

Friday, November 5, 2021 A Fortunado Publication in conjunction with Countywide News Service 10808 Foothill Blvd. Suite 160-446 Rancho Cucamonga, CA 91730 (951) 567-1936

## Mayor Warren & Colleagues Daring AG To Look Into Fontana Warehouse Graft

The Fontana City Council last week once again demonstrated its ruling majority will not allow contemplative city residents, the California Attorney General or anyone else to dissuade it from its goal of ensuring that the city can claim bragging rights to having the highest concentration of warehouses of any of the 482 cities in the Golden State.

On August 17, 2021, the Fontana Planning

Commission gave approval to Newport Beach-based Alere Property Group's proposal to construct a 42-foot high, 247,786 square foot warehouse including a maximum of two potential office/mezzanine spaces of approximately 4,000 square feet each, 34 warehouse dock doors, two ground level loading doors, 117 automobile parking spaces, and 50 trailer parking spaces at the northeast

corner of the intersection of Washington Drive and Redwood Avenue, just north of the Interstate 10 Freeway.

Ana Gonzalez, the interim executive director of the Center for Community Action and Environmental Justice, and Elizabeth Sena, the founder of the South Fontana Concerned Citizens Coalition, appealed the planning commission's approval of the project, which is referred

to as the Redwood Industrial Center.

Gonzalez's and Sena's challenge was the third appeal of planning commission decisions allowing warehouse projects to proceed in Fontana this year.

On April 20, 2021, the Fontana Planning Commission gave go-ahead to Duke Realty's proposal to build a 205,949-square foot warehouse on an 8.61-acre seven-parcel piece

of ground at the southwest corner of Slover Avenue and Oleander Avenue. The project, which was designed to feature 22 truck docks, 40 truck parking spaces, and 95 standard parking spaces, was slated for a site immediately adjacent to Jurupa Hills High School. Sena filed an appeal of that decision, and on June 22, 2021, the Fontana City Council denied Sena's appeal and upheld the **See P 3**

## Adelanto Solons Using CARES Act Money For Luxury Ride

Adelanto city officials find themselves being looked down upon by scores or even at this point hundreds of their counterparts with other municipalities in San Bernardino County and Southern California, to say nothing of a major cross section of that city's 34,007 residents, for the profligate way in which they spent some \$126,000 in CARES Act funding last year.

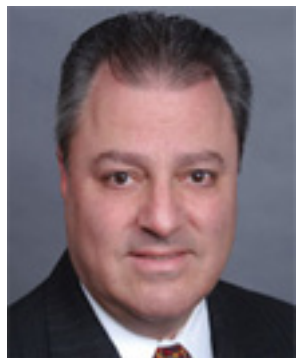
The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, was a \$2.2 trillion economic stimulus bill passed by Congress and signed by then-President Donald Trump in March 2020 to deal with the anticipated economic devastation of the COVID-19 pandemic. It included \$300 billion in one-time cash payments to American taxpayers, \$260 billion in increased unemployment benefits, the creation of a paycheck protection program and loans to small businesses, \$500 billion in loans for corporations, and \$339.8 billion earmarked for state and local governments.

Members of the Adelanto City Council in a 4-to-1 vote with Mayor Gabriel Reyes, then-Councilman Gerardo Hernandez, Councilman Ed Camargo and Councilwoman Joy Jeannette prevailing and Councilwoman Steevonna Evans dissenting on August 12, 2020 voted to use \$126,000 of the \$440,336 in CARES Act funding the city had received to purchase a 2020 Mercedes-Benz Sprinter van. While a basic Sprinter at that time cost \$41,095 before taxes, title, registration and transportation/dealer prepara- **See P 7**

## City Attorney Denies Upland City Council Breached Brown Act In Hiring City Manager

By Mark Gutglueck

In the face of substantial indications and evidence to the contrary, Upland City Attorney Steven Deitsch is maintaining that the Upland City Council did not engage in multiple violations of the Brown Act over the six month period city officials were seeking a city manager which ultimately culminated with the hiring of



Steven Deitsch

Michael Blay to fill that position, effective next week.

The Brown Act is California's open public meeting law. It requires that all decisions made by a publicly elected governmental body, with several specific exceptions, be conducted in an open venue which can be witnessed by any and all citizens who wish to be present. Those meetings can only be held after the public is given at least 72 hours advance

notice of the issues, topics or matters that are to be discussed and voted upon during the forum in which the decision is made. That notice must be given by the publishing or posting of the agenda for the meeting. When backroom discussion or decisions relating to matters that are given exemption from immediate disclosure and public scrutiny take place, the

Brown Act requires that the public be informed immediately upon a decision of the legislative/executive body being reached.

In the case of the process that ultimately concluded with Blay's hiring, the city council and Deitsch, as the city council's legal representative, failed to give advance notice of crucial action taken as it **See P 2**

## Chino Council Rejects Being Constrained By Donation Limits

The Chino City Council this week quietly took action that runs counter to a galloping trend throughout California over the last two years relating to what some consider to be political reform and others feel is a stifling of free speech.

The city council on November 2 opted out of the campaign funding restrictions imposed by As-

sembly Bill 571, passed in 2019, which, when applied, prohibits elected officials in the state from receiving political contributions of more than \$4,900 from any single donor.

For years, political scientists and political reformers have decried the role of money in American politics. Generally, the scale **See P 7**

## SB County, Wiener & Beard Recirculating Impacts Assay For Bloomington Truck Transport Project

In a relatively rare progression of events, more than three months after the San Bernardino County Planning Commission recommended that the board of supervisors allow the development of a truck terminal in Bloomington to proceed, the county land use services department is recirculating the environmental certification

document for the project.

On July 22, over substantial community opposition, the San Bernardino County Planning Commission voted 3-to-1 with one abstention to enter a finding that proponents of the project, developers David Wiener and Scott Beard, should be given a conditional use permit and zone change alter-

ing the existing general commercial zoning to service commercial land use so the project could proceed to completion.

The facility was initially described by the county and San Bernardino County Senior Planner Anthony DeLuca, who is serving as the lead staff assignee on the project, as a "truck terminal." The **See P 3**

## Victorville Councilwoman Charged With Battery, Resisting Arrest Over Public Disturbances

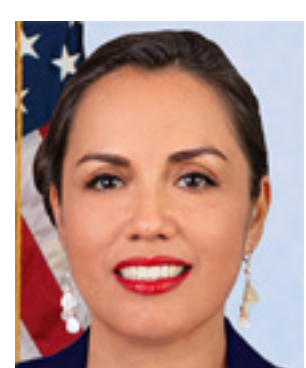
The San Bernardino County District Attorney's Office has filed five misdemeanor charges against Victorville Councilwoman Blanca Gomez based on two events earlier this year, one at Victorville City Hall that occurred on July 20, as well as at a restaurant near the Walmart Supercenter on June 2.

Gomez, 45, has been

charged with one misdemeanor count of PC148(a)1, resisting, obstructing or delaying of a peace officer and one misdemeanor count of PC242 - battery, both stemming from an incident on the premises of the Panera Bread bakery-café at 11838 Amargosa Road in Victorville on June 2, 2021. She is additionally charged with two misdemeanor counts

of PC148(a)1 - resisting, obstructing or delaying of a peace officer and one count of PC403 - disturbance of a public meeting, relating to her action on July 20.

Additionally, Robert Rodriguez, one of Gomez's associates, was charged with six misdemeanors alleged to have occurred in connection with the June 2 and July 20 events involving Go-



Blanca Gomez

mez, as well as one at another Victorville City Council meeting on July

6.

The district attorney's office maintains that on June 2 Rodriguez violated PC148(a)1 - misdemeanor resisting, obstructing or delaying a peace officer and one count of PC602(m) - trespassing. On July 6, Rodriguez is alleged to have run afoul of PC403 - misdemeanor disturbance of a public meeting. **See P 7**



## Upland City Council's Obsessively Secretive Handling Of Virtually All Aspects Of City Manager Recruitment Crossed Line Toward Brown Act Offenses *from front page*

moved toward searching for and recruiting a replacement city manager, consisting of the city's hiring of a professional executive search firm for that purpose. The council did not make an unsolicited public disclosure of that action after it was taken. Thereafter, the city council and interim city management essentially hid the evidence that the city had hired a consultant to engage in the recruitment and evaluation of candidates for the city manager post and kept secret the identity of the firm doing that recruitment and evaluation. Toward the end of the process, after the city council had reached a consensus on the hiring of Blay, city officials did not make immediate disclosure of that decision, as the Brown Act requires, but kept the decision under wraps for at least nine days and perhaps as much as a month.

Deitsch has asserted that no violations of the Brown occurred, but has not refuted the factual basis upon which allegations that the city failed to live up to the open meeting requirement have been made.

It has been hinted and is widely assumed that Deitsch and the city council are staking their defense against the allegations that they violated the State of California's open meeting protocols on the preceptual assertion that they are covered by the exceptions carved out in the Brown Act relating to decisions with regard to certain matters. Indeed, the hiring of a city employee falls within that list of exemptions. Problematic, however, is that the literal extent to which those exceptions reach does not technically cover nor apply to the actions the city council took in at least three

junctions in the recruitment and hiring process.

The Brown Act requires that all discussions pertaining to official business of a governmental entity involving a quorum of its elected board such as a city council be conducted in public, with exceptions for negotiations for land purchases, discussing employee discipline, hiring and firing employees, labor negotiations, pending and ongoing litigation, discussing threats to the security of public buildings, discussing or contemplating the licensing of individuals with criminal records, considering the investment of pension funds and discussing and arriving at the governmental entity's final response to a state audit. The Brown Act restricts a quorum – consisting of a majority – of a public board of elected officials from meeting outside of a previously noticed and agendized public forum to discuss any matter pertaining to the governmental entity those elected officials represent. It prohibits serial meetings of the elected officials that ultimately involve discussion of official action by a quorum. With a five member board, a serial meeting takes place when one member, through whatever means – in person, by post, telephone, text message, through an intermediary and email included – discusses with one of his or her colleagues official action and thereafter discusses with another colleague that contemplated action through whatever means, so that three members of the board have discussed the action or potential action among themselves.

The Brown Act in general prohibits publicly elected members of a governmental board from reaching a consensus on a public issue outside of officially sanctioned forums and it precludes the government and those who constitute it from keeping a decision that was arrived at in secret from the public once that decision is made. Thus,

any decision involving a matter legitimately discussed in secret under the exceptions provision of the Brown Act must be disclosed upon being reached.

By late winter/early spring of this year, the city council had grown dissatisfied with the performance of then-City Manager Rosemary Hoerning. Hoerning was placed on administrative leave on March 31, 2021, at which point the city council elevated Assistant City Manager Steven Parker to the position of acting city manager. On April 26, the city council in conjunction with Parker and City Attorney Steven Deitsch came to an accommodation with Hoerning, agreeing that the city and Hoerning would part company, without any recrimination or pursuit of legal claims against one another either way, and that the city would confer upon Hoerning a \$235,903 severance payout.

At least two of the council members thought highly enough of Parker to consider elevating him from his official assistant city manager post to city manager. It is not publicly known how many of the council's members were on board with making a go of prevailing upon Parker to take the promotion, but he in very short order gave indication he would not offer himself, and they should not consider him, as a candidate for city manager, given that he and his wife are raising young children and his dedication to his family would not allow him to sacrifice the time that would be demanded of him to serve as city manager on anything more than the stopgap basis he had just taken on, after which he intended to go back to the less time-and-stress-intensive assignment of serving as the city's assistant city manager and finance director.

It was shortly thereafter that what appears to have been the first violation, or at least the first recognized violation, of the Brown Act relating

to the recruitment of the city manager took place.

At its April 12 meeting, while Hoerning was yet suspended, the council in closed session engaged in a discussion and evaluation of her performance and considered her dismissal and further engaged in negotiations with Parker with regard to his role as the acting city manager. Upon returning from the closed session, Deitsch stated there had been "no reportable action."

At its regularly scheduled April 26 meeting, the city council discussed in closed session, according to the agenda, Hoerning's performance and her termination, and it also engaged in a negotiation session with Parker in regard to his role as acting city manager with the city.

Upon returning from that closed session, Deitsch reported that the city council had "unanimously approved an agreement accepting the resignation of the city manager." that being Hoerning."

Thereafter, during the council's open session on April 26, its members took up consideration of temporarily uprating Parker's administrative authority. At that time, Deitsch stated publicly that at the April 12 meeting "the council considered possible provisions for an amendment or an agreement in closed session regarding Mr. Parker's tenure as acting city manager. Based on the city council's direction, the city attorney has prepared a proposed Amendment Number 1 to Mr. Parker's employment agreement." The council unanimously approved that amendment, which officially placed Parker in the role of acting city manager and increased his pay and benefits to that equal to the bottom rung of remuneration provided to a city manager on the city's pay scale for the duration of his time in the acting city manager's role.

At the next regularly scheduled meeting on May 10, the city, according to its agenda, held a discussion relating to

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the appointment of a city manager. When the council returned from that closed session, Deitsch told the public there was "No reportable action."

On May 24, 2021, pursuant to an agreement signed by Parker and Heather Renschler, the chief executive officer of Ralph Andersen & Associates, and witnessed by City Clerk Keri Johnson, the City of Upland entered into a \$28,000 contract with Ralph Andersen & Associates to carry out identification, recruitment, screening, evaluation, and interviews, as well as research into and assistance with the selection, of city manager candidates. The contract was entered into on the basis of Parker's authority as city manager. There has yet to be any disclosure of the city council giving Parker direction to hire Ralph Andersen & Associates or when the direction or authorization was given.

On the evening of the day the contract was entered into, May 24, 2021, a city council meeting was held. There were no closed session items on the agenda for that meeting, and at the initiation of the meeting, Mayor Bill Velto announced that there had been no closed session. There was nothing on the May 24 agenda relating to the search for a city manager or the hiring of a firm to carry out such search or recruitment or the hiring of Ralph Andersen & Associates specifically.

Over the next four months, at the regular

July 12, July 26, August 9, September 13, September 27 and October 11 meetings, as well as at specially-held meetings of the city council on August 17, August 24 and August 31, the city council discussed, primarily in closed session with some mention in public, the search for a city manager. In all of his public utterances, Parker made no mention of Ralph Andersen and Associates, instead referring to the "city's consultant" whenever the role Ralph Andersen & Associates played in the city manager recruitment came up in public discourse. No explanation has been provided as to why the city was maintaining silence with regard to the hiring of Ralph Andersen & Associates.

The city did not disclose, while the recruitment, evaluation and selection effort was ongoing, that there had been a total of 38 applicants to the post. By the third week of August, at least 15 and perhaps as many as 26 of the applicants for the Upland city manager post had been eliminated from consideration. On August 24, the city council, in a remotely-held and electronically-conducted meeting convened in open session at 9 a.m., performed perfunctory salutations and took public comments over the course of less than eight minutes, and then adjourned into a closed session that ran until 3 p.m., during which an as yet-undisclosed number

*Continued on Page 6*

## Fontana Mayor's & City Council's Prodigious Accommodation Of Warehouse Development Raises Graft Specter *from front page*

planning commission on its decision to allow the warehouse to be built.

On July 6, 2021, the planning commission granted Manhattan-Beach-based 9<sup>th</sup> Street Partners permission to proceed with a warehouse building totaling 92,433 square feet to be developed on a 4.07-acre site located on the northwest corner of Valley Boulevard and Catawba Avenue at 15894 Valley Boulevard.

On September 28, the Fontana City Council upheld the planning commission and denied an appeal of the project filed by Janet Meza, who lives with her family in a home adjacent to the Valley Boulevard Catawba Avenue project site.

According to Gonzalez's and Sena's appeal of the Alere Property Group warehouse pro-

posal approved on August 17, 2021, "We at the Center for Community Action and Environmental Justice along with the South Fontana Concerned Citizens Coalition strongly believe that this approval is improper because an environmental impact report was not completed for this project and the California Environmental Quality Act exemption the city has used does not apply to this project."

The appeal asserted that the air pollution generated by the project would be particularly harmful to children living and growing up in proximity to the warehouse. In their appeal, Gonzalez and Sena cited a study by *healtheffects.org*, on the relationship between the presence of multiple air pollutants in an area and the resultant susceptibility of those living there to cardiovascular disease, and another study pertaining to the health implication of long term exposure to increased levels of carbon dioxide levels in the atmosphere.

Gonzalez and Sena

stated, "According to in the last appeal, the planning commission/city council once again approved a warehouse, ignoring the science at hand, with an attempt at science based on procedural justifications. In our present appeal, we challenge the council on both science and the law."

According to Gonzalez and Sena, "It is impossible at present to determine whether the project is meeting the requirements of MM-GHG-1 [the mitigation measures for the generation of greenhouse gases at the project] of the City of Fontana's 2015-35 General Plan which requires a reduction of 28.5 percent baseline conditions, as that information is not included in the initial study/mitigated negative declaration which was prepared for this project. Additionally, the data used for the computation of the emissions appears questionable, meaning that the greenhouse gas analysis potentially undercounts total emissions and that using the correct num-

bers would put it above the South Coast Air Quality Management District's thresholds of significance as well."

Gonzalez and Sena called upon the council in its consideration of the appeal to take into consideration "the updated scientific research that we set forth, along with the science of our previous appeal."

Based upon the city council's rejection of the two earlier appeals, city staff did not deign to generate a report in response to Gonzalez's and Sena's challenge heard last week, instead issuing a recommendation that the city council deny the appeal and uphold the planning commission's August 17 decision. The city did, however, retain an Irvine-based firm, T & B Planning, to issue a report, written by that company's senior project manager, David Ornelas, which essentially dismissed the issues raised in the appeal and suggested they were unworthy of serious consideration.

"[T]he project would

not expose sensitive receptors near the project site and the project's truck travel route to carcinogenic and non-carcinogenic (chronic) health hazard risks that exceed the South Coast Air Quality Management District's significance thresholds," Ornelas wrote.

The city maintains that the Redwood Industrial Center's location within a commercial and industrial area renders it so it will not "generate air pollution that results in a substantial adverse effect on the environment or a substantial risk to health."

In accordance, the Fontana City Council, with Councilman Phil Cothran, Jr. absent, voted 3-to-1 on October 26 to reject the appeal.

As was the case in June and September, the dissenting vote calling for the upholding of the appeal was Councilman Jesse Sandoval.

The city council appears intent on maintaining a longstanding policy of virtually unquestioning accommodation of warehouses

and other land uses relating to the logistics industry in the face of action taken against the City of Fontana by the California Attorney General's Office to arrest further warehouse development in the city. Some say the city is digging in its heels on warehouse development out of a recognition that doing anything other than moving ahead aggressively at this point would be seen as "consciousness of guilt" in the face of a burgeoning perception that Fontana's position at the forefront of the wave of warehouse development locally is a consequence of graft, in which payoffs and kickbacks are being delivered to Fontana city officials by those developing the warehouses.

For years, virtually since Fontana Mayor Acquanetta Warren was elevated to the mayoralty in 2010 after she spent nearly eight years as a member of the Fontana City Council previously, Fontana has embraced warehouse development. Elements *Continued on Page 8*

## County Now Fasticidious Over Truck Terminal Project Impacts *from front page*

county is now referring to the facility as a trailer storage yard.

The project, located on a 9-acre parcel at 10746 Cedar Cedar Avenue in Bloomington, upon completion would provide storage for trailers during delivery off-seasons and/or between deliveries, and would run seven days a week and 24 hours a day, with an average of more than 700 truck trips into or out of the terminal daily. The facility is to include 275 parking spaces in total, 260 spaces of which will be 12 feet by 55 feet. The proposed project includes a 2,400 square-foot building for office use and storage, an approximate 250 square-foot guard shack, and a 4,800 square-foot maintenance shop with four repair bays.

At the planning com-

mission meeting on July 22, 14 Bloomington residents spoke before the commission in opposition to the project. Prior to the meeting, the county's land use services department had received 126 letters of concern or opposition to allowing the truck terminal to be located on the property previously intended for commercial rather than logistics/industrial/service/repair use. Nevertheless, the planning commission entered a 3-to-1 decision to endorse the project, with commissioners Jonathan Weldy, Michael Stoffel and Tom Haughey prevailing, Commissioner Kareem Gongora dissenting and Commissioner Raymond Allard recusing himself. Allard said he was not voting because he had previously done engineering work for both Wiener and Beard.

There were hints but no explicit acknowledgment that the project is to be the eventual headquarters/regional office/

operating yard for a trucking company.

Bloomington is a 6.01-square mile unincorporated community with 25,482 residents, bounded by Rialto on its east and northeast sides, Fontana on its west and northwest sides and the Riverside County line on its south side. Traditionally, Bloomington has been an agricultural community which has over the last 60 years transitioned into a heavily used transportation corridor because of four major east west arterials that traverse it - Valley Blvd, Slover Avenue, Jurupa Avenue and Santa Ana Avenue, all of which lead to or toward Ontario International Airport - as well as the I-10 Freeway and the Santa Fe/Burlington Northern/Union Pacific rail line. The community is saturated with over one hundred illegal truck-related operations. Simultaneously, the county has been permitting trucking-related operations and ware-

houses to be built within the community, while Fontana and Rialto have given approval to trucking related concerns and warehouses at the periphery of Bloomington.

Thus, a significant segment of Bloomington residents find themselves in a struggle against local government and elements within the community itself pushing toward reinventing the unincorporated town into a transit center.

The county is using a mitigated negative declaration to provide the project with its environmental certification, rather than a more comprehensive environmental impact report.

A full scale environmental impact report is the most intensive form of environmental certification, involving a study of the project site, the project proposal, the potential and actual impacts the project will have on the site and surrounding area in terms of all conceivable is-

sues, including land use, water use, air quality, potential contamination, noise, traffic, biological and cultural resources, as well as health impacts on individuals living or working in proximity to the project. An environmental impact report specifies in detail what measures can, will and must be carried out to offset those impacts.

A mitigated negative declaration is a far less exacting size-up of the impacts of a project than an environmental impact report, involving the panel entrusted with a community's ultimate land use authority, in this case the San Bernardino County Board of Supervisors, considering an initial study of the project completed by county staff and thereafter issuing a declaration that all adverse environmental impacts from the project will be mitigated, or offset, by the conditions of approval of the project imposed upon the developer.

There was some dis-

cussion of local residents banding together to challenge the project approval, hinging on the county having failed to carry out a more exacting form of environmental certification.

The county's discontinuation of the use of the term "truck terminal" in reference to the project in the immediate aftermath of the planning commission's vote in July, seen as an effort to minimize the intensity of the planned operation, appeared to be an indication that the project would be given approval in short order, and would come before the board of supervisors in August or certainly no later than September. September passed, as did October, and the project was not presented to the board of supervisors for its approval.

Word has now reached the *Sentinel* that the environmental certification documentation, yet using the nomenclature of a mitigated negative dec- *Continued on Page 7*



Public Notices

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVSB 2126021

TO ALL INTERESTED PERSONS: Petitioner: NAOMI RUTH DANIEL filed with this court for a decree changing names as follows: NAOMI RUTH DANIEL to RUTH NAOMI DANIEL

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

Notice of Hearing: Date: 11/22/21 Time: 9:00 a.m. Department: S16

The address of the court is Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415

IT IS FURTHER ORDERED that a copy of this order be published in the San Bernardino County Sentinel in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: September 9, 2021  
Lynn M. Poncin  
Judge of the Superior Court.  
Published in the San Bernardino County Sentinel 10/15, 10/22, 10/29 & 11/5, 2021

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVSB2126022

TO ALL INTERESTED PERSONS: Petitioner: CHRISTINA MARIA PICAR CANIO filed with this court for a decree changing names as follows: CHRISTINA MARIA PICAR CANIO to CHRISTINA MARIA PICAR TAN

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

Notice of Hearing: Date: 11/23/2021 Time: 9:00 AM Department: S16

The address of the court is Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415

IT IS FURTHER ORDERED that a copy of this order be published in the San Bernardino County Sentinel in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: 9/9/2021  
John M. Pacheco  
Judge of the Superior Court.  
Published in the San Bernardino County Sentinel on 10/22, 10/29, 11/05 & 11/12, 2021

FBN 20210010365  
The following person is doing business as: GUZMAN DESIGN BUILD 1027 W JACARANDA ST ONTARIO, CA 91762 JONATHAN GUZMAN 1027 W JACARANDA ST ONTARIO, CA 91762 The business is conducted by: AN INDIVIDUAL. The registrant commenced to transact business under the fictitious business name or names

Public Notices

listed above on: 10/01/2021 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/ JONATHAN GUZMAN Statement filed with the County Clerk of San Bernardino on: 10/12/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy I5199

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel on 10/15, 10/22, 10/29 & 11/05, 2021.

SUMMONS - (CITACION JUDICIAL) CASE NUMBER (NUMERO DEL CASO) CIVSB2028105 NOTICE TO CAROLYN ZHU YOU ARE BEING SUED BY PLAINTIFF: (LO ESTA DEMANDANDO EL DEMANDANTE): NAVY FEDERAL CREDIT UNION

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons is served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar on formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y mas información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede mas cerca. Si no puede pagar la cuota de presentación, pida si secretario de la corte que le de un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia a abogados. Si no puede pagar a un a un abogado,

Public Notices

es posible que cumpia con los requisitos para obtener servicios legales gratis de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov), o poniendoso en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos gravamen sobre cualquier recuperación da \$10,000 o mas de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is: (El nombre y la direccion de la corte es):

Superior Court of California, County of San Bernardino, 247 West 3rd St, San Bernardino, CA 92415-0212, Branch Name: San Bernardino Justice Center

The name, address and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la direccion y el numero de telefono del abogado del demandante, o del demandante que no tiene abogado, es):

MORANI STELMACH, Esq., (State Bar No. 296670) SILVERMAN THEOLOGOU, LLP 11630 CHAYOTE STREET, SUITE 3, LOS ANGELES, CA 90049 213-226-6922 DATE (Fecha): 12/3/2020 Clerk (Secretario), by Melissa Perez

Published in the San Bernardino County Sentinel on 10/22, 10/29, 11/05 & 11/12, 2021

NOTICE OF PETITION TO ADMINISTER ESTATE OF JON OLIVER MANSFIELD aka JON O. MANSFIELD aka JON MANSFIELD Case No. PROSB2100801

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of JON OLIVER MANSFIELD aka JON O. MANSFIELD aka JON MANSFIELD

A PETITION FOR PROBATE has been filed by Margo Quinn in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Margo Quinn be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on Dec. 1, 2021 at 9:00 AM in Dept. No. S35 located at 247 W. Third St., San Bernardino, CA 92415.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code,

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or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner: JACK B OSBORN ESQ SBN 230447 BROWN WHITE & OSBORN LLP

300 E STATE STREET STE 300 REDLANDS CA 92373 Published in the San Bernardino County Sentinel 10/29, 11/05 & 11/12, 2021.

FBN 20210010528 The following entity is doing business as: AT THE RIDGE RETREAT 33159 HOLCOMB CREEK DR GREEN VALLEY LAKE, CA 92341: RYAN M MCCARTY 1378 WATSON AVE. COSTA MESA, CA 92626 [and] KAITLYN J MCCARTY 378 WATSON AVE. COSTA MESA, CA 92626

Mailing Address: 1378 WATSON AVE. COSTA MESA, CA 92626 The business is conducted by: A MARRIED COUPLE The registrant commenced to transact business under the fictitious business name or names listed above on: N/A 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/ Ryan M. McCarty Statement filed with the County Clerk of San Bernardino on: 10/15/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy I5199

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel on 10/29, 11/05, 11/12 & 11/19, 2021.

FBN 20210009982 The following entity is doing business as: BROWN & BROWN ATTORNEYS AT LAW 1152 N. MOUNTAIN AVENUE, SUITE 210 UPLAND, CA 91786: BROWN & BROWN, INC. 1152 N. MOUNTAIN AVENUE, SUITE 210 UPLAND, CA 91786 The business is conducted by: A CORPORATION registered with the State of California as C3984252 The registrant commenced to transact business under the fictitious business name or names listed above on: January 1, 2018 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/ TYLER BROWN Statement filed with the County Clerk of San Bernardino on: 09/30/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy I5199

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel on 10/29, 11/05, 11/12 & 11/19, 2021.

Filed: October 4, 2021 Attorney for Denita Sherri Grant R. SAM PRICE SBN 208603

PRICE LAW FIRM, APC 300 E STATE STREET SUITE 620 REDLANDS, CA 92373 (909) 328 7000 sam@pricelawfirm.com Published in the San Bernardino County Sentinel November 5, 12 & 19, 2021.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: RUFUS BIAS, JR. CASE NO. PROSB2000282 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or es-

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NOTICE OF PETITION TO ADMINISTER ESTATE OF: IVORY GRANT CASE NO. PROSB2100469

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of IVORY GRANT: A Petition for Probate has been filed by DENITA SHERRI GRANT in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that DENITA SHERRI GRANT be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held MARCH 23, 2022 at 9:00 a.m. in Dept. No. S37 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

October 4, 2021 Rebecca hernandez, Deputy IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Filed: October 4, 2021 Attorney for Denita Sherri Grant R. SAM PRICE SBN 208603 PRICE LAW FIRM, APC 300 E STATE STREET SUITE 620 REDLANDS, CA 92373 (909) 328 7000 sam@pricelawfirm.com Published in the San Bernardino County Sentinel November 5, 12 & 19, 2021.

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tate, or both of RUFUS BIAS, JR.:

A PETITION FOR PROBATE has been filed by ELLA LOUISE CARODINE in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that ELLA LOUISE CARODINE be appointed as personal representatives to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S-36 at 9:00 a.m. on DECEMBER 9, 2021 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for the Petitioner: MICHAEL C. MADDUX, ESQ. 1894 COMMERCENTER WEST, SUITE 108 SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350 Fax No: (909) 890-0106 Published in the San Bernardino County Sentinel on November 5, 12 & 19, 2021.

FBN 20210010422 The following person is doing business as: NEW WEST UPHOLSTERY. 7046 CENTRAL AVE HIGHLAND, CA 92346; [ MAILING ADDRESS 26978 CYPRESS ST HIGHLAND, CA 92346; ] (PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO ); ALBERTO VALENCIA DAMAS 8046 CENTRAL AVE HIGHLAND, CA 92346. 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 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/ ALBERTO VALEN-

Public Notices

CIA DAMAS, OWNER Statement filed with the County Clerk of San Bernardino on: 10/14/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel 10/22/2021, 10/29/2021, 11/05/2021, 11/12/2021 CNB-B412021051R

FBN 20210010635 The following person is doing business as: JG AUTO WHOLESALE. 3116 N ACACIA AVE SAN BERNARDINO, CALIFORNIA 92405; ( PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO ); JOSE GONGORA 3116 N ACACIA AVE SAN BERNARDINO, CA 92405. 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 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 GONGORA, OWNER Statement filed with the County Clerk of San Bernardino on: 10/19/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel 10/22/2021, 10/29/2021, 11/05/2021, 11/12/2021 CNB-B41202104CH

FBN 20210009696 The following person is doing business as: CUTTY'S BARBERSHOP. 220 WEST B STREET ONTARIO, CA 91762; ( PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO ); MATTHEW S JENSEN 220 WEST B STREET ONTARIO, CA 91762. 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 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/ MATTHEW S JENSEN, OWNER Statement filed with the County Clerk of San Bernardino on: 09/23/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By: Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel 10/22/2021, 10/29/2021, 11/05/2021, 11/12/2021 CNB-BB41202103FA

FBN 20210010424 The following person is doing business as: SUGAR BABY NAILS. 26951 13TH ST HIGHLAND, CA 92346; [ MAILING ADDRESS 311 W CIVIC CENTER DR STE B SANTA ANA, CA 92701 ]; ( PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO ); CARINA M CHAPPLE 26951 13TH ST HIGHLAND, CA 92346. 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 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/ CARINA M CHAPPLE, OWNER Statement filed with the County Clerk of San Bernardino on: 10/14/2021 I hereby certify that this copy is a correct copy of the original statement on file in my office San Ber-







## Public Notices

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.

## Public Notices

s/ FELIPE GUERRERO, OWNER  
Statement filed with the County Clerk of San Bernardino: OCTOBER 28, 2021

## Public Notices

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy

## Public Notices

Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name

## Public Notices

statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business

## Public Notices

name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).

## Public Notices

Published in the San Bernardino County Sentinel 11/05/2021, 11/12/2021, 11/19/2021, 11/26/2021 CNBB43202101CV

## City Kept Contract With Executive Search Firm Off The Books And Off Its Agenda from page 2

of applicants, believed to be no fewer than six and perhaps as many as 18, were interviewed by the council. When that meeting moved back into open session, it was announced that no reportable action had been taken.

On the agenda for the September 13 city council meeting was a closed session item pertaining to the appointment of the city manager. When the council emerged from its closed session that evening, however, Deitsch informed the public that “no reportable action” had been taken. Thereafter, a member of the council let slip, unofficially, that the field of candidates had been reduced to two finalists.

Many in the Upland community anticipated that the city council at its September 27 meeting would select a new city manager. Despite the agenda showing that such action was on tap during the council’s closed session that night, when the council emerged from its executive session, Deitsch told the waiting public there had been no reportable action.

On October 11, the council went into a closed session during which a “public employee appointment” and negotiations relating to “labor,” i.e., salary and benefits for the “city manager” were scheduled for discussion. Yet, upon the conclusion of that closed session, Deitsch announced, “no reportable action” was taken by the council.

The council did not meet again until its regularly scheduled meeting on the fourth Monday of the month, falling on October 25.

On the agenda for that meeting were “Closed

*Session public employee appointment pursuant to Government Code section 54957 Title: City Manager [and] Closed Session conference with labor negotiators pursuant to Government Code section 54957.6 Agency Designated Representatives: Mayor Unrepresented Employee: City Manager.”*

Among the items on the public portion of the meeting agenda was “Approval of a city manager employment agreement with Michael Blay Adopt an employment agreement between the city and Michael Blay, formalizing his appointment as city manager.” The back-up material to that item included the text of the contract with Blay. That represented the first time a contract had been included in the material attached to an agenda and presented to the city council.

The council went into a closed session prior to the opening of the October 25 meeting, returned from it and made no report whatsoever of any action taken during the closed session, and moved on with initiating the public portion of the meeting. Thereafter, as the council came to a consideration of the appointment of the city manager, Deitsch gave a rough preview of the contents and terms of Blay’s contract, after which the city’s four elected decision-makers present – Mayor Bill Velto, councilwomen Janice Elliott and Shannan Maust and Councilman Carlos Garcia voted unanimously to hire Blay, whereafter Councilwoman Elliott read a prepared speech that took as its antecedent that Blay had been hired. Elliott is typically articulate in her off-the-cuff remarks during the give-and-take of public discussion. In the case of her remarks relating to Blay on October 25, she moved beyond being articulate into the province of eloquence.

In this way, the events of October 11 and Octo-

ber 25 present a compelling case the council – or at the least the four council members present on October 25 – engaged in a violation of the Brown Act.

Previous to October 25, the city council’s agendas referenced the scheduled discussion, during various closed sessions, of an appointment of a city manager, suggesting that the decision had yet to be made as the meetings commenced. On October 10, Deitsch clearly indicated that no decision had been made with regard to the hiring of a city manager, as there was “no reportable action.” Yet the October 25 agenda, which was prepared several days in advance and which had become publicly available on October 20, referenced the appointment of not “a city manager,” but the appointment of Blay specifically as city manager. This was an indication that the council had reached a consensus to hire Blay before October 25. Solidifying that indication is that the back-up material submitted with the agenda contained a contract with Blay formulated in all of its particulars, which Deitsch reviewed during the council meeting on October 25. This implies a consensus of the council – a decision - to hire Blay had been reached prior to October 25. After the vote was taken, Councilwoman Elliott did not speak, as her colleagues did, seemingly extemporaneously with regard to the vote that had just been taken but from a text prepared, quite obviously, prior to the meeting. Elliott clearly accurately anticipated that Blay’s appointment was going to take place prior to the vote being made.

Taken together with the consideration that there were no properly agendized meetings of the council between October 11 and October 25, this seemingly presents an open and shut case

that the Upland City Council – with the possible exception of Councilman Rudy Zuniga, who was not present at the October 25 meeting – violated the Brown Act, California’s open public meeting law.

Considered in conjunction with the secrecy the city council maintained in May and thereafter with regard to the hiring of Ralph Andersen & Associates, which was tasked to conduct the recruitment, evaluation and winnowing of city manager candidates from which Blay would ultimately be selected by the city council, it appears there was a pattern of Brown Act violations in regard to the city’s effort to find a long-term replacement for Hoerning.

In September, the *Sentinel* first learned that Ralph Andersen & Associates was the city’s consultant involved in assisting in carrying out the recruitment of a new city manager. City officials declined at that time to acknowledge that Ralph Andersen & Associates was serving in that capacity. The *Sentinel* also learned at that time the deadline for applying for the city manager post had elapsed in July.

On October 12, which was 13 days before the official city council action hiring Blay and eight days prior to the city giving official indication Blay was the finalist in Upland’s city manager sweepstakes, the *Sentinel* learned in unequivocal terms that the city council had settled on hiring Blay as city manager.

The *Sentinel* at that point made an exhaustive search of the city council agendas, minutes and videos from April until July to find indication or notice of the city’s hiring of Ralph Andersen & Associates. Unable to do so, the *Sentinel* on October 14 asked the city clerk’s office to direct the newspaper to where in the public record – on the city council agendas or

minutes or meeting videos – the action taken by the city council to hire Ralph Andersen & Associates was documented. A deputy city clerk after a few hours phoned the *Sentinel*, stating no one in the city clerk’s office could identify when an item relating to the city contracting with Ralph Andersen & Associates had been brought before the city council. To complete a more thorough search of the city clerk’s records relating to the city’s contractual relationship with Ralph Andersen & Associates, the city clerk’s office instructed the *Sentinel* to submit a formal public records request for that information. The *Sentinel* did so.

On October 25, less than an hour prior to the beginning of the closed session for that evening’s meeting of the city council and less than two hours before the beginning of the public session of that evening’s city council meeting, City Clerk Keri Johnson responded to the *Sentinel*’s public records request. In her response, Johnson, by omission, made a tacit acknowledgment that the city council had violated the Brown Act, as she was unable to identify when the city council had directed Parker to hire Ralph Andersen & Associates or at which city council meeting – either in closed or open session – the city council had voted to retain Ralph Andersen & Associates. Johnson provided the *Sentinel* with a copy of the contract entered into between the city and Ralph & Associates on May 24.

In her response, Johnson wrote, “As you may be aware, the Public Records Act permits a local agency to withhold records that are exempt from disclosure. (Gov. Code § 6250, et seq.). Accordingly, the city is withholding records from disclosure, in whole or in part, pursuant to the exemption listed below: Records, or

information contained in such records, for which the public interest served by nondisclosure clearly outweighs the public interest served by disclosure are exempt from disclosure under California Government Code Section 6255(a). Here, the city has determined that disclosure of the records would have a chilling effect on the submission of applications by discouraging applications from applicants fearing retribution from their current employers. Accordingly, the city has determined that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

On October 28, the *Sentinel* emailed Deitsch, encapsulating the indications and evidence pointing to what appeared to be the Upland City Council’s pattern of violating the Brown Act during this year’s city manager recruitment.

“The City of Upland fully complied with requirements of law and, in particular, the Brown Act, in the selection of its new city manager,” Deitsch said.

The *Sentinel* made an effort to elicit from Deitsch an explanation as to why the city council did not disclose its hiring of Ralph Andersen & Associates. The *Sentinel* further asked Deitsch how city staff could have created for the October 25 meeting a contract with Blay in all of its particulars without knowing in advance of the meeting that there was a consensus on the council to hire him. The *Sentinel* asked the city attorney how, within the restrictions of the Brown Act, that consensus of the council could have been arrived at, given that on October 11 he himself had certified that the council had taken no reportable action and the council did not meet again until October 25.

“I have no further comment,” Deitsch said.



### Chino Just Says “No” To Campaign Funding Limitations *from front page*

of monetary influence is greater at the national level than at the state or local level. Modern day presidential campaigns involve hundreds of millions of dollars. U.S. Senate candidates can spend upwards of tens of millions of dollars to gain election or reelection. In many cases, members of the House of Representatives have \$2 million, \$3 million, \$4 million or more in their campaign war chests. This, critics say, makes it virtually impossible for an average man or woman to reach political office, unless he or she has the backing

of many wealthy interests. Once those politicians accept that money, according to those calling for political reform, they become beholden to their donors, to whom they prove more loyal than to the voters they represent. Efforts to limit campaign donations to national candidates, however, have been rejected by the United States Supreme Court, which has ruled that giving money to the candidate of one's choice is tantamount to free speech, and speech under the U.S. Constitution cannot be curtailed.

Though the magnitude of money involved in local campaigns does not normally approach that seen in federal races, money still plays a huge

role in who is able to get elected to positions such as governor, or state senator or assemblywoman or county supervisor or mayor or councilwoman or councilman.

On October 8, 2019 Governor Gavin Newsom signed Assembly Bill 571, which took effect on January 1, 2021, imposing a \$4,900 limit on campaign contributions to candidates for local elective offices in cities that do not have a local campaign ordinance. Simultaneously, Government Code Section 85702.5 allows municipalities to impose limitations on campaign contributions to candidates for elective city offices that are different from that of

the State of California, meaning a city or town can limit contributions per donor to something less than \$4,900 or more than \$4,900 or, if its officials so choose, impose no limits on campaign contributions.

As of yet, there have been no effective challenges of Assembly Bill 571 or Government Code Section 85702.5 on constitutional grounds.

Many cities in California, in the spirit of political reform and ending, or making a gesture toward ending, pay-to-play politics, have simply let the \$4,900 campaign contribution limit stand.

Some feel the campaign contribution limit is a step in the right direction. Others, however,

have said it unfairly intrudes on the rights of those who want to put their money where their passion and beliefs are, such that they can support to whatever extent they wish the political candidates of their choice. Still others have said that reducing the amount of money that any candidate can get solidifies the hold on office held by incumbents, since those dissatisfied with the performance of those in office are no longer able to commit sufficient money to effectively drive those who have a vice-grip on office out of office.

This week in Chino, the city council rejected the concept of limitations on political donations, period, passing an

ordinance which states, “There shall be no limit on the monetary contributions from a person or campaign committee to a candidate for any city elective offices, including, without limitation, candidates for mayor and council member.”

The council did not even debate the issue, as the ordinance was placed on the meeting agenda's consent calendar, which is reserved for routine and noncontroversial items.

A resolution accompanying the ordinance that was passed by the council read, “[T]he city council desires to impose no limitation on campaign contributions within the city.”

-Mark Gutglueck

### County Growing More Cautious With Respect To Bloomington Truck Terminal *from page 3*

laration, is being recirculated around the Bloomington community. A recirculated notice of availability and notice of intent to adopt an initial study/mitigated negative declaration states that the documentation consisting of an initial study, a health risk assessment, a biological assessment, a cultural report, a noise study, and a traffic study can be examined and are subject to a comment period lasting from November 1, 2021 until November 30, 2021 at 4:30 PM. The notice instructs those wishing to weigh in on the matter to “submit comments to antho-

ny.deluca@lus.sbcounty.gov or to Anthony DeLuca, Senior Planner County of San Bernardino Land Use Services Department, Planning Division 385 N. Arrowhead Ave 1st Floor San Bernardino, CA 92415.” Those documents are available online at <http://cms.sbcounty.gov/lus/Planning/Environmental/Valley.aspx>

The *Sentinel* made inquiries with the county as to the reason why the documentation relating to an initial study and mitigated negative declaration, which had already been circulated prior to the planning commission meeting in July, was being recirculated. The *Sentinel* further inquired if what was circulated previously differed from what is being circulated now and,

if it is different, whether the changes were made at the direction of the planning commission. The *Sentinel* asked if the changes in fact were not made at the direction of the planning commission, who had dictated the changes.

### Gomez Criminally Charged Over Contretemps At Café & City Hall *from front page*

On July 20, according to prosecutors, Rodriguez engaged in a single misdemeanor act in contravention of PC148(a)1 by resisting, obstructing or delaying a peace officer as well as another misdemeanor, that of violating PC403 – disturbance of a public meeting.

While Gomez and Rodriguez were arrested at

Neither DeLuca nor David Wert, the county's main spokesman, had responded to those questions by press time.

Neither did DeLuca nor Wert clarify why the public response to the previously circulated documentation would

not provide adequate citizen input along with the planning commission recommendation for the board of supervisors to make its decision on whether the truck terminal project should be permitted to proceed.

The *Sentinel* was

not able to determine whether a change was or changes were made to the original proposal to render the project more acceptable to the board of supervisors, and if so, what was altered to make it more acceptable.

-Mark Gutglueck

### Adelanto Officials Utilized Pandemic Economic Recovery Funding To Purchase Luxury Vehicle *from front page*

tion fees, City Manager Jessie Flores had the vehicle outfitted with all available optional enhancements, such that the city council and other city officials would be able to travel in the ultimate of luxury and style.

Flores disguised the purchase as a vehicle to be used in the city's pro-

gram to deliver food to shut-in senior citizens.

Indeed, the van, which has a hitch, has been used, on occasion, to pull a trailer in which meals are carried.

In the main, however, the van is used by top city management and members of the council to chauffeur campaign donors and VIPs, friends and acquaintances around the city.

This has given rise to the perception that the city's high-ranking officials and politicians have taken advantage of their

status and position and have used for their own selfish benefit and comfort money that could better have been applied to offset the losses, blows and suffering some of the city's residents and businesses sustained because of the coronavirus crisis. City officials have struck back at those who have made this charge, saying that while it may look like the city's leaders are luxuriating as they cruise in the van around town, they are actually hard at work, using the vehicle as a tool while they es-

cort prospective investors in the city to various sites, trying to convince them they would do well to locate their businesses in Adelanto.

At press time this week, the *Sentinel* was working toward confirming a report that while two of the city's elected officials and city management were driving about town in the city's luxury van with two cannabis entrepreneurs contemplating a move to the city, the five of them sparked up a doobie.

-Mark Gutglueck

as a municipal official, as well as her sometimes imperfect understanding of protocol. Her antagonistic and contentious style often involves provocative acts, as when she draped herself in a Mexican flag during a council meeting, and this has further alienated her from her elected colleagues.

Oftentimes, her and her supporters' use of video-recording devices, which is an essentially legal activity, has exacerbated things.

The June 2 incident was precipitated, apparently, when Rodriguez was asked by an employee to step out of the Panera Bread café because he was vaping, and things grew confrontational, resulting in sheriff's deputies being summoned, whereupon a dispute over Gomez's efforts to use her cell phone to video what was occurring erupted.

A ruckus occurred during the July 6 meeting when city officials became warily regardful of Rodriguez and he reacted vocally and loudly.

The July 20 contre-

temps grew out of Victorville Mayor Debra Jones objecting to Rodriguez, who was wearing a hat and what appeared to be a ski mask while sitting near Jones' husband in the gallery within the council chamber, using a device to video the meeting. The circumstance was complicated by the consideration that Jones' husband was also, apparently, recording the meeting, which was remarked upon by City Attorney Andre deBortnowski. Gomez was also using a camera to video-record. Mayor Jones vectored sheriff's deputies to Rodriguez, after which a confrontation between deputies and Rodriguez ensued, with Gomez making note that Mr. Jones was not being dealt with by deputies in the way in which Rodriguez was, and that she had herself video-recorded that discrepancy. When she left her place at the council dais to move into the gallery, an altercation with deputies took place, and both she and Rodriguez were arrested.

-Mark Gutglueck



## Warren's Pay For Play Approach To Governance In Fontana Now On California Attorney General's Radar Screen *from page 3*

within the development community in much of Southern California have shown themselves to be eager to promote what is characterized by many as "economic advancement" by acquiring or tying up property and quickly converting the land into warehouses consisting of tilt-up buildings, thereby making fast money. The justification for this in Fontana is the city's location along the 10, 210 and 215 freeways and the Union Pacific/Santa Fe/Burlington Northern railroad line and generally within Southern California, which involves large port facilities in San Pedro and Long Beach, both of which land massive amounts of merchandise from manufacturers in Asia brought across the Pacific Ocean by ship. That cargo is offloaded onto trains and trucks and distributed throughout much of the country. In this way, the Inland Empire has become a major logistics center. Warren appears determined that Fontana will not be outdone by any local municipalities when it comes to being host to warehouses and distribution centers.

Nevertheless, with more and more land locally being consumed by such uses, some have begun to second guess the wisdom of allotting so much property, which could be developed for what many consider to be better purposes, for the building of warehouses. And as some elected officials, local residents and futurists are questioning whether warehouses constitute the highest and best use of the property available for development in the region, an increasingly more vocal element of the community has begun to refute the assertions of the proponents of distribution centers such as Warren that they

constitute positive economic development, citing the relatively poor pay and benefits provided to those who work in logistics facilities, the large diesel-powered semi-trucks that are part of those operations with their unhealthy exhaust emissions, together with the bane of traffic gridlock they create.

In July, California Attorney General Rob Bonta took a stand alongside the detractors of the logistics industry and opponents of seemingly unbridled warehouse development including Sena, when in his capacity as the head of the state prosecutor's office he sued the City of Fontana over the April planning commission and June city council approvals of the Slover/Oleander warehouse project. Bonta took issue with the lax environmental safeguards the city adhered to in giving Duke Realty go-ahead.

As was the case with the subsequent warehouse projects by 9<sup>th</sup> Street Partners at the corner of Valley Boulevard and Catawba Avenue and by Alere Property Group's Redwood Industrial Center, with the Duke Realty project the planning commission applied one of the least exacting forms of environmental certification for the project, a mitigated negative declaration. After all three of the those appeals were filed, the city did not subject the projects to a more exacting environmental impact report examination. In the lawsuit, Bonta argued that the city's limited environmental review of the project and its failure to appropriately analyze, disclose, and mitigate the project's environmental impacts violates the California Environmental Quality Act.

"Under the California Environmental Quality Act, the City of Fontana is required to implement all feasible mitigation measures to reduce harmful air pollution and other significant environmental impacts of the Slover and Oleander Warehouse project,"

Bonta said. "Plain and simple: Everyone has the right to breathe clean air where they live and where they work. As attorney general, I have a responsibility to enforce the state's environmental laws, and as the people's attorney, I am committed to standing up for communities who live at the intersection of poverty and pollution. Fontana residents shouldn't have to choose between economic development and clean air. They deserve both. Unfortunately, the City of Fontana cut corners when it approved the Slover and Oleander Warehouse Project. We're going to court to compel the city to go back and take a hard look at the environmental impacts of this project – and do all it can to mitigate the potential harms to local residents and workers – before moving forward."

According to Bonta, "The Slover and Oleander Warehouse Project will be constructed in a low-income south Fontana neighborhood that suffers from some of the highest pollution levels in all of California. Over 20 warehouses have already been built within a mile of the project site, in an area that encompasses two public high schools and serves as home to hundreds of Californians. Collectively, these warehouses generate thousands of daily heavy-duty diesel truck trips. As a result, local residents and workers suffer from some of the highest exposures statewide to fine particulate matter, which are inhalable microscopic particles that travel deep into human lungs and are linked to increased risk of premature death, cardiovascular disease, lung cancer, and asthma attacks. They are also heavily exposed to ozone and toxic chemicals that can cause a wide array of other concerning health problems."

In the lawsuit, Bonta maintains the City of Fontana violated the California Environmental Quality Act in its approval of the Slover and Oleander warehouse

project by failing to prepare an environmental impact report despite substantial evidence that the project will have significant environmental impacts, and that the city did not disclose the existence of dozens of other industrial warehouses in the area. The city further did not disclose, Bonta asserted, that the city has approved and is planning additional warehouse developments within blocks of the project, and it did not account for those nearby warehouses in its cumulative air quality analysis.

Despite Bonta's action, neither Warren, who is referred to as "Warehouse Warren," both admirably by her supporters and caustically by her detractors, nor the members of her ruling coalition on the city council – councilmen John Roberts, Phil Cothran, Jr. and Peter Garcia – appear to have been chastened by Bonta's lawsuit. In the face of growing suspicions Warren and her council allies have been improperly influenced by the generosity that several developers of warehouses in Fontana have shown toward them, the four have carried on as if they are simply philosophically inclined toward warehouse development and have remained unshaken in their commitment to intensify the presence of the logistics industry in Fontana. Some see this nonchalance as a ploy to set up a future defense of their action if the California Attorney General's Office undertakes a serious look into accusations that bribery is at the root of the Fontana warehouse glut.

The California Attorney General's office has a stable of in-house investigators, which Bonta has complete discretion in assigning. Among San Bernardino County's local elected officials, Warren stands at the top of the heap in terms of the amount of money in their respective political war chests, with over half of million dollars in her campaign quiver. The donors of that money include developmental in-

terests, landowners, real estate speculators and businesses and entrepreneurs, many of whom are involved in the construction, ownership or operation of warehouses in Fontana. Warren has been closely involved in political fundraising efforts with and for Councilman Cothran, whose father is the current chairman of the San Bernardino County Republican Central Committee. Warren was also a major backer of Councilman Pete Garcia, whose election to the Fontana City Council would have been unlikely to have occurred without that support. Councilman John Roberts rounds out with Cothran and Garcia the membership of Warren's ruling coalition on the Fontana City Council. Roberts' presence on the Fontana City Council predates that of Warren, and though he has been less involved with Warren in fundraising efforts and therefore less dependent upon her for assistance in bringing in campaign cash, his electioneering financing and campaign efforts are yet to an extent entangled with hers.

Investigators have reportedly absorbed themselves in the degree to which a variety of entities involved, or with an interest, in the establishment of warehousing in Fontana have invested, through the provision of campaign donations, in the political careers of Warren, Roberts, Cothran and Garcia. Under California law, an elected official is not precluded from voting to approve a project or contract in which his or her political donors have a financial interest, as long the money provided is not conditional upon a vote in favor of that project or contract. Donors and politicians, however, cross the line when the money is provided in exchange for such a vote. Suspicion has fallen over Warren and her three allies on the council because of the way in which their campaign financing efforts have been commingled, the commonality of donors

among them, particularly ones who are the proponents of warehouse projects or had or have a financial interest in those warehouse projects, and the fashion in which Warren, Roberts, Cothran and Garcia have been in virtual lock-step with regard to warehouse projects in Fontana. Of special interest to investigators, the *Sentinel* is informed, is Garcia's consistent votes in unison with Warren, Roberts and Cothran in favor of the warehouse projects. Garcia is the most recent addition to the Fontana City Council, and is employed by the State of California in the capacity of Southern California regional executive manager for the California Department of Toxic Substances Control's site mitigation program. Garcia's education, training and professional capacity has rendered him intimately familiar with the environmental issues relating to the function of warehouses and the presence of chemicals, materials and machinery within them that represent, at the very least, a potential hazard to those who will work within them and residents living in proximity to them. Nevertheless, Garcia did not involve himself in any extensive discussion with regard to the challenges raised with regard to the April, July or August planning commission approvals of warehouse projects in the city and he did not engage in any evaluation of the issues relating to harmful or toxic materials being present at the warehouses, despite that issue being central to the challenges mounted to those projects' approvals. Even with the manner in which the appellants have alleged that pollution, contamination and toxic substance presence issues were glossed over by the planning commission in their approvals of the warehouse projects, Garcia never made use of the abundant opportunity presented to him to weigh in on the subject.

-Mark Gutglueck