

Upland Crafts Another Bond Scheme To Defer Pension Debt Onto Future Generations

Less than two months ago, the Upland City Council gave up on the strategy of utilizing pension obligation bonds to defer for another 20 years coming to terms with the crushing pension debt the city took on in accordance with concessions made to the city's public employees unions in the past. Next week, the council is set to again consider a bond funding scheme to pass the city's past and current financial commit-

ments on to the city's succeeding generations.

This time around, city officials, led by Assistant City Manager Steven Parker, are hoping they can sell the concept of creating future financial obligations to be retired by the children and grandchildren of the current crop of the city's taxpayers by insisting that the new approach, even though it too is dependent on bond financing, will "blast away" the city's in-

tractable pension debt.

Upland, like many other California cities, is facing a financial crisis brought on by its commitment to providing generous – what many consider to be overly generous – retirement benefits to its municipal employees past and current. In Upland, the problem is particularly intense, largely as a consequence of the widespread graft that was engaged in by Upland's political leadership which

spread to virtually all of the city's employees.

In the first decade of the Third Millennium, John Pomierski served as Upland's mayor. He was taking all order of bribes from individuals and businesses that had applications for franchises, contracts or project approvals at City Hall. In the course of things, more and more city employees came to understand what Pomierski was up to. With the assistance of his

handpicked city manager, Robb Quincey, Pomierski arranged to buy the silence of those city employees by offering them employment contract enhancements that included a significant increase in the pension payouts those employees would receive through the California Public Employees Retirement System.

Ultimately, Pomierski's and Quincey's depredations at City Hall were revealed. **See P 3**

With His Parting Shot, Foster Joins Colleagues In OK Of England Grove Development

In what is most likely the last major action of his tenure as a Redlands elected official, current City Councilman/former Mayor Paul Foster this week joined with his colleagues in giving Diversified Pacific go-ahead to convert roughly 6.1 acres of the remaining 8.8 acres of the historic T. Y. England Grove Estate into a 28-unit residential subdivision.

The rush was on to have what had turned into a controversial project proposal voted upon while Foster, who announced in September that he will depart from his position after the first council meeting in January, remains in office, since he not only represented a certain vote to approve the project, but has exercised a Svengali-like hold over other mem-

bers of the city council, in particular Eddie Tejada, Denise Davis and Jenna Guzman-Lowery, with regard to land use decisions. When combined with the reliably pro-development vote of Mayor Paul Barich, that circumstance translated into a 5-to-0 vote in favor of what Diversified Pacific and its two principals, Jeff Burum and Matt Jordan, insist will be an asset to

the community.

A contingent of Redlands residents, including ones intent on preserving the few remaining vestiges of the city's heyday at the center of what was then the nation's primary citrus-producing region, are unwilling to see the England Grove eradicated, and have indicated that they will take legal action challenging the council's Tuesday night

vote.

In September, Foster, who was first elected to the city council in 2010 and in recent years has become a virtual functionary on behalf of the development industry, announced he would leave the city council as of the first council meeting in January 2022 and move to Camino Island in Washington State. At the time Foster **See P 2**

Aggressive Effort To Prosecute Gomez Associate Rodriguez: Is It Justice, Politics, Both Or Neither?

By Mark Gutglueck

An almost perfect marriage of politics and the law in San Bernardino County has been ongoing in Department V-5 at Victorville's Joseph M. Campbell Courthouse since December 2. There, before Superior Court Judge Kawika Smith, Robert Daniel Rodriguez, a personal and political associate of Victorville Councilwoman Blanca

Gomez, is standing trial on what was originally six misdemeanor counts.

Rodriguez had been charged with two counts of obstructing a police officer/resisting arrest; two counts of disturbing a public meeting, conspiracy to commit a crime and disrupting a business operation – stemming from his actions on three occasions, those being June 2, July 6 and July 20, 2021.

Gomez was present on all three occasions. She herself was cited or arrested and then charged as was Rodriguez on June 2 and July 20. Prosecutors have not sought to implicate her criminally in the goings-on of July 6

Gomez, 45, has been charged with one misdemeanor count of PC148(a)1, resisting, obstructing or delaying of a peace officer **See P 5**

Pistol-Packing Democrat Nurse Shaw Making Run For Second District Supervisor

DeJonaé Shaw, a licensed vocational nurse currently employed with Kaiser Permanente Southern California, is seeking to replace Janice Rutherford as Second District supervisor in the 2022 electoral season.

Rutherford, a former member of the Fontana City Council, was elected Second District supervisor in 2010. Her third term will conclude next year, at which point she



DeJonaé Shaw

will be termed out of the supervisor's post, in accordance with 2006's Measure P, which, in addition to raising the salary

of county supervisors before benefits from \$99,000 per year to what was then \$151,000, restricted supervisors to three four-year terms.

Shaw, 32, of Upland, will compete in the June primary. If she or one of her opponents does not log at least 50 percent plus one vote in that race, a run-off will be held in November between the two top vote-getters.

Shaw is active in the

United Steelworkers Union Local 7600, which represents nurses who work at Kaiser Hospital in Fontana and Riverside. She is the vice chairwoman of the Local 7600 Legislation and Education Committee.

In addition, she is a member of the San Bernardino County Sheriff's Next Gen Committee and the San Bernardino Rotary.

Shaw is an active Dem-

ocrat, but is atypical of many in her party in one respect. She is a strong Second Amendment advocate, who packs her own personal Smith & Wesson handgun. She says she has resolved to protect herself because police protection, she said, is "a façade." That may appeal to some of the Republicans in the Second District. The current registration numbers in the Second District show that 41 **See P 6**

port covering the agenda item the board considered and gave passage to on Tuesday, "The protection of San Bernardino County's dark skies has been a prevalent concern amongst its residents. With community growth and development arises concerns for light pollution and light trespass."

Based upon a staff report and a recommendation by the **See P 6**

County's New District Map Really Fuzzy Around The Peripheries

To the dismay and confusion of thousands of residents at over a dozen locations throughout San Bernardino County, the board of supervisors this week committed to a map of the districts in which they and their successors will serve over the next ten years which is so inexact in certain respects that it is not clear in which districts more than 60,000 voters will reside.

At press time, despite the widespread confusion, no clarification was forthcoming from the county or its officials.

Reapportionment is conducted across virtually all political jurisdictions in the United States following each decennial census, from the federal down to the local levels. That includes the states' addition or subtraction of Congressional seats in the House of Representatives, the determination of the size of each state's representation in the U.S. Electoral College, the geographical lines of congressional districts and state legislative districts, districts within counties for the offices of county supervisors and council wards within cities which utilize by-district voting in choosing city council members.

In accordance with that practice, multiple proposed new supervisory district maps were submitted, some of which were generated in-house by the county, some of which were proposals put together by a county consultant, Northern California-based Redistricting Insights, and others that were suggested by various county residents. The county held 18 public meetings at various places around **See P 3**

130-Year-Old Orange Grove To Be Cleared For New Redlands Housing Tract *from front page*

made the announcement, the council had twice delayed taking action with regard to the project Diversified Pacific refers to as the West Palm Development.

The West Palm Development confines itself entirely to property at the corner of Palm and Alvarado avenues in Redlands once owned by Thomas Y. England, where in 1891 he began cultivation of naval oranges. The grove itself involved a gravity-fed irrigation system, and in 1893 England set within the grove a home in the Victorian style, which included a carriage house immediately behind it. England had also established on a portion of the property facing Alvarado Avenue a Queen Anne cottage. In 1914 the Victorian home at 301 West Palm Avenue was altered by a subsequent owner, Guy Hunter, into a prairie style home.

The England Estate containing all of its historic and still-functioning assets was sold by the Hunter Family to James and Annie Attwood in 1922. The Attwoods in turn passed it along to their daughter, Mary Attwood Heeney, and her husband Thomas J. Heeney, who continued to operate it as a citrus-producing grove.

In the late 1940s and the 1950s, then into the 1960s, 1970s, 1980s, 1990s and into the Third Millennium, the vast number of agricultural properties in Southern California other than in Imperial County were graded and replaced primarily with residential but also in some measure commercial and industrial development. Unlike in most other communities, however, a movement aimed at historical preservation found currency in Redlands. Even as a succession of the city's elected officials for more than 60 years were supported with political donations from the development community and in return embraced aggressive development and

the wholesale removal of the city's once ubiquitous orange and lemon trees, a dedicated group of Redlands residents managed to stir up enough support among the city's voters to put into place substantial controlled growth regulations in the form of initiatives approved during municipal elections – 1978's Measure R, 1987's Measure N and 1997's Measure U – which to a substantial degree took the development/land use approval process out of the hands of Redlands' politicians. Measure R put a limit on the annual growth rate, followed by further refinements and restrictions put in place under the auspices of Measures N and U, such that no more than 400 residential dwelling units can be approved or constructed within the city annually and the city council is not empowered to suspend, waive or rescind those provisions.

Meanwhile, in 1986, Redlands voters passed Measure O, which approved a bond to pay for purchasing and thereafter dedicating for preservation historic citrus groves in the city.

More than a decade ago, Thomas Heeney's grandson Christopher Brumett along with his wife Jacquelyn signaled their willingness to sell the England Grove property. The City of Redlands, with its available grove-preservation bond money, and the Redlands Conservancy, showed interest. The Redlands Conservancy offered \$3 million for the 8.8-acre property. The Brumetts turned that offer down, saying they wanted roughly twice that amount. Another offer, this one for \$4 million, was tendered by preservationists. Again, the Brumetts balked at that offer.

Thereafter, Burum and Jordan approached the Brumetts with their own offer. Inexplicably, in June 2019, the Brumetts accepted Diversified Pacific's \$2.35 million bid for the 8.8 acres. Burum, Jordan and Diversified Pacific applied with the city to convert six of the England Grove Estate's 8.8 acres into 32 2,000-to-2,600 square foot homes on what were mostly 6,200-square-foot lots.

The approved number of residences was reduced, ultimately, from 32 to 28.

The property slated for development lies within one of the city's ten sometimes overlapping historic zones, designated as the West Highland Avenue Historic and Scenic District, consisting of 24 historic homes within a two-mile radius of the proposed project. Those historic properties include the Miss Hester Leaverton House at 159 West Palm Avenue, less than 300-feet away; the Montgomery House, which borders the orange grove; the Thomas Jeffrey House at 625 Alvarado Avenue; the Thayer residence at 104 West Cypress Avenue; as well as 13 homes on West Highland Avenue; three homes on West Cypress Avenue; one house on South Buena Vista Street; two houses on Alvarado Street and three homes on West Palm Avenue.

Burum and Jordan intend to bulldoze more than 90 percent of the grove and its irrigation system. The original England home facing Palm Avenue, the carriage house behind it and the England Queen Anne cottage on the property facing Alvarado Street are to be preserved, along with roughly 57 of the naval orange trees that produced fruit marketed for decades under the Pure Gold label.

Early in the process of the City of Redlands' evaluation of Diversified Pacific's development proposal for the England Estate property, then-Mayor Paul Foster advocated on behalf of the development company, prevailing upon city staff to allow the project to be completed without Diversified Pacific having to go to the expense of a full-blown environmental impact report, instead consenting to have the city council consider providing the project with a mitigated negative declaration.

Under the California Environmental Quality Act, most development projects are subjected to an environmental certification process. Some types of environmental certification are more intensive than others, ranging from an environ-

mental impact report to an environmental impact study to an environmental assessment to an environmental examination to a mitigated negative declaration to a negative declaration.

An environmental impact report, the most intensive type of environmental analysis and certification there is, consists of an involved 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 issues, including land use, water use, air quality, potential contamination, noise, traffic, and biological and cultural resources. An environmental impact report specifies in detail what measures can, will and must be carried out to offset those impacts. A mitigated negative declaration falls near the other end of the scale, and exists as a far less exacting size-up of the impacts of a project, by which the panel entrusted with the city's ultimate land use authority, as in the case of Redlands the city council, issues 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.

On October 1, October 15, and December 17 of 2020, and then on March 4, 2021 the Redlands Historic and Scenic Preservation Commission reviewed and discussed the initial study the city had completed as part of the proposed mitigated negative declaration the city council was to make in providing the project its environmental certification. The historic and scenic preservation commission adopted a resolution on March 4, 2021, documenting its findings that the proposed mitigated negative declaration and cultural resources report did not adequately identify and address the potential impacts to cultural and historic resources, while recommending that a full environmental impact report be prepared for the project to comprehensively identify and analyze any potentially significant impacts.

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The Redlands Planning Commission took up consideration of the project at its May 11, 2021 and June 8, 2021 meetings, engaging in discussion with regard to how the project will mesh with the existing surrounding neighborhoods, the manner in which the neighborhood was to be separated from the surrounding area by entrance and exit gates and how the gates would limit access to the project, the fire safety problems represented by the proposed cul-de-sac on the Alvarado Street side of the project, the variances for the front yard setbacks and rear yard open space that were necessitated by putting the lots on properties too small to accommodate them vis-à-vis the city's developmental standards, the project applicants' lack of communication with the surrounding neighborhood, as well as Diversified Pacific's request for a reduction in lot size, and the project's impact on historic resources. Despite the commissioners' collective misgivings with regard to some of the issues pertaining to the development proposal, those concerns were deemed to be relatively minor and the panel overall appeared to be philosophically disposed toward allowing the project to proceed, so much so that in choosing the two members of an ad-hoc subcommittee to make a fuller study of the project before reaching a final conclusion, it consented to appointing commissioners Karah Shaw and Steve Frasher to that subcommittee. This generated skepticism throughout the community, as Shaw is a real estate

agent, and some felt this could constitute a conflict of interest in that she stood to profit were she to get the listings on or serve as a broker on the home sales within the Redlands Palm subdivision.

Following the May 11 and June 8 planning commission meetings, Diversified Pacific submitted a revised plan for the project, which removed the private access gates and the cul-de-sac, such that what had formerly been proposed as a private street went all the way through the project and connected to Alvarado Street. The removal of the cul-de-sac reduced by three the locations where there were front and rear yard setback variances. Other substandard setback variances remain as part of the project. Ultimately, at its third meeting regarding the project, the planning commission, after considering the input of the Frasher/Shaw subcommittee, on June 22, 2021, voted 5-to-2, with Dr. Angela Keller and Matt Endsley dissenting, to recommend that the city council provide the project with a mitigated negative declaration with a proviso that roughly 56 of the trees would be retained and a kiosk would be erected that would recite the history of the England Estate and its significance to Redlands. The commission voted 6-to-1, with Keller dissenting, to grant the variances allowing yard size limitations and reduced setbacks on some of the lots.

Given how precious many in the Redlands community considered the England Estate to be, utilizing a mitigated negative declaration was a real estate

Continued on Page 4

Fresh Off Being Slapped Back For Seeking To Use Bonds To Saddle Future Generations With Past & Current Pension Debt, Upland Solons Determined To Rig Another Bond Scheme, This Time Diverting City's H₂O Money To Fund City Employees' Lucrative Retirement Benefits *from front page*

Pomierski was indicted on bribery charges in 2011 and convicted in 2012, whereupon he was sentenced to two years in a federal penitentiary. Quincey, who was fired in 2011, was charged by the San Bernardino County District Attorney's Office in 2012 with misappropriation of public funds, gaining personal interest from a public contract and perjury. In 2014, after extended plea negotiations with prosecutors, he pleaded guilty to reduced charges.

Despite Pomierski's and Quincey's legal comeuppance, their co-conspirators in the scams they had pulled – the municipal employees who had maintained their silence about what they knew was going on at City Hall – continued to reap the fruit of the arrangement that they had made with the disgraced mayor and city manager to keep the corruption at City Hall under wraps. None of those employees were ever asked to undo the generous salary increases and accompanying pension enhancements they were provided during the Pomierski administration.

Consequently, the city's pension debt continued to escalate at an astronomical rate.

As of June 2012, the City of Upland had an \$88,994,066 unfunded pension liability. That debt had reached \$99,976,917 as of June 30, 2019, and then climbed more steeply thereafter, hitting \$112,039,675 at mid-fiscal year of 2019-20 and \$120,920,721 as of June 30, 2020. Unofficial documentation available to the *Sentinel* suggests that by March 2021, Upland's unfunded pension liability had climbed to \$130,185,277.

In fiscal year 2020-21, 20.65 percent of the city's operating costs were devoted to paying those who were no longer actively working for the city, with \$8,996,364 of

the city's \$43,559,950.78 general fund budget being utilized in paying off its pension debt.

Projections are that 11 years from now, in 2032, with more and more of the city's current employees joining the rolls of the city's retirees drawing pensions at ever higher and higher rates, the city will be expending more than 50 percent of its operating budget on paying pensions to former city employees, resulting in the city either drastically reducing the municipal services it provides, declaring bankruptcy or disincorporating to allow the City of Ontario, the City of Rancho Cucamonga or the County of San Bernardino to inherit the burden of continuing to administer government in the 15.62-square mile city.

Over the years, discussions came about relating to the city solving its pension debt dilemma. As it turned out, however, the city's elected leadership – the city council – proved collectively unwilling to engage in a course of pension reform which would consist of having the city's retirees surrender the increases to the generous pension allotments they were given as a consequence of the deal their unions had brokered on their behalf during contract negotiations with Quincey over a decade ago. Instead, the council, advised by then-City Manager Rosemary Hoerning, who stood to receive an annual pension at or exceeding \$200,000 upon retirement, and Assistant City Manager Steven Parker, who will likely pull an annual pension approaching \$200,000 per year upon his retirement, as well as by the city's consultant, Julio Morales, whose company, Urban Futures, stood to make more than \$60,000 in further fees if the city elected to issue pension obligation bonds, decided to utilize a strategy of issuing pension obligation bonds to pay down the

city's pension debt.

The city council gravitated to the pension obligation bond panacea despite the lack of enthusiasm most conservative financial advisors have for such financial instruments, which are intended to retire the debt represented by yet unpaid pensions to retirees by creating further debt. The Government Finance Officers' Association, likening pension obligation bonds to paying off the money owed on one credit card with another credit card, has sternly warned municipal entities that pension obligation bonds place taxpayer money at risk and often leave governments saddled with more debt rather than less, as they often do not achieve a high enough return to justify their use.

Setting that warning aside, the city stealthily moved toward borrowing its way out of its pension crisis by making the issuance of \$121 million in bonds.

On April 28 of this year, the city hired Urban Futures, which had advised it to issue the bonds, as the city's bond issuance consultant, guaranteeing the company \$62,500 upon the issuance of the bonds. On May 10, the city quietly retained the law firm of Best Best & Krieger, of which City Attorney Steve Deitsch is a partner, to serve as the validation counsel and bond counsel for the bond issuance.

The same day, May 10, the city equally quietly retained the law firm of Straddling Yocca, Carson & Rauth to serve as the disclosure counsel for the bond issuance.

On July 21, in a lawsuit designated CIVSB2121939 by the San Bernardino County Superior Court and titled *City of Upland v. All Persons interested in the matter of the proceeding for the issuance and sale of bonds for the purpose of refunding certain obligations that the City of Upland owes to the California Public Employees' Retirement System*, the City of Upland sued its 77,754 residents by means of a validation complaint, challenging them to come forward within 30 days of being served with notice

of the lawsuit with reasons why the city should not issue \$121 million in pension obligation bonds.

By filing the validation lawsuit against its residents, the city was seeking to get around the requirement that any taxes to be imposed on citizens or any bond issuance to be defrayed by taxpayers had to be approved by a majority vote of those upon whom the tax is to be imposed. The filing of the lawsuit created a loophole in that law, such that if no one responded to the lawsuit within 30 days, then the bonds could be issued without a vote being made.

Late in July an eagle-eyed Upland resident spotted the recordation of the validation complaint on the San Bernardino County Superior Court's website, and word spread among a small circle of Upland residents that the city had filed suit against all of its residents.

On August 9, the city secured the services of J.P. Morgan Securities LLC as the managing underwriter of the bonds and Stifel, Nicolaus & Company, Incorporated as the co-managing underwriter for the proposed pension obligation bond issuance.

On Thursday August 12, the city quietly filed with the court for its approval of the language for a proposed summons naming no single individual but a collective, that being "all persons."

"You are being sued," the summons to participate in the validation process read in part. "You have 30 calendar days after this summons and legal papers are served on you to file a written re-

sponse."

Thereafter, inquiries with regard to the legal action were made with City Hall, prompting some curious doublespeak from then-acting City Manager Parker on August 18. "To be clear, the city has not directly or even indirectly sued its constituents," Parker asserted. "No action is being taken against any individual, constituent or not, and at the end of the day, there will not be any judgment or adverse action taken against any individual because of the validation action."

The city then utilized the *Inland Valley Daily Bulletin* to serve its 77,754 residents notice of the lawsuit with a legal advertisement that first ran on September 9, 2021. Despite requests that it do so, the city refused to post the legal notice on its website to ensure greater resident awareness that the suit was under way.

The city's plan ran into the stiffest of headwinds, however, when on September 21, with a mere 18 days to go before the city would have been free to initiate the issuance of the bonds, the Howard Jarvis Taxpayers Association, which had a perfect record of success in opposing four other California cities in their efforts to issue pension obligation bonds without first obtaining voter approval to do so, filed a response to the city's validation complaint on behalf of Upland residents.

The Howard Jarvis Taxpayers Association, on behalf of its members residing in the Upland community, and represented by its president, Jonathan Coupal, who is

an attorney, and two of its staff attorneys, Timothy Bittle and Laura Dougherty, two days later followed that answer to the validation complaint up with a court filing also served upon the City of Upland making a first request for the production of documents relating to the case and a first set of special interrogatories. This sent a clear signal to the council that its effort to sneak the validation procedure past Upland's unsuspecting residents was not going to work. At its September 27 and October 11 meetings, the city council discussed the validation suit during closed sessions held outside the scrutiny and earshot of the public.

On October 15, Scott Dittfurth, the attorney with Best Best & Krieger representing the city in the validation action, filed a motion with the court to dismiss the entire case and all of its causes of action. Thereupon, Judge Lynn Poncin, who was hearing the matter, entered a dismissal of the complaint without prejudice before trial.

Unbeknownst to and unappreciated by the city council, Parker and Deitsch was that the Howard Jarvis Taxpayer Association had been brought into the case in large measure because of the manner in which the council, Parker and Deitsch had sought to secretly effectuate the bond issuance and then prevaricated about the lawsuit the city had filed against its own residents to achieve that goal.

At its October 25 meeting, City Attorney Steven Deitsch publicly announced *Continued on Page 11*

County Asked For But Then Did Not Seriously Consider Citizen-Drawn Electoral Maps *from front page*

the county to allow a geographically diverse participation in hashing out the new districts.

The criteria set for determining districts in certain respects is contradictory. In the case of the supervisorial districts, they are supposed to be roughly equivalent in the number of voters. Under

federal and California equal voting rights laws, minority voting rights are to be respected and maintained, equal representation is to be ensured and race or ethnicity is not to be considered in the drawing of lines. Still, to meet the requirement of guaranteeing equality of representation and the voting rights of what are defined as "protected minorities," which include virtually every categorization of race except Caucasians, such a goal is virtually unachievable if the race or ethnicity of those

being conformed into districts is not considered.

San Bernardino County, like most other jurisdictions, danced around this requirement in deriving the district options it looked at.

Despite paying lip service to the concept of considering district maps submitted by citizens, the county board of supervisors made no serious consideration of maps various county residents presented. There was no comprehensive or over-

Continued on Page 6

Mayor & Council Tell Preservationists To Buy Orange Grove If They Want To Keep It Intact

from page 2

tive declaration as the means to provide the project with its environmental certification was considered to be a faux pas, one that stirred up even greater resistance than would have otherwise been the case.

The prospect of the obliteration of the grove and its gravity-fed irrigation system, one of the three last remaining gravity-fed watering systems in the state, animated local historical preservationists against the project. Additionally, residents living in proximity to the England Estate, faced with the prospect of having a subdivision with seven units to the acre in a neighborhood where the density is not that intense, were galvanized into opposition as well.

A coalition of residents, banding together as the grassroots group *Save The Grove*, retained attorney John McClendon. McClendon drew up letters laying out the objections to the project as proposed, and came before the city council in July and September to enunciate the principles at stake with regard to the project when the city council considered the matter.

According to McClendon, the city was in violation of the California Environmental Quality Act, as it had not carried out a full-blown environmental impact report for the project. Diversified Pacific and the city had not consulted with nor included other agencies in determining what type of environmental document to prepare, and he asserted the city should have touched base as well with those agencies during the preparation of the so-called initial study for the mitigated negative declaration, even if an environmental impact report was not completed. Disagreements among experts and analysts who had examined the development proposal with regard to environmental impacts and the destruction of the historical assets

the project would entail necessitated, McClendon maintained, that a comprehensive environmental report be compiled. The listing of the 8.8-acre England Estate as a privately-owned historic resource subjected the property to a requirement that the historical assets be preserved in context, requiring that the two homes, the carriage house, the groves, their gravity-fed irrigation system and the surrounding wall be kept intact, McClendon set forth.

The city council convened on July 20, 2021 to consider the project. Neither Burum nor Jordan was in attendance at the hearing, though they were represented by Peter Pitassi, an architect from Rancho Cucamonga who has done other work for Diversified Pacific.

Early in the proceedings, before the public weighed in, all five members of the council disclosed that they had private meetings with representatives of Diversified Pacific.

Pitassi emphasized that the project as proposed would preserve the England Home and the carriage house, which were to be sold off to someone who would restore them, and that the England Cottage would be preserved as well. Pitassi said the property had been zoned for residential use. Pitassi said the grove no longer had any commercial viability. Pitassi said that in the current social and developmental milieu, the 6,400-square foot-to-7,400-square foot lot sizes were appropriate and fully acceptable. Pitassi said Diversified Pacific had compromised by choosing not to build more than 40 two-story homes on the property as Redlands' zoning code would have allowed. "We've gone to some significant effort to be as sensitive as we can be to the conditions around our property," Pitassi asserted. "We think we have a project that will be very beneficial to the community and the neighborhood."

The city council delayed making a decision that night.

On September 7, the city council once again took up the project, and that evening's agenda

gave the panel's members the option of voting for or against receiving and accepting a socioeconomic cost/benefit study prepared for the proposed project, approving a tentative parcel map for the project, approving a conditional use permit for the project, approving a tentative tract map for the project and consenting to two variances relating to the setbacks for several of the homes. Curiously, the agenda did not mention any consideration of the mitigated negative declaration. At the hearing for the project that night, the council considered the analysis staff and the city attorney had done of the issues raised by McClendon on July 20, noting that Development Services Director Brian Desatnik had consulted with Diversified Pacific and believed that it was not necessary to carry out the comprehensive environmental impact report McClendon had insisted upon, but was instead recommending that the city recirculate the mitigated negative declaration to the public. The council therefore held off on considering the socioeconomic cost/benefit study, the tentative parcel map, the conditional use permit, the tentative tract map and the variances, endorsing instead the recirculation of the mitigated negative declaration, with the intent of bringing the matter back for reconsideration in November. That action was endorsed by Paige H. Gosney, an attorney representing Diversified Pacific.

Later that evening, Foster announced his forthcoming departure from the city council.

The project was agendaized for consideration by the council at its November 16 meeting. The agenda, however, while referencing the socioeconomic cost/benefit study, the tentative parcel map, the conditional use permit, the tentative tract map and the variances, made no mention of the mitigated negative declaration. After McClendon pointed that omission out to the city, Mayor Paul Barich directed that the council not conduct the hearing on the issue, postponing the matter.

On two occasions in

November, Burum, who had grown resentful of the entrenched resident resistance to his Palm Avenue project, went on record, speaking to the *Sentinel*, and defending the undertaking as one that embodied the most realistic and practical strategy for preserving the historical structures that were of such importance to preservationists.

"We have done the best that can be done with that property," Burum asserted. "The only way for anyone to save the historical nature of the estate is to buy the property and use the surplus land to build something that can be marketed and sold so you can use the money to save the historical structures, the two houses and the barn. There is no one in the community that can do that."

Thereafter, the city scheduled the hearing for this week, on December 7. While the agenda that was posted did make reference to the consideration of the mitigated negative declaration for the project, in the notices sent to the nearby property owners, the city again omitted mention of the mitigated negative declaration. Once more, McClendon contacted city officials on the day of the meeting to inform them that the city had again committed an "error so egregious" that it would "preclude you holding a public hearing tonight on the project and approving it."

With more than four months having elapsed since the council had first considered the project and with Foster's date of departure to what is to be his new home on an island in Puget Sound only a month away, the city was running out of time and opportunity to consider the project under considerations wherein its approval would be guaranteed. Accurately, it turned out, McClendon in the same letter delivered to the city early in the day before the meeting was held on December 7, wrote, "However, I am realistic enough to expect that, by now the pressure the applicant is applying on you to approve its project is so great that you will disregard my caution and approve it anyway."

Upon the meeting commencing, the members of the city council made no bones about their disapproval of the resident opposition to the project.

Mayor Barich said, "It's amazing how people, they want to say they want to preserve this, want to preserve that. But I don't see any writing any checks. Everyone who came up here and wants to preserve it: 'Why don't you write a check? Donate to the [Redlands] Conservancy and have the Conservancy buy it and take care of it.' But I don't see anybody coming up and saying, 'Okay. We'll want to kick in \$2,500, \$5,000 apiece, so let's get everybody to buy from the developers, and the Conservancy can preserve it.' But telling the taxpayer to preserve it, a grove that's over 100 years old, that doesn't produce like it's supposed to produce, and anybody that knows anything about agriculture – and I get this from Mr. Jacinto [Larry Jacinto, a local farmer], there's no money in citrus any longer. That's why on the west side – in my district – they're planting avocados, not oranges any longer. Unfortunately, oranges... are no longer practical. I like the project. I think that it will fit the neighborhood. This is my town. I'm going to do what I think is best for my town. And I think this project, as long as we were able to preserve part of the grove – and what is it? – we'll be able to preserve both houses. That's big."

Foster said, "Many of those of you that are upset about this project are living in homes that are sitting on property that was the original grove. So, for you to come and say that this private property owner shouldn't be able to move forward with his project is really quite disingenuous. You have your piece of Redlands so nobody else should have it? That's simply not right. That's just not fair."

Councilwoman Jenna Guzman-Lowery weighed in, suggesting that since the estate was built on property that was stolen from Native Americans by white men, it might not be worth preserving.

"You know, I under-

stand the history of Redlands is important, but we're also not native to this land, and there are people who came here before us that we also decimated their structures and their cultures, and so it's hard for me as an individual with an indigenous history to hear the conversations around this without recognizing whose land we're actually on," she said.

Councilwoman Denise Davis said that after so many delays it was time for the council to approve the project.

"We have already talked about this at length over several meetings," Davis said. "This has been a long process and the developers have worked with the community in many ways to amend this project from how it was initially proposed, and we're not going to make everyone happy, that's for sure. There are two sides to this conversation, as we know tonight, but what I'm thinking about, voting for the project, we've had a lot of important conversations how California is still in a housing crisis, we need more housing, how this is a private property, and yes, we all hate to see the destruction of the groves."

The council voted unanimously to approve the project.

On Wednesday, the *Sentinel* spoke with McClendon about whether *Save The Grove* will contest the project approval.

"Oh, yeah, most certainly, there will be a legal challenge," McClendon said.

There will be no surprises in the lawsuit that will be filed, he said, as the legal grounds for contesting the project approval were laid out in precise detail in his letters to the city relating to the project and his public statement at the July 20 council meeting.

The approval given to the project was fatally flawed in that the city had allowed Diversified Pacific to carry out the environmental certification by means of a mitigated negative declaration, he said.

"It is a low threshold to demonstrate that a comprehensive environmental impact report was re-

Continued on Page 10

Her Constant Recourse To Accusations Of Racism Have Not Endeared Gomez To San Bernardino County & Victorville Politicians, Including Her Fellow Latino & Sister Latina Officeholders *from front page*

and one misdemeanor count of PC242 – battery, both stemming from the June 2 incident. 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.

While Gomez and Rodriguez are considered codefendants with regards to the crimes they are alleged to have engaged in on June 2 and July 20, Rodriguez, remarkably, has not waived his right to a speedy trial. He is therefore being tried separately from Gomez, who has consented to a delay.

Rodriguez does not hold elective office. Nevertheless, the San Bernardino County District Attorney's Office is aggressively pursuing the case against him, in at least some measure because the proceedings are seen as a tune-up for the prosecution of Gomez, who because of her elected status and disfavor with certain elected officials allied with District Attorney Jason Anderson, is considered a high value target.

The June 2 incident took place on the premises of the Panera Bread bakery-café at 11838 Armargosa Road in Victorville while both Gomez and Rodriguez were customers there. Rodriguez, somewhat ill-advisedly, began vaping. When he was asked by an employee to step out of the café because vaping was not allowed indoors, things grew confrontational, resulting in sheriff's deputies being summoned. While the deputies were yet en route, a dispute over Gomez's efforts to use her cell phone to video what was occurring erupted. The situation devolved from there when deputies arrived on the scene, and alleged that both Gomez and Rodriguez were "trespassing" on the Panera Bread property, and came to the conclusion that Gomez's efforts to use her cell phone to videorecord Ma-

ria Weatherbie, who had been involved in seeking to have Rodriguez desist in vaping, was tantamount to "battery." The deputies requested that Rodriguez step outside the café. Rodriguez did so reluctantly, refusing to provide the officers with his identification when it was requested. He was handcuffed and detained, put into a sheriff's department vehicle for a time but released after deputies determined who he was. Meanwhile, Gomez phoned Victorville Sheriff's Station Captain John Wickum, to complain about the treatment she and Rodriguez had been subjected to. Both Gomez and Rodriguez were cited but not taken into custody.

Gomez was elected to the Victorville City Council in 2016. Nearly from the outset of her tenure in office, Gomez has clashed with her fellow and sister officeholders. As a newly elected official, she had an imperfect understanding of protocol and no mastery of parliamentary procedure, was out of step with many political precepts that are second nature for most elected officials, and found herself in disputes with her colleagues over votes taken or bypassed in the course of meetings. Some but not all of the difficulty Gomez experienced with her colleagues and which her colleagues experienced with her touched on issues that fell within the purview of municipal authority. The situation was exacerbated by Gomez's efforts to extend her limited oversight as a city official to advocacy of immigrant rights and social issues that are beyond the scope of her elected position, but which she maintains she is at liberty to actively embrace. 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. In her crusade against what she considers to be large-scale societal injustice, she comes

across as having a chip on her shoulder, and she often takes recourse in accusing those resisting her efforts of having racist motivation. She is a Democrat, and her approach has not sat well with the Republican-dominated political establishment in both San Bernardino County and Victorville. Her often acerbic comments alleging deep-seated animus toward the region's growing Latino population have proven particularly galling to her former and current Republican Hispanic city council colleagues, former Mayor Gloria Garcia, former Councilman Eric Negrete and current Councilwoman Elizabeth Becerra, who consider her tactics embarrassing



Blanca Gomez

and counterproductive.

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

It is of some note that in slightly more than half of San Bernardino County's municipalities – Chino, Montclair, Ontario, Upland, Rancho Cucamonga, Fontana, Rialto, Colton, Grand Terrace, San Bernardino, Adelanto, Barstow and Needles – the mayor is directly elected. In the remaining eleven cities and towns – Chino Hills, Loma Linda, Highland, Redlands, Big Bear, Yucaipa, Hesperia, Apple Valley, Yucca Valley, Twentynine Palms and Victorville – the mayor is not directly elected, and rather that honorific is conferred upon a member of the city council in processes determined by the councils in each individual case. In Victorville, the loose tradition and custom was that the mayoralty was rotated among the council members as they accumulated experience in office, such that most council members could reasonably expect to be nominated and elected mayor pro tem – the vice

mayor position – upon being elected to a second four-year term and would thereafter likely be elevated to the mayor's post. At present, Gomez is the senior member of the city council, meaning she has been in office longer than any of her council colleagues. Nevertheless, she was never given serious consideration as a nominee for mayor.

Despite the low regard Gomez is held in by her council colleagues, her message has nevertheless resonated with a cross section of the community, which redounded to her 2020 reelection to the council. She has a coterie of supporters who can be counted upon to turn out at public events and meetings, closing ranks with her and fending off the occasional attacks vectored at her from her opponents or those who have taken umbrage at the way she conducts herself.

Among those is Rodriguez, who had become, by early this year, a mainstay at city council meetings. A ruckus occurred during the July 6 meeting when city officials became warily regardful of Rodriguez and he reacted vocally and loudly. As a consequence, Victorville Mayor Debra Jones called for the San Bernardino County Sheriff's deputies who were on standby to maintain order at the council meeting to take action, and Rodriguez was forcefully removed from the council chambers. The July 20 contretemps grew out of Mayor 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-record 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 de Bortnowski. 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 verbal 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 Gomez 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.

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The entire circumstance is fraught with a number of troubling considerations and overreaches. At play in the prosecution are misdemeanors, and, as misdemeanors go, ones that are hardly serious offenses in the scheme of matters. At issue, as well, is what might most accurately be considered childish behavior on one side met with immature reaction on the other that has been bootstrapped up, by the side with the greater political power and legal reach and influence, into a criminal prosecution. This has spotlighted a bias on the part of both the court and the district attorney's office, illustrated by the consideration that this year there have been examples of the court and the prosecutor's office refusing to accommodate a defendant, charged with murder and three felony enhance-

ments, who has insisted upon going to trial at once without any further waiving of his right to a speedy trial. That defendant was denied a speedy trial on the basis of the court's assertion that the COVID-19 crisis had created a circumstance in which a courtroom for such a lengthy trial could not be secured and a jury to hear the case could not be impaneled. In contrast, in Rodriguez's case, involving what were originally six misdemeanors which on a granted motion from the prosecution has been reduced to five misdemeanor counts, the court indulged the prosecution in facilitating bringing the matter to trial at once, recruiting not just one but four prospective juries to hear the case, dismissing three of those panels after they were brought to the courthouse and seated in the courtroom in which Rodriguez is being tried. More telling still, the prosecutor's office is devoting a substantial degree of its firepower on Rodriguez, despite the consideration that the crimes he is accused of amount to a low-level case that typically would be handed off to a rookie prosecutor. Instead, the district attorney's office has engaged a substantial element of its available personnel to the matter, including devoting a prosecutor to the case whose primary assignments going back for more than a decade-and-a-half have been high profile murder and gangland trials. Simultaneously, no fewer than six experienced judges have bailed from the case, which is now being heard by a judge elevated to the bench in July and sworn in in August, who is now being pressured to conduct the proceedings in a fashion that will prevent the defendant from bringing to bear evidence and testimony to establish that, at least in the July 20 case involving his arrest along with Gomez, an associate and political affiliate of one of Gomez's chief political rivals – the husband of Victorville Mayor Debra Jones – was engaged in activity no different than was Rodriguez when he was confronted by deputies and arrested, and Mr.

Continued on Page 7

Lack Of Clarity On New District Map Creates Confusion As To Precisely Where Jurisdictional Lines Are Drawn *from page 3*

arching dialogue that went on between county officials and residents over the course of the 18 meetings held for the purpose of considering the lay of the new districts, and there was no mechanism provided for making comparisons between the maps, few of which were available in a format that would allow for comparisons of the relevant and contrasting geographical constituencies thereto.

In a few locales, there was what appeared to be a concerted effort by residents to consolidate regional areas or what were termed communities with a commonality of interest into a single district rather than being spread across two or more districts. The rationale for keeping these communities of interest together was that the dilution of those residents' votes into more than one district made it less likely that they collectively could elect a supervisor committed to representing their interests. This manifested most strongly in the San Bernardino Mountain communities, which from 2012 to the present have been represented by Second District Supervisor Janice Rutherford on the west side of the mountains and by former Third District Supervisor James Ramos and current Third District Supervisor Dawn Rowe on the east side of the mountains.

The meetings the county held to gather input and virtually all public input with regard to the proposals was hampered by the lack of availability and the resultant lack of provision of clearly demarcated maps to allow members of the public to visually understand where the borders were in many cases. Moreover, there was no comprehensive inclusion of a listing of which districts the county's cities and communities fell within on the various mapping pro-

posals.

As a consequence, it became clear early in the process that the public input provided at the meetings was so ill-grounded and lacking in meaningful particularity and comparison as to be practically useless.

Moreover, it became apparent more than six weeks ago that the board of supervisors was already gravitating toward map options which would make as little change as possible from the existing maps. Thus, by late October, only three maps were being given any sort of serious consideration, and one of those – indeed, the map that the board has now committed to – was for all intents and purposes the frontrunner on a decided course for inevitable selection.

Still, despite the consideration that the board was committed to that map, neither its members nor County Chief Executive Officer Leonard Hernandez nor Matt Rexrod, the principal in the county's redistricting consultancy, Redistricting Insights, bothered to provide either a clearly drawn map showing where the district boundaries are relative to the county's cities or a list of the county's cities and communities with a notation of which district they lie within.

The one map provided by the county showing the entirety of the county geographically with the boundaries drawn offers only the cities of San Bernardino, Victorville, Barstow, Twentynine Palms and Needles as reference points.

The county also provided five maps, each depicting one of the five districts. Unfortunately, those maps, while referencing some of the county's cities and showing that they are within the district depicted, are not comprehensive enough. In particular, the maps are inexact as to multiple unincorporated areas and cities that lie near the periphery of the district borders.

For the last nine-and-three-quarters years, the First District included Hesperia, Adelanto, Wrightwood, Amboy, Wheaton Springs, Apple

Valley, West Cajon Valley, Argus, Oak Hills, Bagdad, Nipton, Baker, Oro Grande, Baldy Mesa, Vidal Junction, Big River, Saltus, Cadiz, Searchlight Junction, Calico, Pinon Hills, Cima, Daggett, Earp, Newberry Springs, El Mirage, Spring Valley Lake, Essex, Fenner, Goffs, Helendale, Hinkley, Phelan, Homer, Kelson, Ivanpah, Lenwood, Mountain Pass, Needles, Randsburg, Ludlow, Red Mountain, Rice, Kramer Junction, Silverlakes, Havasu Lake, Summit Valley, Fort Irwin, Trona, Victorville, and Yermo.

In the same time frame, the Second District included north Upland, Rancho Cucamonga, the westernmost two-thirds of Fontana, Devore, Lytle Creek, San Antonio Heights, and Mt. Baldy as well as Lake Arrowhead, Crestline, Lake Gregory, Blue Jay, Cedar Glen, Valley of Enchantment, Twin Peaks, Cedarpines Park and Green Valley Lake.

The Third District included the eastern portion of San Bernardino, Grand Terrace, Loma Linda, Highland, Redlands, Yucaipa, Big Bear Lake, Angeles Oaks, Yucca Valley, Twentynine Palms and Barstow.

The Fourth District included Chino Hills, Chino, Ontario, Montclair and the southern portion of Upland, Guasti, Carbon Canyon, Prado and Frontera.

The Fifth District consisted of Colton, east Fontana, Rialto, San Bernardino, Bloomington, El Rancho Verde, Glen Helen, Arrowhead Farms, Muscoy, Little Third and Rosena Ranch.

The districts to go into effect next year are not as clearly defined as the current ones.

With regard to some of the county's cities and communities, the district in which they are to be located from 2022 until 2032 is succinctly spelled out, documented or mapped, based upon the available maps and public statements made by some county officials. Within which district certain communities lie remains a mystery.

Understood is that Chino Hills, Chino, Montclair, Ontario and

lower Upland fall within the new Fourth District.

North Upland, Rancho Cucamonga and all or most of Fontana are located within the new Second District.

Rialto, Colton, and a major portion of San Bernardino remain in the new Fifth District.

Grand Terrace, east San Bernardino, Redlands, Yucaipa, Yucca Valley, Twentynine Palms, Barstow, Amboy, Cadiz, Danby, Essex, Fenner and Goffs are in the new Third District.

The First District will continue to encompass Hesperia, Apple Valley, Victorville, Adelanto, Oak Hills, Four Corners, Helendale, Silverlakes, Oro Grande, Trona and most or all of the northern part of the county north of Highway 40 with the exception of Barstow. The First District will lose a huge swathe of the largely unpopulated southern portion of the Mojave Desert.

There is a lack of clarity as to why so much low population or unpopulated territory was transferred from the First District to the Third District. The visual impression looking at the comprehensive county map is that going forward, the First District, which for a century has been the largest district geographically, will be rivaled in size by the Third District. The

county did not provide exact square mileage of the districts.

Based upon objections that Second District Supervisor Janice Rutherford raised, it appears that virtually all of the San Bernardino Mountain Communities that currently come under the Second District's authority – Lake Arrowhead, Crestline, Lake Gregory, Blue Jay, Cedar Glen, Valley of Enchantment, Twin Peaks, Cedarpines Park and Green Valley Lake – have been wrested from her responsibility and the responsibility of her successor. It is not clear, however, whether they have been moved into the Third District or the Fifth District. The maps put out by the county, including the entire county map and the Second District map, seem to indicate that the easternmost third of Fontana currently in the Fifth District is to move into the Second District. Nevertheless, the detailing on the map is insufficient to show whether the entirety of Fontana all the way to its city limits against Rialto is going to the Second District or if a sliver of east Fontana is to remain in the Fifth District.

It is not clear which district – the Fifth or the Third – will lay claim Loma Linda, Big Bear, Forest Falls and Angeles Oaks over the next decade.

Shaw Running For Second District Supervisor

from front page

percent are Democrats

and 30.7 are Republicans. The boundaries of the district will change next year.

With her Democratic affiliation and her Second Amendment credentials,

trespass.”

County Seeking To Darken The Night *from front page*

county planning commission, the board of supervisors considered and gave approval to repealing Chapter 83.70 of the development code formerly titled “Glare and Outdoor Lighting” and replacing it with new Chapter 83.70 retitled “Light Trespass.”

The alteration of the code language is intended, the staff report, written by Magda Gonzalez of the county's land use services division, stated, to clarify and expand standards to regulate glare and what was referred to as “light

It is ambiguous as to whether Mount Baldy is to remain within the Second District or now come under the jurisdiction of the First District.

On December 7, four of the board's members – supervisors Curt Hagman, Joe Baca Jr., Dawn Rowe and Paul Cook – voted to accept the map, which was officially designated Map 2 Version 2. Supervisor Janice Rutherford voted against accepting it.

County officials have not said why they have not provided clearly demarcated maps of the districts and have simultaneously limited the information relating to which districts will oversee many of the county's communities. It has been suggested that since the board is scheduled to make a formal approval of the map at its December 14 meeting and the supervisors are weary of having to deal with the redistricting ordeal, they purposefully are keeping the public in the dark, as most people who might otherwise be inclined to weigh in on December 14, conscious that the board of supervisors has them at a disadvantage, will choose to remain silent rather than risk speaking out with regard to a topic about which they have insufficient information to speak cogently.

-Mark Gutglueck

Shaw hopes she will have an edge over the only other candidate to yet declare in the race, Luis Cetina, a Republican.

-M.G.

The county's land use services division employees consulted with the International Dark Sky Association in preparation for amending the code.

The revamped ordinance will become effective on January 6, 2022, but will not be immediately enforced, as the owners of commercial and industrial properties will be given 18 months – until July 2023 – to acclimate themselves to the regulations and come into compliance. Residential landowners will have 24 months – until January 2024 – to meet the standards.

With the ordinance,
Continued on Page 12

DA Going After Gomez Associate Rodriguez With A Vengeance from page 5

Jones was neither prevented from engaging in that activity nor subjected to arrest. And perhaps most telling of all is that Rodriguez, on the basis of the six misdemeanor charges originally lodged against him which have now been reduced to five, remains in custody while hundreds of arrestees from around the county charged with far more serious crimes have been released.

On December 2, the case against Rodriguez had wended its way to the courtroom of Judge John Vander Feer. Previously, the case had been assigned to judges David Driscoll, Christopher Pallone, Dwight Moore, Scott Seeley and Ronald Gilbert, all of whom had gotten out from underneath it in some fashion. Under the U.S. Constitution, criminal defendants have a right to a speedy trial. According to California law and precedent, a speedy trial is defined as within 60 days of being charged for felonies and 30 days for misdemeanors. Since the complaint against Rodriguez had been executed on November 1 and Rodriguez had not waived his right to a speedy trial, the State of California had until, presumably, December 1 to initiate the trial. It had failed to do so. With that issue pending, Judge Vander Feer on the morning of December 2 determined that the parties were ready to go to trial and assigned the case to Judge Kawika Smith in Victorville Department 5.

At that point, appearing on behalf of the People of the State of California was Deputy District Attorney Britt Imes, who had filed the original complaint against Rodriguez and who has a considerable, indeed enviable, track record in major cases in the county, including murder, multiple murder and gang racketeering. There were discussions with Judge Smith held off-the-record in the courtroom and in his chambers, discussions relating to the witnesses to be called or

potentially to be called. There were motions to exclude witnesses from the proceedings. There were two notable exchanges in this regard. One related to Deputy Travis Gagne, who had served as an investigating officer on the case. It was determined that Gagne would be exempted from the courtroom witness exclusion. Present in the courtroom was Gomez, who is considered a potential witness in the case. She was ordered to not have contact with the other potential witnesses, and she was ordered as well to not enter the courthouse parking lot or the courthouse until further notice of the court. The court minutes note that "The record will reflect that Blanca Gomez absconded from the courtroom while the court was giving orders to her and was returned to the courtroom by the bailiff. Also, while the court was giving orders to Blanca Gomez her back was turned to the court."

There followed motions in limine, i.e., discussion of what issues would not be subject to litigation during the trial.

Thereafter, the first set of jurors, referred to as Panel A, was brought in for examination by both sides, those being Deputy Public Defender Matthew Canty for the defense and Deputy District Attorney Imes for the prosecution. Two of those in the juror pool were excused. The remainder of the jurors were ordered to return the following day, as was Rodriguez, who was yet in custody.

The morning of December 3, Deputy District Attorney Jason Wilkinson appeared for the people, as Canty, the son of the late legendary San Bernardino County defense attorney Joseph Canty, appeared to represent Rodriguez, who was present in the courtroom. The matter was continued until December 6.

On December 6, outside the presence of the jury, Canty filed and argued with regard to a Penal Code 1382 motion, which propounded that the case against Rodriguez had to be dismissed because his right to a speedy trial had been violated. Judge Smith denied that motion.

The defense made a motion for disallowing all of the prosecution's witnesses from testifying because the prosecution had failed to provide timely disclosure of the witnesses to the defense team. Ultimately that motion was denied.

Judge Smith denied Canty's motion for Rodriguez to be released from custody without having to post bail.

The court proceedings turned to an examination of the jury. Two groups of prospective jurors, one designated Panel A, which had been present in the courtroom on December 2, and the other designated Panel B, considered to be a back-up to Panel A, were present. The defense made a motion to dismiss all of the jurors because of an apparent error by the court prejudicial to the defendant. The court dismissed all of the jurors, both Panel A and Panel B.

On December 7, Wilkinson, Canty and Rodriguez were present but there was little substantive interaction other than scheduling of a bail hearing for the next day.

Early on December 8, Judge Smith heard from the defense with regard to witnesses called by the defense having failed to respond to subpoenas, and issues relating to juror confidentiality. There was further discussion relating to juror confidentiality issues, apparently pertaining to potential tainting of the jury pool by the prosecution and members of the Victorville political establishment.

It was revealed that witnesses the defense considers crucial to the case it intends to make were resisting having to testify, those being Mayor Debra Jones; Mayor Jones' husband, Ernest Jones; Victorville City Manager Keith Metzler; Victorville City Attorney Andre de Bortnowsky; Assistant to the City Manager Jenelle Davidson and Victorville Municipal Purchasing Services Manager John Mendiola. The defense made a request for an order to show cause as to why the six should not be required to appear as witnesses.

There was discussion with regard to the release

of a juror's name, in apparent reference to the effort to demonstrate that the jury is being tampered with by the prosecution and/or elements within the city hostile to Gomez and therefore hostile to Rodriguez. Defense motions for the dismissal of the case on that basis and with regard to a violation of Rodriguez's due process rights were made and denied.

Attention turned then to the prospective jurors to hear the case, those being Panel C present that day. Thereafter, due to unspecified considerations, Panel C in its entirety was dismissed. This represented the third jury panel that had been brought together to potentially hear the case and then was dismissed.

A second motion for dismissal based upon due process violations was made along with a motion for a bail reduction or release without bail. Smith took those motions under submission.

A fourth jury panel was considered, confidential information relating to its members considered by both the defense and prosecution and juror questioning took place. A prospective juror was dismissed and a jury to hear the case was impaneled and sworn in. The complaint against Rodriguez was read in open court.

Judge Smith ruled that Rodriguez's bail would remain in place and he would not be released on his own recognizance.

On December 9, what was considered to be the official sixth day of trial, prior to the jury coming into the courtroom, Judge Smith granted the prosecution's motion to dismiss one of the resisting arrest/obstructing a police officer charges against Rodriguez.

At 9:08 a.m. the opening statements by the prosecution began, followed by the defense's opening statements, all of which were concluded by 9:37 a.m.

Thereafter came the testimony of Maria Weatherby, an employee at the Victorville Panera Bread bakery-café.

During Weatherby's testimony, there were sidebar exchanges between the judge, prosecutor and defense counsel

outside the earshot of the jury and subsequent discussions held while the jury was on recess from the courtroom. In an unusual request, Canty sought to have the recording of the investigating sheriff's detective's interview of Weatherby played for her to enhance her memory. The court granted that motion. Weatherby listened to the recorded questioning, and then she was subjected to Canty's questioning before the jury. Weatherby's testimony concluded.

Thereafter, prosecution witness Robert Harriman began his testimony. His testimony was briefly interrupted while a hearing was held outside the presence of the jury. At issue was footage of the courtroom security video from December 7. Judge Smith entered an order that the sheriff's department, which fields the San Bernardino County court system's bailiffs and maintains court security, provide copies of that footage to the prosecution and defense.

Harriman's testimony resumed, punctuated by multiple sidebar conferences. Again, the defense requested that Harriman's recorded interview with investigating deputies be played to him. That was granted and outside the jury's presence, Harriman listened to the questions he had been asked and provided months ago. His testimony in front of the jury then resumed.

After multiple sidebars and off-the-record exchanges involving the judge, defense and prosecution, Harriman's testimony continued and then concluded.

He was followed to the witness stand by another prosecution witness, Jorge Duran. Duran's testimony had not concluded when the day's court proceedings ended.

Duran returned to testify early today, Friday, December 10.

A video of the June 2 incident at Panera Bread café was played for the jury. Duran's testimony resumed and a second video was played for the jury. Hearings were held outside the presence of the jury. Duran's testimony before the jury resumed.

Further off-the-record exchanges occurred involving the judge, prosecutor and defense.

After 3 p.m. a second amended criminal complaint against Rodriguez was read.

Duran resumed his testimony after further off-the-record discussion, Canty made a motion to dismiss the charges against his client. Judge Smith denied the motion after the prosecution argued in opposition.

The trial is set to resume on Monday, December 13.

The San Bernardino County/Victorville political establishment has put a high premium on getting convictions against first Rodriguez and then Gomez. While indeed both may be guilty of some or all of the charges leveled against them, there is room for interpretation of several of the known facts the case involves. The case is remarkable for the level of intensity with which it is being pursued, and the backdrop of Gomez's particular brand of political provocation which stands as the foremost feature of the entire misadventure. As irritating as Gomez's style is, the incivility she is inclined to in her public deportment does not qualify, in the common interpretation applied to such things, as criminality. The effort to criminalize her and Rodriguez persists nonetheless.

A crucial variable in the equation is Judge Smith. For his entire legal career in San Bernardino County prior to being appointed to the bench in July by Governor Gavin Newsom, he fell outside the inner sanctum of the local politico/legal establishment. He began as a deputy public defender in 1995 and acceded to a supervisory role in the office in 2014. He is assigned to the courthouse in Victorville, named after Judge Joseph Campbell, a Republican appointed to the bench in 1972 by then-Governor Ronald Reagan. Joseph Campbell's mother was a groundbreaking member of the legal community as one of the first women to serve as a lawyer in the State of California.

Continued on Page 11

Public Notices

T.S. No. 19-21058-SP-CA Title No. 191149382-CA-VOI A.P.N. 0218-891-66-0-000 NOTICE OF TRUSTEE'S SALE. YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 12/19/2006. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. A public auction sale to the highest bidder for cash, (cashier's check(s) must be made payable to National Default Servicing Corporation), drawn on a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in Section 5102 of the Financial Code and authorized to do business in this state; will be held by the duly appointed trustee as shown below, of all right, title, and interest conveyed to and now held by the trustee in the hereinafter described property under and pursuant to a Deed of Trust described below. The sale will be made in an "as is" condition, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale. Trustor: Sergio Reyna, a married man as his sole and separate property Duly Appointed Trustee: National Default Servicing Corporation Recorded 01/02/2007 as Instrument No. 2007-0001112 (or Book, Page) of the Official Records of San Bernardino County, CA. Date of Sale: 01/10/2022 at 12:00 PM Place of Sale: At the North Arrowhead Avenue entrance to the County Courthouse, 351 North Arrowhead Avenue, San Bernardino, CA 92401 Estimated amount of unpaid balance and other charges: \$549,341.62 Street Address or other common designation of real property: 3034 Rocky Lane Ontario, CA 91761 A.P.N.: 0218-891-66-0-000 The undersigned Trustee disclaims any liability for any incorrectness of the street address or other common designation, if any, shown above. If no street address or other common designation is shown, directions to the location of the property may be obtained by sending a written request to the beneficiary within 10 days of the date of first publication of this Notice of Sale. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. The requirements of California Civil Code Section 2923.5(b)/2923.55(c) were fulfilled when the Notice of Default was recorded. NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of

Public Notices

outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call or visit this Internet Web site www.ndscorp.com/sales, using the file number assigned to this case 19-21058-SP-CA. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. Date: 11/22/2021 National Default Servicing Corporation c/o Tiffany & Bosco, P.A., its agent, 1455 Frazee Road, Suite 820 San Diego, CA 92108 Toll Free Phone: 888-264-4010 Sales Line 855-219-8501; Sales Website: www.ndscorp.com By: Rachael Hamilton, Trustee Sales Representative 12/03/2021, 12/10/2021, 12/17/2021 CPP351729

NOTICE OF PETITION TO ADMINISTER ESTATE OF: Gary Lemos

CASE NO. PROSB2100944 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Gary Lemos:

A Petition for Probate has been filed by Mary L. Cabral in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Mary L. Cabral 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 DECEMBER 21, 2022 at 9:00 a.m. in Dept. No. S36 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

November 12, 2021 Jennifer Saldana, 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

Public Notices

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: November 12, 2021 Attorney for Mary L. Cabral 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 on December 3, 10 & 17, 2021.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: Angel Rosales

CASE NO. PROSB2100936 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Angel Rosales:

A Petition for Probate has been filed by Alma Moreno in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Alma Moreno 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 DECEMBER 20, 2022 at 9:00 a.m. in Dept. No. S36 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

November 12, 2021 Kimberly Tilley, 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 Cali-

Public Notices

fornia 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: November 12, 2021 Attorney for Alma Moreno 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 on December 3, 10 & 17, 2021.

FBN 20210011818 The following entity is doing business as: FEEL BEAUTIFUL AESTHETICS 11513 FOOTHILL BLVD RANCHO CUCAMONGA, CA 91730 MARGARET M. HERNANDEZ 10818 CLAREMONT BLVD BLOOMINGTON, CA 92316 Mailing Address: P O BOX 651 BLOOMINGTON, CA 92316 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/ MARGARET M. HERNANDEZ

Statement filed with the County Clerk of San Bernardino on: 11/24/2021

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 I1327

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 12/03, 12/10, 12/17 & 12/24, 2021.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE

NUMBER CIV SB 2129348 TO ALL INTERESTED PERSONS: Petitioner: Aida Guadalupe Angeles Cornejo filed with this court for a decree changing names as follows:

Aida Guadalupe Angeles Cornejo to Aida Angeles

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: 12/30/2021 Time: 09:00 AM Department: S-17

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

San Bernardino District-Civil Division

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: 11/18/2021 John M. Pacheco

Public Notices

Judge of the Superior Court. Published in the San Bernardino City News on 12/03/2021, 12/10/2020, 12/17/2021, 12/24/2021

S U M M O N S (FAMILY LAW)

NOTICE TO RESPONDENT (AVISO AL DEMANDADO): JINGA LUCIOUS MAYO YOU HAVE BEEN SUED. Read the information below and on the next page. Lo han demandado. Lea la informacion a continuacion y en la pagina siguiente. PETITIONER'S NAME IS (Nombre del demandante): CHINYERE CHRISTINE MAYO CASE NUMBER FAMS2101845 You have 30 CALENDAR DAYS after this Summons and Petition are served on you to file a Response (Form FL-120) at the court and have a copy served on the petitioner. A letter or phone call will not protect you. If you do not file your Response on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), at the California Legal Services Website (www.lawhelp-california.org), or by contacting your local county bar association. Tiene 30 DIAS DE CALENDARIO despues de haber recibido la entrega legal de esta Citacion y Peticion para presentar una Respuesta (formulario FL-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefonica o una audiencia de la corte no basta para protegerlo. Si no presenta su Respuesta a tiempo, la corte puede dar ordenes que afecten su matrimonio o pareja de heco, sus bienes y la custodia de sus hijos. La corte tambien le puede ordenar que pague manutencion, y honorarios y costos legales. Para asesoramiento legal, pongase en contacto de inmediato con un abogado. Puede obtener informacion para encontrar un abogado en el Contro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lahelpca.org) o poniendose en contacto con el colegio de abodogados de su condado. NOTICE - Restraining orders on page 2: These restraining orders are effective against both spouses or domestic partners until the petition is dismissed, a judgement is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement office who has received or seen a copy of them. AVISO - Las ordenes de restriccion se encuentran en la pagina 2 : Las ordenes de restriccion estan en vigencia en cuanto a ambos conyuges o miembros de la pareja de hecho hasta que se despida la peticion, se emita un fallo o la corte de otras ordenes. Cualquier agencia del orden publico que haya recibido o visto una copia de estas ordenes puede hacerlas acatar en cualquier lugar de California. FEE WAIVER : If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party. Exencion de cuotas : Si no puede pagar la cuota de presentacion, pida al secretario un formulario de execion de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a peticion de usted o de la otra parte. FL-100 PETITION FOR Dissolution (Divorce) of: Marriage 1. LEGAL RELATIONSHIP: We are married. 2. RESIDENCE REQUIREMENTS: A. Petitioner [and] have been residents of this state for at least six months and of this country for at least three months immediately preceding the filing of this petition. (For divorce, at least one person in the legal relationship

Public Notices

described in items 1a and 1c must comply with this requirement.) 4. MINOR CHILDREN: There are no minor children. 5. LEGAL GROUNDS: Irreconcilable Differences 8. SPOUSAL OR DOMESTIC PARTNER SUPPORT: Terminate (end) the court's ability to ward support to Respondent. SEPARATE PROPERTY: There are no such assets or debts that I know of to be confirmed by the court. COMMUNITY AND QUASI-COMMUNITY PROPERTY: There are no such assets or debts that I know of to be divided by the court. OTHER REQUESTS: Such other and further orders as the court deems just and proper. The name and address of the court is: (El nombre y direccion de la corte son): SUPERIOR COURT OF SAN BERNARDINO 351 N. ARROWHEAD AVE SAN BERNARDINO, CA 92415 The name, address and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, direccion y numero de telefono del abogado del demandante, o del demandante si no tiene abogado, son): IN PRO PER

CHINYERE CHRISTINE MAYO 6774 KAISER AVENUE FONTANA, CA 92336 DATE (Fecha): July 30, 2021 by Krystal Lerma (Asistente) for Clerk of the Court (Secretario)

This case is assigned to Agron Department S 50 Published in The San Bernardino County Sentinel on 12/03, 12/10, 12/17 & 12/24, 2021

NOTICE OF PETITION TO ADMINISTER ESTATE OF: RUFUS BIAS, JR. CASE NO. PROSB2100054 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, 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 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 in Dept. No. S-37 at 9:00 a.m. on FEBRUARY 7, 2022 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: James Lee, Esquire 100N.EuclidAvenue,SecondFloor Upland, CA 91786 Telephone No: (909) 608-7426 Email address: mail@wefight4you.com Published in the San Bernardino County Sentinel on December 10, 17 & 24, 2021.

Public Notices

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 December 10, 17 & 24, 2021.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: MARCUS MARCEL McCOWEN CASE NO. PROSB2100727 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of MARCUS MARCEL McCOWEN: A PETITION FOR PROBATE has been filed by CLEAFERSE McCOWEN JR. in the Superior Court of California, County of SAN BERNARDINO. THE PETITION FOR PROBATE requests that CLEAFERSE McCOWEN JR. 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 in Dept. No. S-37 at 9:00 a.m. on FEBRUARY 7, 2022 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: James Lee, Esquire 100N.EuclidAvenue,SecondFloor Upland, CA 91786 Telephone No: (909) 608-7426 Email address: mail@wefight4you.com Published in the San Bernardino County Sentinel on December 10, 17 & 24, 2021.

Public Notices

ty Sentinel 12/03/2021, 12/10/2021, 12/17/2021, 12/24/2021 CNB-B472021051R

FBN 20210011792
The following person is doing business as: DEERFIELD CONSTRUCTION SERVICES, 11354 CAMPUS ST LOMA LINDA, CA 92354;(PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO); GRACE JOY D TABINGO 11354 CAMPUS ST LOMA LINDA, CA 92354. 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/ GRACE JOY D TABINGO, OWNER Statement filed with the County Clerk of San Bernardino on: 11/23/2021 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 12/03/2021, 12/10/2021, 12/17/2021, 12/24/2021 CNB-B472021041R

FBN 20210011858
The following person is doing business as: HACIENDA GARDEN DECOR, 3802

Preservationists To Sue Over Approval Of Development Eradicating Historic Orange Grove from page 4

quired,” McClendon said. “The loss of the historical assets on that property is the most egregious example of the shortcuts the city allowed.”

Councilman Eddie Tejada told the *Sentinel* after the meeting that the approval given to the project was a compromise that balanced conflicting interests.

“I didn’t like that we approved those homes to go in where the orange grove is,” Tejada said. “I hated that. But that’s not the way a decision on a development proposal is made. As long as the development process wasn’t negligent, we met our responsibility.”

Tejada said, “I don’t think it is the best that could have been done, but I think the calculation was saving the historic home on Palm Avenue plus saving the other historic home and leaving the other structure intact and committing to at least keep the view from Palm Avenue from being as impacted as it could have been was enough.”

Tejada was not able to resolve the controversy over the reports that Diversified Pacific was able to swoop in and purchase

Public Notices

BRONSON ST SAN BERNARDINO, CA 92407; (PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO); ANGELINA CELIS 3802 BRONSON ST SAN BERNARDINO, CA 92407; EDGAR H DELGADO 3802 BRONSON ST SAN BERNARDINO, CA 92407; JOSE CASTANON 2345 N MILOR AVE RIALTO, CA 92377 The business is conducted by: A GENERAL PARTNERSHIP. 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/ ANGELINA CELIS, GENERAL PARTNER Statement filed with the County Clerk of San Bernardino on: 11/24/2021 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 12/03/2021, 12/10/2021, 12/17/2021, 12/24/2021 CNB-B472021031R

FBN 20210011868
The following person is doing business as: GLEN ENTERPRISES, 23812 PROSPECT VALLEY DR. DIAMOND BAR, CA 91765; (PRINCIPAL PLACE OF BUSINESS SAN

the property at a cost well below both its market value and what two sets of preservationists had offered for it.

“I do not know how much the developer paid for that property,” Tejada said.

He shunted aside suggestions that the city could have utilized the authority granted it under Measure O to preserve the property. Measure O was approved by Redlands voters in 1986 and provided for an initial \$7.2 million bond issuance to make purchases of existing orange groves in the city so they can be preserved as open space. So far, the city has used Measure O to take possession of 16 groves, totaling roughly 200 acres.

“If the city had the money, we could buy it, but it is also our responsibility that we buy the property at market rate,” he said. “If the landowner wants to sell the land at above market rate, we can’t buy properties that are overpriced. We have to make sure the properties we do acquire are purchased at the market rate.”

Tejada did not say whether he considered the \$267,046 per acre that Diversified Pacific paid for the property to be below, at or above the current market rate.

Whatever the case, Tejada said, the Heeny family was not opposed to the grove being converted

Public Notices

BERNARDINO); RICK’S POOL SERVICE AND MAINTENANCE INC. 23812 PROSPECT VALLEY DR. DIAMOND BAR, CA 91765 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 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/ RICHARD ROBERTS, PRESIDENT Statement filed with the County Clerk of San Bernardino on: 11/29/2021 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 12/03/2021, 12/10/2021, 12/17/2021, 12/24/2021 CNB-B47202102CH

FBN 20210011931
The following person is doing business as: LUSTSWEAR, 747 W. SUNKIST ST ONTARIO, CA 91762;(PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO); DENISE MARJORIE SOLIS 747 W. SUNKIST ST. ONTARIO, CA 91762; ANTONIO DE JESUS ARELLANO 747 W. SUNKIST ST. ONTARIO, CA 91762. The business is conducted by: A GENERAL PARTNERSHIP.

to homes.

“The owner never moved to put that property into a historic district,” Tejada said. “They sold it to a developer. They knew that it was going to be developed. We never received a letter from anyone who said they sold it to a developer and he promised to leave it as it is. No one who owned that property sent a letter saying they were opposed to the development.”

Tejada continued, “I do know that if I were the developer, I would want to know how many houses I could put on that property before I bought it. Developers purchase property that is zoned to fit their interest, and basically the only way people can stop a certain property from being developed is an overwhelming community demonstration that they are not for it.”

In the case of the development of the England Estate, Tejada opined, the community opposition was not sufficient to prevent the project from proceeding.

After the initial round of opposition to the project expressed this summer, Tejada said, the city moved to recirculate the study for the mitigated negative declaration. There was insufficient follow-through by the project opponents with regard to the recirculation of that document to justify denying the project approval,

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Tejada said.

“The only thing that came back was from the residents who live next door to a historic property who said they didn’t want the property developed,” Tejada said.

He made no reference to the multiple letters sent to the city by McClendon prior to each of the subsequently scheduled hearings for the project, and he did not acknowledge that McClendon had been designated by the members of *Save The Grove*, a group of preservationists 350 strong, to speak for them.

Tejada shrugged off the suggestion made by many of the England Estate Development project’s opponents that Diversified Pacific should have undertaken its project on available vacant property in the city elsewhere that had no historical assets on it.

“They took a property that had a lot of historical value to it,” Tejada said. “I am aware that the developer’s original plans were for more houses than what was approved and they agreed to a reduction of the number of houses to satisfy people who were against the development of an historic property who wanted less houses.”

Preservationist sentiment of the city’s residents played only a minimal role in the final land use decision, Tejada said. Anyone who advocates

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preservation for the sake of preservation in Redlands is outgunned, the councilman suggested.

“If it is zoned properly, I can vote against it, but the likelihood of my colleagues doing the same is pretty small,” he said. “You can vote your personal feelings against certain types of projects, but that is not a realistic approach. We are elected so that when a project comes before us, we ensure it goes through the appropriate processes. The city council does not do the analysis. We don’t go out to direct staff or the planning commission. They make their analysis and they document it. We make the determination that they did go through the right process. If we find there is a public benefit by the way the property is to be developed, we approve the project. If not, we deny it. I understand the development process a lot better than when I was first elected. We have to follow the development standards, as such.”

Tejada said in making his decision in favor of the project he relied in large measure on input from city staff.

He considers himself an open-minded independent thinker who nonetheless considers carefully the input of others, particularly city staff, he said. Tejada indicated that he places a higher degree of stock in what the city’s

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own professionals say than those who are cross-wise of City Hall.

“I ask the city clerk,” he said. “I ask the city manager. I ask the city attorney. I do listen to what community members put forward. Then I ask city staff.”

He had considered what McClendon had written in his many letters to the city, Tejada said.

“City staff responded to me that it was not accurate,” he said of McClendon’s assertions that the project approval process was in violation of the California Environmental Quality Act. “People say I should have or I could have voted against the project based on the variances the developer requested, but if the developer didn’t get the variances, they would not have been able to develop the project,” the councilman said. “I think they tried to leave most of the property unaffected. That is just my opinion. The council is not here to stop developers from developing. I don’t think the developers get everything they want. They are obviously going to want to make a profit. How much of a profit is something they find out when they go through the development process. They may want to do all sorts of things with the property. In the end, staff tells them the way they can do that.”

Continued on Page 12

Judge's Ruling On Whether Rodriguez Can Call Mayor, Mayor's Husband, City Manager & City Attorney As Witnesses Will Likely Have A Bearing On Verdict On At Least One Of The Charges Against Him from page 7

The Campbell family was a pillar in the Victorville community from the 1920s onward. Joseph Campbell was a member of the maiden Victorville City Council when the city incorporated in 1962. He was a no-nonsense judge who prided himself on being tough on crime, and he did not shy from sentencing those convicted of a capital crime in his courtroom to death. Shortly after he passed the bar in 1957, Joseph Campbell was at a Victorville Chamber of Commerce luncheon at which then-San Bernardino County District Attorney Lowell Lathrop was the guest speaker. Lathrop lamented what were then recent rulings by the Supreme Court, headed at that time by Chief Justice Earl Warren, which in Lathrop's view were handicapping law enforcement, such as prohibitions against beating a confession out of a suspect. Lathrop inculcated this attitude in Campbell, and the need to be tough on crime informed Judge Campbell's approach to administering the law and has been consistently reflected in the courthouse that today bears his name. Throughout the San Bernardino County court system the watchword has long been that the benefit of the doubt should be provided to those who represent the law and advocate on behalf of its enforcement and application – police officers, sheriff's deputies and the prosecutor's office. In Victorville especially, the converse of former Supreme Court Chief Justice Oliver Wendell Holmes' dictum that "it is better that ten guilty go free than that one innocent is convicted" applies. At the Joseph Campbell Courthouse, criminals, or those accused of being criminals, are given no quarter. The standard there that applies is it is better that ten innocents are convicted to ensure that no one who is guilty goes free.

So intent on presenting a lock-tight case against

Rodriguez on the misdemeanors he is charged with is the prosecution, it has given indication it anticipates the trial will not conclude until December 23, what will be at least a 16-day trial, a far lengthier process than is typically afforded most defendants charged with



Judge Kawika Smith

felonies.

This is the milieu that Judge Kawika Smith is now functioning within. He is under tremendous pressure to demonstrate that his days of limp-wristed advocating on behalf of criminals when he was a member of the public defender's office are now behind him and that he is ready to stand up as a real man who is prepared to function as a judge in accordance with the trust placed in him by the Victorville and High Desert community and hold accountable those who break the law and defy the conventions of decent society and the Republican political establishment that is in ascendancy locally. A Democrat, Judge Smith is under scrutiny to see whether the partisanship he shares with the Rodriguez and Gomez defendants will have any bearing on the way he runs his courtroom. One of the reasons he was saddled with the Gomez and Rodriguez cases, aside from the consideration that no other judges wanted to be burdened with the matter, is the belief that based on his need to demonstrate that partisanship will have no bearing on his rulings, he is ready to be harsh in how he deals with the two miscreants who have placed themselves so squarely at odds with the ruling coalition in

Victorville. So far, Judge Smith has shown himself worthy of being considered a part of the team of no-nonsense jurists at the Joseph Ballenger Campbell Courthouse willing to uphold the order and rule of law. When called upon by Canty to dismiss the case against Rodriguez outright on the basis of the violation of Rodriguez's right to a speedy trial, Judge Smith refused to grant the dismissal, though he had leeway to do so based upon the 31 days of temporizing the district attorney's office and the court engaged in before initiating Rodriguez's trial. Similarly, he has acceded to the prosecution's assertions that society cannot risk releasing Rodriguez without bail, despite the consideration that throughout the county at this time there are hundreds of defendants charged with far more serious offenses than Rodriguez at liberty on their own recognizance.

What has yet to play out is how far Judge Smith is willing to limit Rodriguez, and ultimately Gomez, in using the forum of the trial in vindicating themselves, and mounting the defense they are intent on making, one that holds they are being held to a far more exacting standard than others who are not on the outs with the Victorville political establishment. Judge Smith has yet to rule on whether Rodriguez is going to be able to call the Joneses, Metzler, de Bortnowsky, Davidson and Mendiola as defense witnesses. Mayor Jones, Ernest Jones and de Bortnowsky in particular, Canty, Rodriguez and Gomez contend, can shed considerable light on whether Ernest Jones was himself videotaping the July 20 city council proceedings. It was Rodriguez's videotaping of the goings-on at the meeting, which is not expressly forbidden by law, that prompted Mayor Jones to stop the council discussion and interject the sheriff's deputies into the situation to prevent Rodriguez from continuing his videotaping. Aside from the consideration that from her vantage at the council dais Gomez was herself videotaping the proceedings includ-

ing members of the audience, a statement uttered by de Bortnowsky as the sheriff's deputies were wading into the gallery to confront Rodriguez indicated that both Rodriguez and Ernest Jones were engaged in videotaping the proceedings. From their respective positions on the dais or in the room, Metzler, Davidson and Mendiola had knowledge of whether Ernest Jones was indeed videotaping the proceedings, Canty, Rodriguez and Gomez contend.

It is an unresolved question as to whether Judge Smith will allow the Joneses, Metzler, de Bortnowsky, Davidson and Mendiola to be called as witnesses. It appears as if the prosecution believes it can make its case against Rodriguez without relying on them. If

Upland Officials' Prevarications Triggered Citizens Into Contesting City's Last Bond Issuance

Effort from page 3
nounced that the city was giving up on its effort to issue pension obligation bonds, simultaneously seeking to cast the effort to issue the bonds in a benign light.

"The issuance of the bonds would allow the city to satisfy at least part of its current obligation to the Public Employees' Retirement System by issuing pension obligation bonds at a lower interest rate than the Public Employees' Retirement System obligation now carries and is expected to carry into future years, and then the city would use bond proceeds to satisfy the Public Employees' Retirement System obligation," Deitsch said. "It should be noted that other cities in California have successfully issued such pension obligation bonds, and have done so following successful completion of a validation action in court similar to the one filed by the City of Upland."

As a result of the Howard Jarvis Taxpayers Association action, Deitsch said, "the city has decided not to pursue the validation action and has dismissed the validation complaint. So, now the

Judge Smith allows any or all of the six to testify, it is not clear whether he will allow them to be questioned about Ernest Jones' videotaping of the proceedings. Judge Smith could rule that whether Ernest Jones was videotaping the proceedings or not is irrelevant with regard to Rodriguez's actions, and that it is not Ernest Jones who is on trial, such that even if it can be established that Ernest Jones was videotaping the council proceedings, the prosecutorial discretion that lies with the district attorney's office permitted prosecutors to arrive at a determination that Ernest Jones' actions did not rise to the threshold of criminality while Rodriguez's did. Conversely, Judge Smith could find that it is indeed relevant that Mayor Jones initiated

city will consider alternative financing approaches to address the city's existing pension obligations."

Word now comes that the city is again seeking to utilize bond financing to generate revenue to make multi-year stopgap funding of the ongoing and future pension debt, such that the inevitable financial burden of paying off the debt created by the issuance and sale of the bonds to be used to generate the funds to make the pension payments will not come for another 20 to 30 years, well after anyone on the council now or currently employed in management at the city will have to answer for having created that debt.

In this case, the city appears to be attempting to utilize the legally questionable strategy of issuing money for what is ostensibly one purpose – the creation of infrastructure for the city's water department which delivers water to domestic and business users – and utilizing the proceeds from the bonds for something else altogether, in this case servicing the city's pension debt.

On the agenda for the city council's December 13 meeting, that being next Monday night, is an item calling for the council to "approve actions related to the blast strategy to pay down city's unfunded accrued liability

action on the part of the sheriff's deputies against Rodriguez based on activity that her husband, present at the same meeting, engaged in himself without interference.

By placing on the court record evidence of inconsistent treatment of Rodriguez at the hands of city officials and the sheriff's department, Canty, Rodriguez and Gomez hope the jury will be persuaded that, at least as far as the July 20 incident goes, there is reasonable doubt as to what Rodriguez did was a crime. In a larger overarching context, establishing the discrepancy in the standards that are being applied to Gomez and her supporters as opposed to the standards reserved for her political rivals and their supporters will provide political fodder for Gomez.

(pension liability)."

According to Parker, who has returned to his former position as assistant city manager and finance director now that Michael Blay has been hired to serve as Rosemary Hoerning's successor as city manager, what he termed a "proposed blast strategy for reducing the city's unfunded accrued liability with the California Public Employees' Retirement System" consists of the council agreeing to "authorizing the transfer of \$10 million from the city's Section 115 Pension Trust to make an additional discretionary payment to the California Public Employees' Retirement System" and "authorizing an additional discretionary payment from the city's enterprise funds to pay off their current share of the city's unfunded actuarial liability."

The city's enterprise funds extend to the money generated by the city's provision of services to residents and businesses, such as the money the city takes in with the water department's provision of water to households and businesses.

The blast strategy further consists of, according to Parker "approving a revised pension funding policy," together with "a revised investment policy." Thereafter, ac-

Continued on Page 12

Tejeda Says He Sees No Evidence Foster Is On The Take

from page 10

Burum, Jordan and Diversified Pacific cooperated with the city, Tejeda said.

"If I had seen a developer sticking to their guns and not changing, I would definitely have voted against the project," he said. "Whether I will vote for a project or against it depends on many things. It depends on how a developer is reacting to those community sentiments. It depends on whether they are following through with the requirements of the planning process in place. Whenever there is a hot button issue on development, what I want to know is how is the developer reacting. How are they taking what is being said? I ask to see if they are acting in good faith. If they are not acting in good faith, that says a lot. I don't just vote on what comes before us at the council. I always view the planning commission meetings. I make myself aware of how the developer is interacting with staff, with the planning commission. If they are reacting to what is being said, I understand they

are acting in good faith. If they follow the process, that matters."

Tejeda addressed the perception that he and the council are being dominated and led by Paul Foster, that Foster is in some fashion intimidating or extorting him to go along



Eddie Tejeda

with him, that Foster is beholden to the development community in a way that is contrary to the interests of the city's residents and that Foster is on the take as a recipient of bribes or graft from the development community.

Tejeda acknowledged that when he was running for the city council in 2016 and immediately after he was elected, he cast himself in the role of an alternative to what had long been the status quo in Redlands, and that included Foster.

"I think when you are on the outside, it may look like something that is different than what it is when

you are on the inside," he said. "I guess that feeling, that notion, that I was somehow going to be the outspoken dissenter was viable and valid. It was based on my being new to the council and the votes I cast initially. You have to remember, I was elected in a way that had not been done before. Before that, the members of the city council all used to come from what is now our District Five. There was no council representation for the people on the north end. I was at odds with the rest of the council only because of that. I am primarily hearing that complaint [that he had sold out and had not remained true to the principles he had campaigned on in 2016] over what occurred after I was elected in 2016. I was never in opposition to anyone. I basically wanted a seat at the table. I was there to engage in cooperation, not to be a lightning rod. Collaboration is something I always wanted to do. Initially the perception was I was going to be a lightning rod and consider what those on the outside were saying, and that would create friction among the council members and absolutely demonstrate that I was representing

those who had previously been disenfranchised. My heart was behind that. I will admit that initially after having been elected I did not want to see the development of Live Oak Canyon."

But the idea that he was a Molotov cocktail-throwing revolutionary ready to take on Foster and the rest of the Redlands establishment was plain wrong, he insisted.

"I sincerely wanted to be that representative, but once I was there, I began building an understanding of how the council worked," he said. "I will admit to you I was new to government, and I opened myself up to that person [Foster] to explain how the process worked and why they view the council and its work the way they do."

Foster, it turned out, Tejeda said, is a very decent and well-versed guy who became something of a mentor to him.

"He explained his priorities to me and what he should do as a councilman, based on his relationships with others that he had developed over the years he had been there," Tejeda said. "He is very knowledgeable and very experienced. I did not know he was an assistant

city manager. I only knew that he had worked in human resources at Kaiser [Permanente]."

Tejeda was unable to say where it was that Foster's professional rather than political municipal experience had taken place.



Paul Foster

"I can't remember exactly," Tejeda said with regard to which city had employed Foster as an assistant city manager. "I did not archive that in my personal memory. He explained all of that to several of us council members."

Tejeda said he put very little stock in the recurrent reports that Foster has proven such an indefatigable advocate of the development community because he is taking bribes and kickbacks from those whose projects he supports.

"Suspicious are what they are," Tejeda said. "If you disagree with some-

one, you are going to try to point to things that support your opinion. I would have to see evidence of that in order to believe something that I find hard to believe."

Tejeda pointed out that when Foster and the council had taken a position in favor of high density and intensive development in downtown Redlands earlier this year, Foster had pretty much refuted reports that he is on the take when he was confronted by those who questioned his conclusion that allowing development that in some cases will reach 100 residential units to the acre is in the best interest of the city. Foster, Tejeda said, dared anyone to prove that he had not honestly arrived at that conclusion.

"He told everyone, 'If you don't like the mall action the city approved, find a lawyer,'" Tejeda said, quoting Foster. "He strongly believed in the action the city took in regard to the mall project was correct. He put it out there. People applauded him for doing that," Tejeda said, omitting, rather unreflectively, that those who were lauding Foster were members of the development community.

-Mark Gutglueck

County Wants Bright Stars & Dark Desert & Mountain Properties At Night

from page 6

the county is declaring an accelerated depreciation schedule on private noncompliant lighting fixtures to force their removal, thereby asserting it is not bound by the constitutional requirement to compensate those lighting fixture owners for the fixture replacements they might be required to undertake to comply with the law.

The ordinance is enforceable only in unincorporated areas of the county that fall within the desert and mountain regions. The ordinance is not applicable in urbanized portions of the county's unincorporated expanse.

Commercial and industrial businesses will be required to turn off, block or shield light emanating from their properties onto

adjoining or neighboring properties or the public right of way. This casting of light is referred to, in the ordinance's parlance, as trespassing.

Outdoor lighting must be extinguished by 11 p.m., when businesses close or upon employees and customers leaving the site. In some cases, this is later than 11 p.m.

The ordinance spells out an exemption for entry or exit lighting, parking structures, driveways and lights activated by a motion sensor that go dark within five minutes.

Shielding will be required to keep light on residential properties from moving beyond the confines of those properties. String lights in residential areas may not exceed 4,000 lumens and 3,000 Kelvin, a color temperature on the spectrum between yellow and gold.

The ordinance exempts temporary campers.

Third District Supervisor Dawn Rowe, who previously resided in the

mostly rustic 21,949-population desert community of Yucca Valley and who has since moved to Redlands, was enthusiastic about the ordinance's unanimous passage. Perfecting the ordinance, she said, "has been one of my top priorities since serving on the board."

However, Ted Stimpfel, the executive director of the Newberry Springs Community Alliance, on December 6, the day before the board voted, dashed off a letter to the five supervisors on behalf of the alliance. In the letter Stimpfel stated, "The proposed amendment's reduction and restriction of visible nighttime lighting has substantial negative impacts upon the economic, social, mental health, physical safety, and long-established cultural quality of life of residents and businesses. This proposed amendment targets the High Desert's rural disadvantaged communities."

Stimpfel called upon

the county to carry out an environmental impact report on the ordinance change prior to effectuating it.

"Diminishing the public's safety by reducing lighting, including turning lights off at 11 P.M., certainly creates hazardous circumstances and deters the public's cultural utilization of businesses, community, and residential land," Stimpfel wrote. "The county's self-serving declaration that this proposal is California Environmental Quality Act exempt is not justified. A full California Environmental Quality Act study by law is required."

Furthermore, Stimpfel propounded, "The proposal is a symbolic feel-good initiative. Skyglow primarily originates from the large urban cities that are not covered by this amendment. And, there are very few problems with light trespass in rural areas that require this draconian governmental overreach that creates

more harm than good. This revision is being promoted by a few individuals in a small area of the county. This code amendment's purpose should be accomplished within the local community plans that may desire it and not be allowed to create unwanted burdens upon the remaining county?"

Stimpfel wrote that "By prohibiting the public's right to spread necessary light for safety, the county is creating a serious danger risk. Through its direct culpability in creating foreseeable hazards, the county is promoting injuries and subjecting itself to lawsuits."

-M.G.

Upland Council Ready To Blast Pension Debt To Kingdom Come Or 2042, Whichever Comes First, By Issuing Bonds

from page 11

According to Parker's game plan, the city is to "to assemble the financing team, and prepare related legal documents for subsequent council approval of the issuance of the 2022 water bonds" to be augmented with city staff taking measures "to prepare the necessary legal documents for an internal general fund lease rev-

enue bond issue (sale) for purchase by the water and sewer funds."

Legal experts say the plan as being hatched by Parker entails some risk, as funds in the city's water department accounts must remain sequestered and cannot, under California law, be utilized for anything other than water operations or providing capital improvements for the drafting of, storage of, distribution of, or improving the quality of water. Using that money to pay for pensions or any other purpose would run, those attorneys say, afoul of the law.

-Mark Gutglueck