the closing date in accordance with the more recent move to going to an election to ap-

prove the sale rather than relying on the now-legally defunct March 2018 council action, Thompson sought to suggest that the original closing date might not have been extended.

"When was the last one [contract end date] and why didn't it cancel the contract then?" Zuniga asked. "Why are we here today? That new date your putting out..."

"I don't know that this is a new date," Thompson said, interrupting him.

Seeing immediately that such a misrepresentation could severely complicate the hospital's position, Flower jumped in between Zuniga and Thompson to foreclose where that exchange might lead.

"There was an earlier date," Flower said, correcting Thompson. "I don't recall what it was. This was the date in the amendment the council approved most recently, November 2021."

This brought Zuniga's focus back to Flower.

"Are you saying that this could have ended at that last closing date, and it would have been nulled and voided?" Zuniga asked Flower.

"That is conceivably an option," Flower said. "I don't know if I would have recommended it, based on the potential for a lawsuit. I'm not going to..."

"They're giving us a date right now," Zuniga said, talking over Flower, "that this is the end date."

"All I can say is it was never discussed," Flower said. "I don't know exactly when that date was, but it was never discussed that the city would attempt to terminate the contract on those grounds. The contract doesn't just terminate on such grounds, unless the city took an action. There was never any action taken."

"I'm kind of lost for words here," Zuniga said, his implication seeming to be that Markman or Flower had failed to inform the council that it had the option to simply walk away from the commitment to sell the parkland when the contract termination date elapsed. "Okay. I don't want to comment too much on it," he said. "I'm not sure what the date was on it. I'm kind

of thinking the date was 2018, so that was before we [he, Velto and Felix] were even in office. So, at that time, I would have said, 'Scrap it,' because at that time I was pretty much done with the whole thing. No one told us that would have nulled the contract. We weren't told that. You [Flower] weren't here, so I can't blame you for that, but I wish someone would have told us more on that."

During the public comment portion of the meeting, Lois Sicking-Dieter, who is vying against Velto and Stone and former Planning Commissioner Alexander Novikov for mayor, addressed the council with regard to the parkland sale.

Dieter decried the council's negative characterizations of Benesh. "Your comments at Monday's special city council meeting regarding Marjorie Benesh being the only resident speaking out about this issue and filing a lawsuit were meant to vilify her, intimidate her and any other residents who are thinking about stepping up to speak truth to power. Both of you are current council members, both of you are candidates for mayor in November. This behavior is unworthy of a council member, unworthy of a mayor."

"I am speaking in regards to the findings and ruling by Judge Cohn yesterday that found the format for the Measure Q question regarding abandoning 4.63 acres of Memorial parkland did not comply with the law and was biased in favor of a 'yes' vote," Sicking-Dieter continued. "The format issue was fixed by changing the wording to 'Shall the measure... be adopted?' Without this it was unclear what a 'no' vote meant or a 'yes' vote meant. This is important, so a resident's vote reflects their intention, for or against the measure. In addition, Judge Cohn ruled that the measure question was written biased in favor of a 'yes' vote. His findings were that the language about 'a new baseball field, additional parking and other new landscaping, structures and walking trails' was uncertain, not guaranteed and is the language

of an advocate. These improvements may or may not follow, even if the sale occurs. So he removed it."

Sicking-Dieter continued, "The judge reminded us that the measure is all about abandoning 12 percent of Memorial Park, so it may be sold at a later date. If it is to be sold is a whole other issue, with public hearings and the sale of the land has to follow the rules of California state laws. First, this measure must get a 'yes' majority vote, then go before a new city council and a new city attorney. As you remember, a new city attorney will be selected by the new city council after the November election. It has been said that the interim city attorney, Steven Flower, has an advantage over other lawyers being interviewed, because we saw him in action at every council meeting since last October. However, this is no longer the case, in my opinion. Why? In the past two weeks we have had three city council meetings, two of them special meetings for the measure question, only to have a judge figure it out for the City of Upland, by going to court to hammer out the wording, use of staff and residents' time, which would be better spent providing services to the public."

Sicking-Dieter concluded, "In summary, I ask that you approve the measure question as ruled by Judge Cohn and agreed upon by both parties. Marjorie Benesh identified the problem. She was part of the solution. I suggest you look at the person that caused the problem."

During the meeting, by her body language Mayor Stone seemed perplexed at the fashion in which some degree of sentiment against the manner in which the

parkland sale had been orchestrated was expressed from the dais, in particular when that criticism emanated from Velto and Zuniga, with whom she had formed over the last year or so a political *modus vivendi*. Stone has long grown inured of Councilwoman Elliott's positioning on issues contrary to her own. City Manager Rosemary Hoerning's absence from the meeting left Stone seemingly incapable of reining in Velto and Zuniga, both of whom have grown, like Stone, dependent on guidance from Hoerning on policy issues. Substituting on Wednesday night for the vacationing Hoerning was Assistant City Manager Stephen Parker. Parker's presence at the meeting was barely detectable, as he offered very little in the way of input. On the job since April, Parker appeared too timid to confront Velto, Zuniga or Elliott. Parker's low profile Wednesday night might have been because he was not around when any of the earlier decisions with regard to the parkland sale were made. When Velto, who is now seeking to displace Stone as mayor, asserted himself with regard to some of the issues under discussion, she could be observed, it seemed, cringing, as if she sensed that Velto was looking to damage her politically by dwelling on the series of decisions with regard to the proposed parkland sale that have been legally challenged, reversed, rescinded or simply abandoned.

On occasion, however, Stone made verbal reproval of her other political rival present in the council chambers, Sicking-Dieter, apparently when Sicking-Dieter reacted physically or verbally to the issues being discussed.

Contention Over Democratic Endorsements from page 10

the two offices Navarro had come to hold and that it was incumbent upon him to resign from the board of education to move onto the water board, he defied those calls, and sought to remain as a decision-maker on both panels.

Ultimately, after Navarro remained in both positions for a year, Judge Michael A. Sachs issued a judgment in December 2013 at the behest of the San Bernardino County Board of Education that Navarro was "not entitled to hold or exercise the office of San Bernardino County Board of Education trustee, as

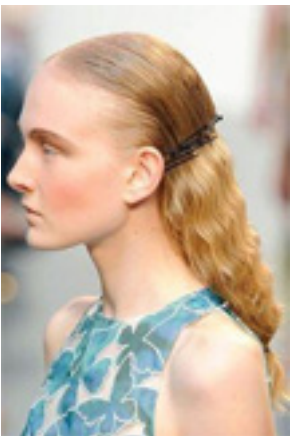
Continued on Page 12

Grace Bernal's

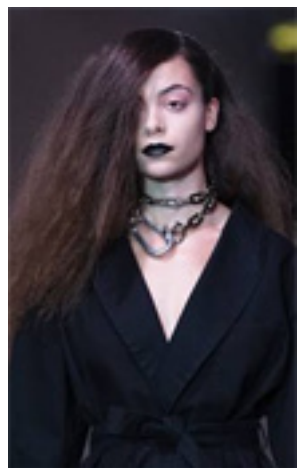
California Style Crimped



I'm really digging the crimped look! I normally appreciate how it looks on others, but this week



I would like to try it on myself. I am naturally curly-haired and tend to straighten my hair



for fun. Crimping hair is another way to break

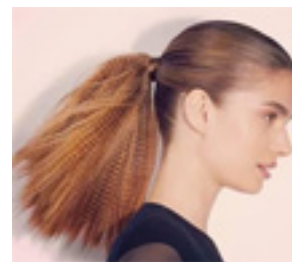


up monotony and try something new. Crimping was a huge trend in the 80s/90s. Looking back at it, it seems it may have been consid-

ered a hairstyle disaster. Things can only get better, and in 2020, crimping can look pretty rad.



That is because there's so much you can vary with, from crimped hair that is shoulder length



to minimal crimping to fancy updos. This retro hair look is coming back and will be big for fall and winter. There's something, wild, fun, romantic and cozy about crimping. I'm ready for a change. Why not start with hair? Try it in a minimal way or go all

out. The choice is yours. The ideas are endless. Twist into the season of crimping. It's here for a while. Enjoy!



Life's Too Short to have boring hair. - Olivia Savage.

Washington Ushers In More Cohesiveness But Vestiges Of Robles Era Factionalism In Democratic Central Committee Remain from page 11

it is an incompatible office with his position as a San Bernardino Valley Municipal Water District Board member." Sachs ordered him removed from the board of education.

Things escalated from there. Navarro had formed the Navarro Legal Defense Fund, a so-called recipient committee intended to bankroll his legal effort to block his removal from the San Bernardino County Board of Education. Navarro and his defense committee then failed and continued to refuse to file the two semiannual campaign statements relating to the activity in the defense fund that are required of officeholders in California. This ran afoul of Government Code Section 84200. He then did not terminate the defense committee, a violation of Government Code Section 85304.5 and Regulation 18530.45. Compounding that, Navarro made an unsuccessful run for 47th District assemblyman in the November 2014 General Election. His Assembly campaign committee failed to file two pre-election campaign statements, in violation of Government Code

Section 84200.7, and failed to timely file four semiannual campaign statements, in violation of Government Code Section 84200. Ultimately, Navarro was fined \$36,500 for these reporting violations, a substantial fine, well beyond the norm imposed on politicians who typically are given a warning to make full disclosure, and then suffer fines of usually no more than \$500 to \$1,000 if they are tardy in making the required reports. Concern had developed that Navarro's failure to provide the reports was an effort to hide untoward activity or payments or improper diversions of money to himself or his family members. The Democratic Party's endorsement of Navarro, it was feared, might be used by the GOP to malign the Democrats generally. Consequently, the recommending committee had settled upon endorsing Gil Botello.

It was pointed out to the central committee at large, however, that Botello has used Robert Rego as a campaign consultant and as his treasurer. Rego is a former chairman of the Republican Central Committee, one who works closely both politically and professionally with Republican candidates, including hopefuls and incumbents. Moreover, Botello is a close associate of San Bernardino Mayor John Valdivia, a Republican. Valdivia last year appointed Botello, a candidate for the San

Bernardino City Council in 2018, to the San Bernardino City Personnel Commission. After charges surfaced that Botello is a "Republican spy," the full central committee reevaluated the recommendation that Botello get the endorsement for the San Bernardino Valley Municipal Water District Board Division 2 post.

After Anna Gonzales pulled the recommendation to endorse Botello off of the central committee's consent calendar, a substitute motion to endorse Navarro was made, passing by a margin of 31 yes votes to 17 no votes.

For the San Bernardino City School Board, which has four at-large seats up for election, the panel recommended only three of four Democrats who applied for endorsement, Gwen Rodgers, Margaret Hill and Heather Johnson, leaving the fourth seat to the Republicans. The fourth candidate, Mayra Ceballos, is a Latina with substantial higher education credentials, who is supported by Navarro and the Democratic Luncheon Club of San Bernardino. Upon a substitute motion by Democratic Club President Tim Prince and support from Gonzales, all four candidates were endorsed by the body.

Erick Lopez, a candidate for city council in Fontana's District 3, had impressed the interview committee with his general knowledge, ability to

stay on point with regard to the questions asked of him, his well-defined ideas on issues and governance in general, his ideas with regard to public safety, homelessness solutions, environmental issues and opposition to the further construction of warehouses in the Fontana area.

After Denise Wells, chair of the endorsement committee touted him in support of that committee's recommendation, Ana Gonzalez intervened, countering with supportive reasons why Dawn Dooley would be better suited to represent Fontana's District 3 at Fontana City Hall. This was taken as an indication that Assemblywoman Eloise Gomez Reyes favored Dooley,

and the recommendation that Lopez receive the endorsement was substituted by a 60 percent majority vote of the full committee in favor of Dooley.

Other endorsements made by the central committee were Alan Lee for District 1 councilman in Big Bear Lake, Jim Gallagher for District 3 councilman in Chino Hills, Jessie Sandoval for District 2 councilman in Fontana, Ken Stewart for councilman in Grand Terrace, Ruth Musser-Lopez for councilwoman in Needles, Mark Rush for Councilman in Rancho Cucamonga and Rafael Trujillo for councilman in Rialto.

Washington was given an overall high rating for her conducting of the

meeting, but poor marks for not being prepared to clarify the committee's by-laws when she was challenged by Leticia Garcia's alternate, Tim Prince, for her method of calculating vote percentages by including "abstains" as "no" votes. Such a method of counting caused the outcome to tilt toward the Robles camp on at least a few occasions; two of the "endorsements/no endorsements" are currently under review by the executive board of the central committee as a result of the challenge: Rialto mayor and Division 2 on the board for the San Bernardino Valley Municipal Water District.

-Mark Gutglueck

Tres Hermanos from page 3

authority to acquire the 695 acres of the ranch situated in Diamond Bar. For its part, the City of Industry wrote down \$37,485,000 of the \$41,650,000 value of the property in having it handed over to the Tres Hermanos Conservation Authority.

Last year, San Gabriel Valley Water & Power sued the three cities, alleging they engaged in Brown Act violations and collusion with regard to the land sale.

On August 12, 2020, investigators with the Los Angeles County District Attorney's Office made a series of

early morning services of search warrants at the homes and offices of a multitude of individuals associated with the San Gabriel Valley Water & Power solar project, including Barkett, the company's lobbyist, Frank Hill and former Industry City Manager Paul Phillips. Thereafter, the lawsuit against the three cities was dismissed. There was concern that with San Gabriel Valley Water & Power now being held at bay, the City of Industry would reacquaint the 2,445 acres, and once more seek to have it developed.

That is not the case, according to City of Industry Mayor Cory Moss. Moss said that

"San Gabriel Valley Water & Power has essentially admitted that its allegations were without any merit. They wanted to undo the cities' collective commitment to preserve Tres Hermanos and they failed."

The transfer of the Tres Hermanos Ranch property from the City of Industry to the Tres Hermanos Conservation Authority was recorded on February 11, 2019 in both Los Angeles and San Bernardino County recorders' offices for the portions of the property within the respective counties. Title to the property remains in the name of the Tres Hermanos Conservation Authority.