

## Chased Out By Councilwoman Calvin City Manager Field Leaving SB As Tran Assumes Scepter From Valdivia

San Bernardino City Manager Rob Field will depart from his post in January after 28 months as the top administrator in the county's largest city, a casualty of confusion, contention, miscalculation, misunderstanding and, ultimately, the full unraveling of Mayor John Valdivia's political career.

The prime mover in Field being forced out, the *Sentinel* has learned, is Sixth District Councilwoman

Kimberly Calvin, who would have preferred that he be outright fired without any severance package being conferred upon him. Instead, Field was given leave to resign, a face-saving gesture for him by which he will be accorded the professional courtesy of a generous exit stipend and the city will avoid tarring itself as a municipality inhospitable to its top administrators beyond

the somewhat dubious reputation it has in that regard already.

The two-and-one third years that Field lasted as city manager is, all-in-all, par for the course in the most recent decade in financially challenged San Bernardino. After more than 15 years of deficit spending in which it burned through all of its reserves, the city filed for Chapter 9 bankruptcy protection in 2012, taking five years to

emerge from that status. In the months leading up to that filing, then-City Manager Charles McNeely had tendered his resignation. Thereafter, then-assistant City Manager Andrea Travis-Miller had taken the helm of the severely listing municipal ship and was the city manager of record when the bankruptcy was filed. She left in 2013 to take on the position of executive director of the San

Gabriel Valley Council of Governments and was replaced by Allen Parker, who stuck around to the end of 2015. Thereafter, Mark Scott was hired as city manager, but he bailed on the city in 2017. Thereafter, Travis-Miller, who had made her way back to San Bernardino as assistant city manager and was thus on hand when the city emerged from bankruptcy, was elevated to city man- See P 2

## Unrepentantly, Hesperia Brokers An End To U.S. Attorney's Discriminatory Housing Lawsuit

The U.S. Justice Department on Wednesday announced it had secured a landmark agreement resolving a race and national origin discrimination lawsuit against the City of Hesperia and the San Bernardino County Sheriff's Department that had drug on in federal court for three years.

Despite the apparent settlement, city officials

and the city's legal team are putting out that the city engaged in no untoward action when it adopted its "crime-free" rental housing program in November 2015 and then vigorously enforced it while it was fully in effect from January 1, 2016 until July 18, 2017.

In its lawsuit, the U.S. Attorney's Office alleged the housing program was

a thinly-veiled effort to prevent the relocation of African Americans and Latinos from the impoverished neighborhoods of Los Angeles County to Hesperia, in what was a clear and demonstrable pattern or practice of discrimination.

The City of Hesperia's "Crime Free Rental Housing Ordinance" required all rental prop-

erty owners to evict tenants upon notice by the sheriff's department that the tenants had engaged in any alleged criminal activity on or near the property. The complaint by the U.S. Attorney's Office involved a who's who of the nation's highest prosecutors, including then-U.S. Attorney General William P. Barr; then-Assistant U.S. At-

torney General Eric S. Dreiband; Sameena Shina Majeed, the chief of the office's housing and civil enforcement section; the section's deputy chief, R. Tamar Hagler; Nicola T. Hanna, then the United States Attorney in Los Angeles; David M. Harris, the chief of the civil division in Los Angeles; Karen P. Ruckert, the See P 5

## Northeast SB Bugged With What Is Either A Culicoide, Biting Midge Or Resilient Mosquito Infestation

The San Bernardino County Department of Health and its vector control division have been silent in the face of reports that aggressive and atypically resilient mosquitoes or cuicoides of an unknown provenance have been extant in the northeastern end of San Bernardino.

Reports have reached the *Sentinel* that the insects, which are hard to detect visually, are proliferating, perhaps breeding in standing pools of water in the troughs in the flood control district facilities and settling ponds east of the Arrowhead Country Club.

The *Sentinel* was told that the insects are able to survive and thrive in conditions that are inhospitable to native mosquitoes and/or midges, that being in cold weather and possibly in cold water that has accumulated locally as a consequence of the rainstorms that took place in November and earlier this month.

One resident characterized the mosquitoes as no-see-ums, similar to culicoides, also known as punkies or biting midges, which are minute flies barely visible to the eye.

According to one local resident, the insects are apparently able to inflict bites through two layers of clothing. One report had it that a woman who is a resident of the area suffered a substantial number of bites on and around her ankles, which

## Board Of Supervisors' Christmas Morning Mystery Meeting Has Residents Guessing About What's Up

A common trick by government officials used to hide their activity from the public is to schedule votes or action at meetings that take place right before holidays, particularly over Christmas holidays.

The Brown Act, California's open public meeting law, requires that public agencies have

their elected decision-making authorities carry out their official action in the forum of a public meeting which is noticed ahead of time and which has an agenda or catalog of the matters to be considered or voted upon. When a county board of supervisors, a city or town council or a board of directors for

a school district, water district, fire district or similar entity is about to embark on a particularly controversial program or effort, having the action take place at nighttime meeting a day or two or three before Christmas can result in no one being present when the discussion of that matter and a vote on See P 2

## 17 SBC City Council Incumbents Out With 2022 Election Cycle

The 2022 election cycle brought about a fair number of changes in the local political landscape in San Bernardino County.

Generally, an advantage accrues to incumbents in political races, such that most officeholders who seek to remain in office do so. In most cases, the name

recognition and positive name identification an incumbent has, combined with the fundraising capability that naturally falls to someone who holds a decision-making position that will impact local businesses gives a member of the political establishment a leg up over challengers. Such donations See P 3

## Williams Loses Reelection Bid In CVFD & Election Effort For IEUA Board Berth

Whether Winn Williams is a conscientious public servant who has been unfairly persecuted by his fellow elected officeholders or is an egocentric blowhard with a contrary attitude who has consistently prevented his colleagues from ensuring that the public interest is properly attended to, people won't have him to kick around for at least another two

years. Williams, a former firefighter and an incumbent Chino Valley Fire District board member, in November vied for reelection to that post and also ran for a board position on the Inland Empire Utilities Agency.

He came up short in both contests.

Williams over five decades has singularized himself within the Chi-

no Valley in association with the Chino Valley Fire District in both positive and negative ways.

In 1974, at the age of 26, Williams became the youngest fire captain in the 124-year history of the district and its fore-runners. Williams also holds the somewhat dubious distinction of being censured by his Chino Valley Fire District board colleagues

not once but three times within a single year.

Williams' history with the district is long and storied.

In 1969, at the age of 21, he was hired as a firefighter with the district. Five years later he reached the fire captain rank milestone. At that point, he seemed destined for an impressive career as firefighting professional.

Things moved off course, however, in 2000, when Williams suffered a back injury while on the job during a training exercise. In November 2001, at which time the Chino Valley Independent Fire District held its elections in odd-numbered years, Williams vied, unsuccessfully, for a position on the district's board of directors. Williams finished fourth, See P 6

## Though Field Had No Municipal Managerial Experience, It Was Hoped His Expertise In Promoting Commercial & Financial Expansion Would Snap San Bernardino Out Of Its Economic Tailspin *from front page*

ager in August 2017. During her second tour as city manager, she became closely identified with the administration of then-Mayor Carey Davis, which ultimately redounded to her detriment when John Valdivia, who had been the city's Third Ward Councilman, defeated Davis in the November 2018 election. From the time Valdivia was sworn in as mayor in December 2018, he was militating to force Travis-Miller's departure. In April 2019, he mustered the votes to put her on administrative leave and following the special election held in May 2019 to choose his replacement as Third Ward Councilman in which his ally Juan Figueroa was elected, Travis-Miller was terminated without any citation of cause, and the council conferred upon her a \$307,941.56 severance as she headed down the road.

Travis-Miller was replaced with Teri Ledoux. Ledoux had previously been employed in San Bernardino as an administrative analyst and assistant to the city manager before she departed for the City of LaVerne to take on the \$123,177.08 annual salary post of assistant to the city manager there. In October 2017, Travis-Miller arranged to lure Ledoux back to San Bernardino as her assistant city manager, in which capacity she was to receive a \$190,000 annual salary. In the late winter and spring of 2019, as Valdivia's intention of cashiering Travis-Miller was becoming clear, Ledoux at first made a show of loyalty and support for her boss. But when Valdivia adroitly offered Ledoux a promotion into the city man-

ager's post, which paid \$268,762.59 in salary and another \$46,000 per year in benefits, which would ultimately have the effect of increasing her pension from the \$123,500 she stood to make as a retired assistant city manager to the \$174,695.68 pension she would receive upon retiring as city manager, Ledoux went along with shunting Travis-Miller out of the way so she could take her place.

When Ledoux first settled into the position of city manager, Valdivia had the support of five of the seven members of the city council.

Over time, however, Valdivia's political hold began to lapse. Ultimately, after a handful of blow-ups in which he expressed frustration with his inability to influence the decision-making process at City Hall in the precise ways he had promised several of his most generous political donors, the mayor's ability to dominate Ledoux and have her do his unquestioned bidding began to slip as well. Before the 2019 calendar had elapsed, Valdivia's discomfiture with Ledoux was every bit as pronounced as it had been with Travis-Miller.

At that point, Valdivia began casting about to find the eventual replacement for Ledoux, one whom he intended to be able to control implicitly and explicitly. In 2020, he was for a time determined to bring Chris Lopez, Hemet's city manager since October 2019, in as Ledoux's replacement, as he believed he had an iron-clad arrangement with Lopez that would ensure Lopez would follow his instructions to a T. Valdivia was not able to get the council to sign off on Lopez's hiring, however.

Ultimately, in September 2020, Valdivia found a city manager candidate the city council would support bringing aboard: Rob Field, Riverside County's former economic development agency director.

Field boasted impressive credentials. A 1989 University of California

at Riverside graduate with a bachelor's degree in history, Field in 1991 went to work as an environmental and development specialist with the Krieger & Stewart civil engineering firm in Riverside. After seven-and-a-half years with Krieger & Stewart, he was hired by Riverside County as a mid-level employee in the economic development agency. Field's brother, John, was the chief of staff to then-Riverside County Supervisor John Tavaglione. With Tavaglione as his patron, Field found himself on the fast track, logging three advancements over the course of six years, the last into the post of assistant county economic development director. Then, in 2006, Field was given a promotion out of the economic development agency into the position of director of Riverside County's facilities management division. In that capacity, Field led a staff of 600 who variously oversaw design and construction of county projects, managed the county's real property and provided county properties with maintenance and custodial services. He was responsible for an \$80 million operations budget and a \$220 million capital budget. In March 2009, Field's career made a huge bound when Tavaglione, in conjunction with then-Riverside County Chief Executive Officer Bill Luna, merged the positions of county facilities management director with that of economic development agency director, thereby transforming Field into an assistant county executive officer. Thereafter, Field expanded his educational credentials, earning his master's degree from California Baptist University in leadership and organization, and obtaining extension certificates in economic development management, land use and environmental planning from UC Riverside. Under Luna and the chief county executive officer who ultimately replaced Luna, Jay Orr, Field thrived in his ca-

reer as a top level public administrator. In his capacity as assistant Riverside County executive officer/economic development agency director, he oversaw 24 divisions, a staff of 840, an annual operating budget of \$650 million and a \$1.5 billion capital improvement budget.

In February 2019, Riverside County Chief Executive Officer George Johnson, perhaps fearing that Field had come to represent a personal threat to him in that the Riverside Board of Supervisors might get around to bringing Field in to replace him, abruptly terminated Field.

In post-bankruptcy San Bernardino, Field was perceived as exactly what the doctor ordered: a financial guru who could spur economic development on a multiplicity of levels in a way that would miraculously rejuvenate the city financially, primarily by luring businesses of all order to the city, such that San Bernardino would literally grow its way out of the financial doldrums that represented such an existential threat to it.

Valdivia was arguably the foremost practitioner of pay-to-play politics in the region, one who had secured the mayoral post by promising at first dozens, then scores and ultimately hundreds of business owners that he would ensure their success in getting their projects or their contracts with the city approved in return for substantial political donations. Even before Field had the city manager's job, Valdivia had introduced many of those donors to Field, familiarizing them with the city manager-to-be and impressing upon Field that these were the entrepreneurs who represented San Bernardino's best hope for financial resurrection and that as they prospered, so too would San Bernardino. An understanding was cultivated and in place by the time Field was hired. Field would make sure that those who were willing to invest in the city would see a return on their investment.

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Field was hired on a 6-to-2 vote, with Councilwoman Sandra Ibarra and Councilman Henry Nickel dissenting.

Meanwhile, the rest of the city council, as it was then composed, held out hope that Field would be able to turn things around.

Despite the exuberance of many when Field came aboard, the actuality was that his experience in San Bernardino was foredoomed.

He embodied some flaws, what at first seemed to be imperceptible cracks in the foundation that over time widened and became far more apparent, resulting in his managerial edifice collapsing.

At the most basic level was the city's seminal problem: the burgeoning and unreasonable costs associated with employing overpaid city staff, a problem that had existed for more than two decades, an outgrowth of the city's public employee unions – the San Bernardino Public Employees Union/Teamsters, representing the city's civilian workers, and the San Bernardino Police Officers Association, representing its law enforcement employees – making ever increasing demands during collective bargaining sessions on contracts for city workers. The unwillingness of the city's unions to reduce worker salaries in line with the city's financial means had resulted in the 59.65-square mile city making a bankruptcy declaration in 2012 and the 2015 closing out of its municipal fire depart-

ment and an accompanying arrangement with the county fire department for fire protection and emergency medical service, along with a parallel shuttering of its municipal sanitation division and the granting of a franchise for refuse handling and trash hauling to Burrtec Waste Industries. Before Field arrived, McNeely, Travis-Miller, Parker, Scott, Travis-Miller again and Ledoux had proven unable or unwilling, despite the city's Chapter 9 bankruptcy protection filing, to get the city's workers and their bargaining units to accept any meaningful salary and benefit reductions that would reduce the cost of municipal operations. Personnel costs represented approaching 94 percent of the city's operational budget. In its 2012 bankruptcy filing, the city had cataloged \$80 million in unfunded liabilities and a \$49 million annual operating deficit.

In hiring Field, the city council conferred upon him a \$285,000 yearly salary, \$25,000 in other pay and \$46,000 in benefits for a total annual compensation of \$356,000, which exceeded what had been provided to any previous city manager. With the City of San Bernardino long in a death spiral in which business after business had closed or moved from the city and with City Hall, because of the exorbitant salaries and benefits paid to city employees, consistently taking in less money

*Continued on Page 4*

## Way More Local Government Incumbents Than Is Typical Were Voted Out Of Office In San Bernardino County In 2022 *from front page*

infuse a candidate's electioneering war chest, and if a candidate's team spends that money judiciously and skillfully on polling, billboards, campaign signs, handbills, mailers, radio and television spots and newspaper advertising, he or she can be hard to beat by a challenger who does not have such means at his or her disposal.

At the county level this year, Second District Supervisor Janice Rutherford is being turned out of office because she has now exhausted the three-term limitation on members of the board of supervisors and she thus could not run for reelection. Former Fontana City Councilman Jesse Armendarez was elected to replace her in a hard-fought contest against Cucamonga Valley Water District Board Member Luis Cetina.

Also at the county level, the late Bob Dutton, who was first elected county assessor in 2014, reelected without opposition in 2018 and reelected without opposition in the June California Primary, has been replaced by Christopher Wilhite. The board of

supervisors deprived the county's residents of electing the county assessor, who also serves as the county clerk and county recorder, this year after Dutton died on July 23, 46 days after his election, when it did not act with alacrity to recruit candidates to compete for the post on the November 8 ballot and have those hopefuls qualify their candidacies in time for the August 12 deadline for submission of the candidate list for the printing of the ballots. Instead, the board of supervisors, in a move that some county residents believe skirted the California Elections Code and the California Constitution, solicited individuals interested in serving as supervisor to apply for the position and earlier this month appointed one of those, Wilhite, to serve as assessor from January 3, 2023 until January 3, 2025.

In Barstow, Councilman Tim Silva, who has been on the city council for 16 years, did not seek reelection. He will be replaced by former Councilwoman Carmen Hernandez, who outlasted Martha O'Brien in the November election to represent the city's Council District 1.

In Needles, Mayor Jeff Williams and Councilmen Ed Paget, Wade Evans and Zachery Longacre are being replaced by, respectively, Janet

Jernigan, who defeated Sandra Noble and James Jones in the November 8 mayoral race; and Joanne Pogue, Jamie McCorkle and Henry Longbrake, who ran unopposed for city council.

In Adelanto, Stevonna Evans, who was elected to the city council in her maiden effort in 2018, reached for the brass ring by running for mayor this year. She failed in her effort to unseat incumbent Gabriel Reyes. She must therefore leave the council. Evans is being replaced by Amanda Uptergrove.

In Victorville, Rita Ramirez Dean was removed from office in March 2021 on the grounds that she had not maintained residency status in the city. In November, Robert Harrihan defeated Lizet Angulo in the City Council District 4 race to, essentially, fill what had been Ramirez Dean's position on the council.

In Hesperia, Bill Holland, who had been on the city council since 2010, found himself maneuvered out of his position on the council when the redrafting of the city's district lines placed his residence outside of District 2, the position he was elected to in 2018 during that city's first by-district election.

When the August 12 filing deadline for council candidacy elapsed without an applicant, the city invited District 2

residents to apply for the post. Seven did and the council selected businesswoman Allison Lee to serve in the District 2 post for the next four years.

In Big Bear Lake, council contests in districts 2, 3 and 4 were held this year. Incumbents Rick Herrick, Rnadall Putz and Perri Melnick were all re-elected. The city's residents also qualified a recall election against District 1 Councilman Alan Lee. Lee's recall was approved by the voters, who selected Kendi Segovia to replace him.

In Twentynine Palms, incumbent District 4 Councilwoman Karmollette O'Gilvie, who was serving as appointed mayor, was outdistanced in the November 8 election by Octavious Scott. Scott's victory was a narrow one. He pulled down 311 votes or 50.65 percent to O'Gilvie's 303 votes or 49.35 percent.

In Rialto, the voters there elected former Assemblyman/State Senator/Congressman Joe Baca Sr. to replace Karla Perez, who had been appointed by the city council in 2021 to replace Joe Baca Jr. on the council following the younger Baca's 2020 election to the position of Fifth District County Supervisor.

In Rancho Cucamonga, the voters in District 1 chose Ashley Stickler to serve out the last two years of Councilman

Sam Spagnolo's term following his death in May.

In Upland, incumbent Councilwoman Janice Elliott was defeated in her bid to remain as the City of Gracious Living's District 2 councilwoman by James Breitting.

In Colton, the city council in this election cycle was reduced from a panel consisting of an at-large elected mayor and six council members elected by-district to an at-large elected mayor and four council members elected by-district.

The residences of both old District 1 Councilman David Toro and old District 2 Councilman Ernest Cisneros were folded into the new District 1. Cisneros chose not to run for reelection, and Toro was elected in November without opposition. In the city's newly created District 2, former Councilwoman and Mayor Kelly Chastain, who was voted out of the mayoral role in 2010, ran against incumbent Councilman Kevin Koperski, who had represented the old District 3. Chastain won, returning herself to office and removing Koperski from the council. In the newly-drawn District 3, incumbents Isaac Suchil, who had represented District 6, and Luis González, who represented District 4, went head-to-head on November 8. González won.

In Yucaipa, two council incumbents, David Avila in District 1 and Greg Bogh in District 2, did not seek reelection this year. Matt Garner captured the District 1 post in a race that also featured Mark Taylor, Erik Sahakian and Sherilyn Long. In District 2, Chris Venable outpolled Nena Dragoo to capture that berth.

In Grand Terrace Mayor Darcy McNaboe, who was first elected to the council in 2010, was displaced by Councilman Bill Hussey in this year's mayoral contest.

In Redlands, former District 5 Councilman and Mayor Paul Foster left office in January and was replaced by Mick Gallagher. Gallagher did not seek election. Following the redistricting that occurred in Redlands in 2021, District 3 Councilman Paul Barich was moved into District 5. He ran unopposed this year. Meanwhile, in the newly drawn District 3, Mike Saifie and Mario Saucedo competed this year, with Saucedo winning.

In Chino, Walt Pockock, who was appointed to fill the term of Mark Hargrove when the latter died in office 2021, opted out of seeking reelection as District 2 councilman. Curtis Burton, Sylvia Orozco and Gregory Marquez vied for the spot. Burton prevailed.

-Mark Gutglueck

## Board Of Supervisors' Christmas Mystery Meeting *from front page*

it is made. With a little luck or further obfuscation – such as burying the discussion and vote among dozens, scores or even hundreds of other items to be considered or voted upon at the same meeting – the public might miss what takes place entirely and never catch on at all to what occurred.

If a resident or citizen does see what is happening, he or she may not see it until after the action is taken, at which point it is too late to register a protest or re-

sistance. In those rare cases where a citizen discovers what is being done in a timely fashion and does make a protest or mounts some opposition, he or she is very likely to be doing so on his or her own, in a vacuum as it were, where no one else or very few others are present to join in with the protest or resistance, allowing the governmental officials to proceed without effective opposition.

This year, the San Bernardino County Board of Supervisors is going even further in the effort to take action outside the witness, scrutiny or review of the public.

The board is scheduled to meet in a closed session at 9 a.m. on Christmas morning for a discussion that in any event will not occur within the eyesight or earshot of the public at large, whereupon it will meet in an open session at 10 a.m..

The county is giving the public fair and legal warning of what is to take place by posting the agenda for the Christmas morning meeting on the county's website. Whether anyone other than the supervisors and involved county staff - residents, citizens, taxpayers, or regular Joes - will show up at the meeting is doubtful. Af-

ter all, Christmas morning is, well, Christmas morning.

Despite the official notice, it is not clear from the posted agenda exactly what action the board is going to take.

According to the agenda, the first order of business is to be "public comment on closed session agenda items" which is to take place sometime prior to 9 a.m. in the Covington Chambers where the board of supervisors normally meets on the first floor of the County Government Center at 385 North Arrowhead Avenue. The agenda, however, does not specify what those closed session items are

to be. At 9 a.m., according to the agenda, the supervisors are to adjourn into a closed session that is to take place in the Magda Lawson Room on the fifth floor, from which the public will be excluded. At 10 a.m., the board is scheduled to reconvene in the Covington Chambers on the first floor, again before any members of the public who happen to be there. After standard

ceremonials such as the invocation and Pledge of Allegiance, proclamations, presentations, resolutions and citations of memorials or tributes to retiring county employees or public officials as well as recently deceased county residents, the public session of the meeting is to commence.

The agenda is somewhat vague as to what is to be considered or voted upon, with only ge-

*Continued on Page 11*

## Biting Midges On The Loose In San Bernardino? *from front page*

were the only uncovered areas of her body other

than her neck and head while she was briefly out in her yard.

The bites from the bugs inflict what were described as bright deep pink or red welts.

## Wright Sentenced On Adelanto Bribery And Attempted Arson Convictions

*from front page*

than it was spending, the sole hope for salvation was a leader – a head staff member, i.e., a city manager – who could impose the personal fiscal discipline on his underlings which would end the hemorrhaging of red ink. Thus, Field's acceptance of the highest salary ever provided to a San Bernardino city manager and the demonstration of the concomitant unwillingness to sacrifice his own personal interest made it impossible for him to claim the moral authority he needed to convince the employees at City Hall to themselves accept, in the spirit of parsimony and financial austerity, the drastic pay cuts that would allow the city to balance its budget and stave off what many believe will be an inevitable second bankruptcy.

Equally problematic was that despite the challenge of redressing the city's sputtering economy lying right in Field's wheelhouse, he had not previously been a municipal manager. His degrees and certificates were in history, leadership and organization, economic development, land use and environmental planning, all of which, certainly, fall within the purview of municipal operations. Still, he had not trained in management nor in municipal management, the four principles of which are to plan, organize, direct and control. When the rubber met the road and he was at last called upon to actually run the city, Field found himself out of his depth and element.

Moreover, Field, despite having risen to the heights of the government establishment in Riverside County through his brother's connection to Tavaglione, demonstrated himself as shockingly slow on the uptake when it came to reading the political lay of the land in San Bernardino. This

in part was the result of his having been in large measure recruited by Valdivia and then being originally oriented to the community by the mayor. What Field failed to recognize until it was far too late was that Valdivia's political hold on and heyday in San Bernardino had elapsed prior to Field arriving in the city. Though Valdivia's November 2018 election and installment as mayor the following month had put him into San Bernardino's catbird seat, as he had what appeared to be the solid backing of two-thirds of the six-sevenths strength council as it was then composed, he would see that position erode rapidly over time. Upon his swearing in, Valdivia could count upon the support of just-elected First Ward Councilman Ted Sanchez and just-elected Second Ward Councilwoman Sandra Ibarra as well as previously established Fifth Ward Councilman Henry Nickel and Sixth Ward Councilwoman Bessine Richard, with whom he had developed while in his role as Third Ward Councilman alliances. At that point, Valdivia's only rivals on the council were Fourth District Councilman Fred Shorett and Seventh District Councilman Jim Mulvihill. For the balance of his first five months as mayor, Valdivia thus had a 4-to-2 wall of support among the council. In May 2019, when his ally Juan Figueroa defeated Treasure Ortiz in the special election to fill the Third Ward post that Valdivia had to resign from in December 2018 to take up the mayor's gavel, he had a 5-to-2 majority ruling coalition on the council, which made him a practically irresistible political force in the county seat.

Nevertheless, by the summer of 2019, it was as if the ground beneath Valdivia's feet began to slip and slide. First, there were indications of differences and disagreement between the mayor and Nickel, quickly followed by a parting between Valdivia and Ibar-

ra. By October, there was indication that Sanchez was out of sync with the mayor. Valdivia, having made multiple commitments to his supporters and those who had bankrolled his mayoral campaign that he would deliver council votes to approve their projects or ensure their companies would be awarded contracts or franchises with the city, found himself unable to deliver on many of his promises.

There followed a series of revelations that brought Valdivia into disrepute. Cannabis entrepreneurs came out of the woodwork, regaling newspaper reporters and the public with the way, in exchange for cash, he had promised commercial marijuana operation licenses and permits to those who had applied for them. Whereas he had taken for granted that Ledoux had his back and would automatically process any requests he made at City Hall, her finely attuned political radar kept her immediately – by the hour and sometimes by the minute – apprised of what the attitudes on the council and throughout City Hall with regard to the mayor's latest demands and proposals were. When the prevailing sentiment was unfavorable to Valdivia, particularly when what he was asking for looked like an ethically questionable or potentially illegal ploy to assist one of his political patrons, Ledoux either dragged her feet or simply said, "No." This made Valdivia's blood boil and, ill-advisedly, he lashed out, making gratuitous and counterproductive attacks upon Ledoux and other members of city staff. Included in those Valdivia attacked were City Attorney Sonia Carvalho, who up until that time had endeavored to remain on good terms with him.

Behind the scenes, things were getting ugly at City Hall. The city's human resources director, Helen Tran, resigned from her post and went to work for the City of West Covina.

## The Appointment

He is in a tavern in Damascus and as he is about to take a draught he looks up and sees Death sitting at a table across the room, regarding him. He cries out, 'No. It is not my time. It cannot be.' He sets his glass down and flees from the tavern at once.

He mounts his steed and rides, rides like the devil himself, out into the desert in the direction of Samara.

The sun and the sand are unrelenting.

By December of 2019, the only votes of support on the council Valdivia could consistently rely on were those of Figueroa and Richard.

When it rains, it pours. In January of 2020, an employee in his office, Mirna Cisneros, went public with how he had made sexual advances to her and misused city funds to engage in travel and activity that had nothing to do with city business and he was taking money from those with business before the city; another employee of the mayor's office, Karen Cervantes, related how the mayor had made sexual advances toward her; his field representative, Jackie Aboud, likewise said Valdivia had pressured her to accommodate his sexual needs; Alissa Payne, a single mother whom Valdivia appointed to two city commissions, said Valdivia had made similar indecent overtures to her; Valdivia's field representative Don Smith related how he had been present while Valdivia made a late night rendezvous with a city tow service franchise holder who handed Valdivia an envelope stuffed with cash; Valdivia's chief of staff, Matt Brown, came forward to say that Valdivia attempted to have him make fraudulent unfavorable work reviews of Cisneros, Cervantes, Aboud and Smith to justify their firings and discredit them with regard to the allegations they had made.

He presses on. The desert is endless, as if he has inserted himself and the beast he is upon into an eternal channel of desolation.

Still, he does not slow at all until he is at the outskirts of Samara. Only then does he break his horse from a full gallop to a canter and continues on and after a time slows to a trot and, following an interim, to a jog.

Presently, he comes to the first oasis at Samara and he realizes he

is gripped with a thirst more parching than one he has ever felt before.

When he approaches the well, standing before him is Death. He cries out, "I'm seeing you for the second time. This cannot be, for I escaped you in Damascus."

Death lays his hand upon his shoulder and says, "I was more surprised than you when I saw you in Damascus, for my appointment with you was always to be here, in Samara."

Based on a host of Valdivia's actions, the city found itself facing nearly a dozen lawsuits.

At that point, the 2020 electoral season was in full swing. In the March primary election, Valdivia's ally, Juan Figueroa, was reelected. His other remaining faithful ally, Bessine Richard, was defeated by her challenger, Kimberly Calvin. On the same day, Seventh Ward Councilman Jim Mulvihill in a five contestant-race, and Fifth Ward Councilman Henry Nickel, in a six contestant-race, placed, respectively, second and first against Damon Alexander and Ben Reynoso in their contests. Ultimately, in November, Alexander and Reynoso prevailed. Though Valdivia had hopes of befriending Alexander and converting him to an ally, that did not occur once the installation of the new council took place. Additionally, any thought that Valdivia entertained of striking up common political ground with Reynoso failed, as it turned out that Reynoso was even more hostile toward the mayor than Nickel had been.

It was in September 2020, two months before the November 2020 general election in which Mulvihill and Nickel were turned out of office and three months before the December 2020 formation of the new council that included Alexander, Calvin and Reynoso, that the council and

Valdivia had hired Field on a 6-to-2 vote, with council members Ibarra and Nickel dissenting. Ibarra's objection appeared to be based upon the \$285,000 in salary and \$356,000 total compensation delineated in Field's contract. Nickel's rationale for not supporting Field's appointment to the city manager's position was more opaque. Nickel indicated that he was going to "respectfully vote against" hiring Field.

At the time, no one explained to Field the level of tension that existed between, on one side, the mayor, and on the other, Mulvihill, Nickel, Shorett, Ibarra and Sanchez. Based upon Valdivia having actively recruited him and pushed for his hiring followed by the endorsement of him as city manager by five of the council's seven members, Field assumed there was a cordial working relationship between the mayor and the council. He failed to fully reckon with the divided house he had entered into, and he did not understand the degree to which his efforts to assist Valdivia in pleasing the multitude of campaign donors who had invested in the mayor's political career was not appreciated by Mulvihill, Nickel, Shorett, Ibarra and Sanchez. After the November elections of Reynoso and Alexander and the December inaugural in which Nickel, Richard and Mulvihill were sup-

*Continued on Page 10*

## After Hesperia Passed Its “Crime Free” Rental Housing Ordinance in 2016, The Sheriff’s Department & City Staff Used It Almost Exclusively To Have Minority Families And Individuals Evicted *from front page*

chief of the Los Angeles office’s civil rights section; and Matthew Nickell, the head of the civil division within the Los Angeles office’s civil rights section. Megan K. Whyte De Vasquez, who is a member of the bar in Washington, D.C., was designated as the trial attorney on the case.

According to the lawsuit, the San Bernardino County Sheriff’s Department and Nils Bentsen, who was then the Hesperia Sheriff’s Station commander, played key roles in creating the program and misusing its parameters, exercising substantial discretion in the enforcement of the ordinance that informed the program to target African American and Latino renters and majority-minority areas of Hesperia.

According to the suit, “The Sheriff’s Department, which the city tasked with enforcing the ordinance, ... demanded evictions of entire families for conduct involving one tenant or even guests or estranged family members, evictions of victims of domestic violence, and evictions in the absence of concrete evidence of criminal activity. It also threatened and took action against housing providers that failed to evict tenants under the ordinance’s strictures. Defendants enacted and enforced the ordinance with the intent and effect of disproportionately impacting African American and Latino renters.” The suit states “The city – with substantial support from the sheriff’s department – enacted the mandatory eviction ordinance to address a perceived ‘demographical problem’: the growing population of African American and Latino renters in Hesperia. The African American and Latino population in Hesperia grew rapidly in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries while the percentage of non-His-

panic white residents declined. In 1990, non-Hispanic white residents were 76.8 percent of the city’s population, but by 2000, this had dropped to 62.4 percent. By 2010, Hesperia’s non-Hispanic white population was 41.1 percent. According to Census Bureau estimates, the percentage of non-Hispanic whites in Hesperia had further declined to 35.8 percent by 2016. The number of Latino residents in Hesperia rose by 140 percent between 2000 and 2010, from 18,400 to 44,091. The number of African American residents rose by 103 percent during the same period, from 2,388 to 4,853. According to the 2010 Census, the city was 5.4 percent African American and 48.9 percent Latino.” According to the lawsuit, “The ordinance applied exclusively to rental properties. First, it required all owners of rent-

al property in the city to register their properties and pay an annual fee, and it imposed fines for failure to register those properties. Under the city fee schedule for the ordinance, an owner had to pay a \$350 fine for failing to register a single-family rental property, and a fine of \$50 per unit for failing to register a multifamily property. The ordinance also made the failure to register or to comply with the provisions of the ordinance a misdemeanor. Second, it required owners to submit the names of all adult tenancy applicants to the sheriff’s department for a background screening. In addition, it required owners to use a commercially available service to conduct a criminal background check of their tenants, at the owners’ expense. The city fee schedule for the ordinance imposed a \$250 fine for an owner’s failure to screen a tenant or applicant. Third, it required all owners to incorporate a ‘crime free lease addendum’ into all new and renewed residential leases. The ad-

dendum mandated that if any occupant, guest, or ‘other person under the [occupant’s] control’ engaged in a single instance of any criminal activity ‘on or near’ the property or, in the case of drug crimes, ‘at any location,’ this ‘w[ould] result in a three-day notice to quit.’ Neither the ordinance nor the addendum required a conviction or other criminal disposition, or even an arrest, to trigger the three-day notice. The addendum allowed landlords to serve the three-day notice requiring that ‘every member of . . . [the] household . . . shall vacate the premises within three days.’ The city fee schedule for the ordinance imposed a \$500 fine on owners for failure to initiate an eviction in accordance with the addendum, as well as a \$250 fine for failure to incorporate the addendum in a lease. Fourth, the ordinance required all rental properties in the city to undergo annual police inspections for items related to actual or potential criminal activity, for example, whether

poor lighting or landscaping offered places for individuals to hide. The city fee schedule for the ordinance provided a \$100 fee for each re-inspection and a \$400 fine for failing to make any required corrections. The city amended the ordinance as of July 18, 2017, during the U.S. Department of Housing and Urban Development’s investigation. The language of the ordinance changed, but the components of the crime free rental housing program implemented under the original ordinance remain largely the same, although certain provisions are no longer mandatory. The current city fee schedule provides for many of the same fines under the amended ordinance as it did under the original ordinance.”

The suit states, “The ordinance’s stated rationale was a purported connection between rental properties and increased ‘illegal activity’ and ‘law enforcement calls for service.’ However, statements by city and sheriff’s department officials leading

up to the enactment of the ordinance belie this rationale. Instead, statements by city and sheriff’s department officials indicate that the ordinance was enacted with discriminatory intent and with the purpose of evicting and deterring African American and Latino renters from living in Hesperia.”

In city council hearings prior to the ordinance’s enactment, City Councilmember Russ Blewett stated the purpose of the ordinance was “to correct a demographical problem.” He stated he “could care less” that landlords and organizations including “the Apartment House Association, and the Building Industry, and the Board of Realtors” disagreed with him about the ordinance, and stated that the city needed to ‘improve our demographic.’ Blewett also stated that “those kind of people” the ordinance would target were “no addition and of no value to this community, period,” and that he wanted to “get them the hell out of our town,” adding “I want their butt kicked out of this community as fast as I can possibly humanly get it done.” Then-Mayor Eric Schmidt, said, “I can’t get over the fact that we’re allowing . . . people from LA County” to “mov[e] into our neighborhoods because it’s a cheap place to live and it’s a place to hide.” He also stated that “the people that aggravate us aren’t from here,” and that they “come from somewhere else with their tainted history.” Mayor Pro Tem Bill Holland stated “[w]e are surgically going after those elements that create an inordinate amount of problems in every single neighborhood,” and “[y]ou are trying to eliminate them, you are trying to pluck them out and make them go somewhere else.” He also stated that the ordinance’s purpose was to get each landlord “to rid his rental . . . of that blight,” similar to “call[ing] an exterminator out to kill roaches, same difference.”

## Justice Department Secures Settlement with San Bernardino City School District to Protect the Rights of English Learner Students

The Justice Department announced today it has secured a settlement agreement with the San Bernardino City Unified School District to resolve the department’s investigation into the district’s educational program for English learners.

The department investigation, conducted jointly by the United States Attorney’s Office and the Justice Department’s Civil Rights Division, concluded that the district was not providing English learners with the necessary services and supports to become fluent in English, or to meaningfully participate in core content classes like math, science or social studies.

The district has agreed to improve its services so that English learners have access to the same crucial educational opportunities as their peers.

“Federal laws protect the rights of English learners to fully participate in the classroom,” said United States Attorney Martin Estrada. “Today’s agreement is an important step in ensuring that students learning English receive the programming they need to progress towards fluency and to participate in school on an equal basis with their peers. This agreement will improve the services and support offered to English learners.”

“Education is a fundamental part of achieving the American dream, but for many students learning English across the country, their school districts do not provide the services and support they need,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “The Civil Rights Division

will fight to hold districts to their obligations under federal law to provide all their students, regardless of language ability, with a full and meaningful education.”

The department’s investigation identified failures to ensure that all teachers providing English language instruction were qualified. In addition, teachers of core subjects like math, science and social studies were often not trained and qualified to provide the supports that English learner students need to learn grade-level material, among other concerns.

Under the settlement, the district will provide language instruction to English learners to help them develop fluency in English, and it will ensure that its teachers are trained and certified to provide that instruction. The district will also pro-

vide training to teachers of core classes – such as math, science and social studies – on the use of tools that help English learners understand the content of those courses. And the district will effectively monitor student progress and identify whether students need additional services or supports to guarantee that English learners have access to gifted and talented programs and advanced courses, including Advanced Placement classes. The department will monitor the district’s compliance with the settlement for three years.

Assistant United States Attorney Katherine Hikida of the Civil Division’s Civil Rights Section and attorneys from the Educational Opportunities Section of the Justice Department’s Civil Rights Division handled this matter.

*Continued on Page 11*

## Williams So Irritated His Board Colleagues That They Set A County Speed Record In Passing A Censure Measure Against Him, Just Three Months After He Was Elected And Two Months After He Was Sworn In *from front page*

failing to capture a position on the board.

In December 2001, Williams returned to work, but a little more than a month later, he was diagnosed with skin cancer, and on January 28, 2002, the district placed him on Section 4850 disability leave. On June 21, 2002, Williams submitted an application to the California Public Employees Retirement System for industrial disability retirement.

In 2004, after the district had moved to even-year elections, Williams was elected to serve a two-year term on the fire board in an election held to fill the gap created when a board member had resigned. In 2006, he was not reelected to that post.

In 2008, at the age of 59, Williams initiated an effort to be rehired as a firefighter, asserting he had by that point recovered from his injury. When the district declined to rehire him, he engaged in a series of three legal actions to be reinstated as a firefighter, two in state court and one in federal court, all of which were ultimately unsuccessful.

Also in 2008, he vied for the fire board, but was unsuccessful. In each election over the next eight years, in 2010, 2012, 2014 and 2016, he ran for the fire board and was unsuccessful each time. During that period, Williams was a frequent attendee at the district board meetings, where he often weighed in on various issues relating to district operations, occasionally in a way that was critical of board policy. Williams said that during his first two-year stint on the board, "I regret that I didn't always speak up back then when I should have." He said assuming the role of the district watchdog during the twelve years he was not on the board was a

way of making up for his previous reticence. In 2018, after losing in six straight elections, Williams captured 18,136 votes, or 26.44 percent, which was good enough for second place in a four-way race, with two seats in the balance. He thus ousted incumbent Ed Gray, who had first been elected to the board in 2004, and with whom Williams had served during the two years when he was previously on the board.

Williams maintains tense relations between him and other members



**Winn Williams**

of the board and the hostility of district staff toward him manifested almost immediately upon his swearing in in December 2018, enmity he says is a partially an outgrowth of his having unseated Gray, with whom he says the other members of the board had a chummy relationship.

Williams has a personality conflict with the district's fire chief, Tim Shackelford. Williams has noted that Shackelford's father, Ray Shackelford, was previously the district's fire chief, and he contends that the district was and is poorly run by both father and son. He says the district is not a meritocracy in which the most capable are promoted, but rather one in which favoritism in the form of cronyism and nepotism dominates.

The four other members of the board – John DeMonaco, Harvey Luth, Sarah Evinger-Ramos and Mike Kreeger – contend that Williams

is obsessed with his own personal issues relating to his inability to rehire with the district, which they say has kept him from focusing on the district's current challenges and demands. Williams having thrice sued the district puts them in an awkward position, they say. His constant negativism with regard to the department's personnel, in particular Fire Chief Tim Shackelford, prevents them from having even the semblance of productive discussions with him, they maintain. Very early in his most recent tenure as a board member, Williams found himself involved in a contretemps district officials say was of his own making and which he contends was an outgrowth of his effort to cooperate with his board colleagues and Chief Shackelford. In that incident, Williams went to the district's headquarters and asked the district's board secretary, Sandra Heney, to photocopy documents relating to two of his lawsuits, including the original complaints, to provide them to the district's "conflict resolution" consultant, Mike Messina, whom Williams had been asked to meet with and who, apparently, expressed interest in learning about the basis of Williams' animus toward the district. District officials assert that asking Heney to use district equipment to make the photocopies was an inappropriate personal use of the district's assets. Williams' interaction with Heney has formed the basis of much of the board's dispute with Williams. Williams says his requests of, attitude toward and comportment with Heney has been proper.

In February 2019, the board censured Williams for violations of what the board said was district policy. Censures of elected officials are exceedingly rare, and usually are a move of last or near-last resort by members of a governing board against a colleague with whom

they do not get along. The February 2019 censure of Williams, coming barely two months after he was sworn in and just three months after he had been elected, appears to be the most rapid application of the censure process against an elected official in San Bernardino County history. Four months later, in June 2019, the board censured Williams once more. In the summer of 2019, the board declined DeMonaco's request that Williams be censured again. At the board's September 11, 2019 meeting, however, Williams openly stated Fire Chief Tim Shackelford was inadequate for the assignment he had been given, and he accused him of indolence in ensuring the firefighters under his command are trained and prepared to fight fires. Citing the so-called Star Fire in Chino Hills that burned 156-acres and a high-priced home on July 28 of that year, Williams irascibly intoned, "Our leadership are all paramedics first and firefighters a distant second." He then leveled this invective toward Shackelford: "You're a disgrace to this department, and a disgrace to this community, and every day you remain as chief, your incompetent leadership puts the residents of this community at risk."

Having endured two previous censures and constant repudiation by his elected colleagues, Williams was once again reprimanded that fall for his conduct considered unbecoming to the district. The third censure in eight months was approved by a 3-to-1 vote of the board on October 9, 2019, with Williams dissenting and DeMonaco, Evinger-Ramos and Kreeger voting in favor of placing yet another black check next to Williams' name. Luth was absent from the meeting. In approving the third censure, the board held that such public criticism of district staff is unacceptable, damag-

ing to district employee morale and counter to the efficient operation of the district. The board also relied on a report from Shackelford that said Williams had unscheduled contact with district personnel, and that Williams had gone into non-public areas of the district's administration building at 14011 City Center Drive on October 2, 2019. Williams was accused of violating rules previously imposed on him limiting his privilege of speaking with or contacting employees of the district, despite his status as an elected board member overseeing the district. Additionally, DeMonaco objected to what he said was Williams' gratuitous physical contact with district personnel when he has spoken with them. "If they don't want to shake your hand," DeMonaco said, "you are not to touch them."

Williams insisted that he was sincere in his complaint that the district has been incompetently run and tainted by nepotism. District officials counter that Williams sought, gained and was making use of his public office not to benefit those who put their faith in him by electing him but to carry out a personal vendetta. Williams has accused his rivals on the board and Shackelford of "manufacturing" evidence against him. He said the censures carry no legal weight and that the district does not have the authority to limit his right to seek out information he needs to function in his role as a board member.

In the three years ensuing since the censures, Williams avoided, in large measure, the controversy he had embroiled himself in during the first year of his return to the board.

Many of his constituents see him as a troublemaker who is full of himself and more interested in his own personal issues than the efficient operation of the district. He has been caricatured as someone who previ-

ously sought and this year was seeking election to a governmental post so he could hold office and pad his public pension. Still, there are others who maintain that he was a dedicated and competent firefighter before his injury forced him into unwanted retirement. They say he speaks from experience and an informed knowledge of how the district is run and has brought attention to the shortcomings in the way district personnel conduct themselves and attend to providing emergency response to the residents and businesses in the Chino Valley. It is the other members of the board and not Williams, they say, who have grown inattentive and lackadaisical in their



**Tim Shackelford**

approach to monitoring how the district provides its critical services to the public.

The public, it seems, is almost evenly divided in its assessment of Williams' sincerity in wanting to guide the fire district. He lost in his effort to remain as a board member with the fire district, but not by an overwhelming margin.

In the race to retain his position on the fire board in the district's Division 3, he came up short, behind former Chino City Councilman Tom Haughey, polling 3,279 votes or 47.05 percent to Haughey's 3,690 votes or 52.95 percent.

In the race for the position on the Inland Empire Utilities Agency Board representing that entity's Division 3, he lost far more convincingly to incumbent Steve Elie, who collected 23,332 votes or 64.87 percent to Williams' 12,637 votes or 35.13 percent.

-Mark Gutglueck











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## **When One Woman Called The Sheriff About Her Abusive Boyfriend, The City Used That To Evict Her & Her Children** *from page 5*

City Councilmember Mike Leonard stated that “we’ve had a lot of people from over the hill move up here that are not very friendly people,” and “we need to work on getting them out of here.” He also stated “We need to get [the ordinance] going because we are falling further and further behind on our ability to cut down some of our problem areas.”

The suit noted that “Captain Nils Bentsen from the sheriff’s department, who later became Hesperia’s city manager, was present at the hearings during which the statements described were made. Captain Bentsen and the city councilmembers described Hesperia’s renters – a group in which African American and Latino individuals are overrepresented in comparison to their share of homeowners – as dangerous because they were ‘antisocial’ and ‘victimized’ homeowners. Captain Bentsen compared the ordinance to his previous efforts evicting people in ‘a Section 8 house’ where ‘it took us years to . . . find some criminal charges [and] arrest the people.’”

According to Hesperia’s City Manager at the time, Mike Podegracz, Captain Bentsen was the

“driving force” behind the ordinance. Some six months before the ordinance’s enactment, Bentsen floated the concept of having the city “establish a mandatory crime free rental program.” He cited data that he claimed showed a nexus between rental properties and increased crime. Bentsen stated that in 2014 one-third of 911 calls in the city came from rental properties. He did not, however, exclude from that data those 911 calls that were unrelated to criminal activity. Bentsen also referenced the proportion of “multiple response” citations that the sheriff’s department issued at rental properties. According to Bentsen, the sheriff’s department issued “multiple response” forms when its officers had responded multiple times to a particular residence, including for loud music. Although Bentsen claimed that 80 percent of “multiple responses” from law enforcement were for rental properties, he omitted from his count those “multiple responses” involving alarm calls, which typically occurred at homes. Bentsen asserted that nine of the ten homicides in Hesperia from 2012 through 2014 occurred at rental properties.

According to the federal lawsuit, Bentsen assured the city council that “[u]nder Crime Free, you don’t have to be convicted of a crime’ to be evicted.”

According to the U.S. Attorney’s Office, the way in which the city ap-

plied the ordinance “had real and devastating impacts on families across the City of Hesperia. For example, a Black woman living in Hesperia called the police repeatedly to come to her home because she did not feel safe with her boyfriend. The sheriff’s department notified her landlord about the numerous domestic disturbance calls and threatened the landlord with a misdemeanor. The landlord then forced the woman and her children out of their home. With nowhere to go, the family moved into a motel and attempted to rent another home in Hesperia, but the applications were repeatedly denied. Unable to rent another home for her family in Hesperia, she was forced to uproot her life, leave a house full of furniture behind, and move across the country.”

According to the U.S. Attorney’s Office, “The program also impacted a Latina woman living in Hesperia who called the police to get assistance for her boyfriend, who was experiencing a mental health crisis at her home. When the sheriff’s department arrived before the paramedics, her boyfriend was arrested. The woman then received a notice to vacate based on the supposed violation of the ordinance, and she was forced to temporarily move into a motel.”

In another case, according to the U.S. Attorney’s Office, “One Black family was torn apart after a mother’s call to the police for help

got them kicked out of their home and placed on the violators list, making it impossible to find another rental in Hesperia. The parents moved away and made the impossible decision to leave their teenage daughter behind to finish high school.”

Under the consent order by which the case was resolved short of going to trial, Hesperia had already mitigated a portion of the harm inflicted upon the community by the program by repealing the “crime-free” ordinance, modifying its rental housing business license ordinance, and reducing the fees associated with rental housing business licenses. The sheriff’s department had also made partial amends by agreeing to

stop enforcement of Hesperia’s “crime-free” program.

Under the proposed consent order, which was filed on Wednesday but still must be approved by a federal judge, the City of Hesperia will spend \$950,000 and commit to significant injunctive relief to remedy the effects of the “crime-free” and business license programs, including: a settlement fund of \$670,000 to compensate individuals harmed by the program; the payment of \$100,000 in civil penalties; funding of \$95,000 for affirmative marketing to promote fair housing in Hesperia; funding of \$85,000 for partnerships with community-based organizations; notifications to property

managers, landlords, and owners of the changes to the ordinances and fee schedule; submission of certain policies, procedures and ordinances for the United States’ review and approval prior to adoption; adoption of non-discrimination policies and complaint procedures; designation of civil rights coordinators; anti-discrimination training; a fair housing needs assessment; and regular reporting to the court and the United States Attorney’s Office during the order’s five-year term.

The public announcement was made by the U.S. Attorney’s Office. The City of Hesperia made no effort to publicize what had occurred.

*Continued on Page 12*

## **Board Of Supervisors Scheduled To Hold Mysterious Christmas Morning Meeting** *page 3*

generic descriptions given, including “a) Consider additions of emergency or urgency items to the agenda to be placed on the consent or discussion calendar at the board’s discretion pursuant to government code section 54954.2(b) or (b)(2).

“b) notice of minor revisions to agenda items removed or continued from the board of supervisors’ agenda.”

Thereafter, the agenda lists “consent calendar, county departments, board of supervisors, separated entities, mul-

tijurisdictional items, ordinances for introduction, ordinances for final adoption, discussion calendar, board of supervisors action on [the] consent calendar, [and] deferred items.”

Thereafter public comment is to follow. “In accordance with County Code section 12.0101, any member of the public may address the board on any matter not on the agenda that is within the subject matter jurisdiction of the board,” the agenda states.

Though the agenda does schedule time for the public to speak with regard to any items not on the agenda, it does not specify at what point the public can speak with regard to items on the agenda. Despite that,

the agenda carries the following caveat: “If you challenge any decision regarding any of the above proposals in court, you may be limited to raising only those issues you or someone else raised during the public testimony period regarding that proposal or in written correspondence delivered to the board of supervisors at, or prior to, the public hearing.”

The last item on the agenda sets aside an allotment of five minutes for each of the board members to make comments.

The *Sentinel* was unable to get any clarity from the county on what precise action or votes the board of supervisors will be taking on Christmas morning.

## Field's Early Militating In Favor Of Valdivia Lit In Calvin The Perception That He Was A Participant In The Mayor's Graft, An Impression The City Manager Was Never Able To Overcome *from page 10*

Sanchez, Ibarra, Shorett, Reynoso, Calvin and Alexander.

Field and city staff, based upon prompting from the mayor and city council, were looking toward the eventual makeover of the long-shuttered Carousel Mall in downtown San Bernardino. Word surfaced that Valdivia was pushing, from behind the scenes, for the city to entrust the mall redevelopment project to a Chinese-based company, SCG America, which was conveying money to Valdivia. Both Calvin and Reynoso expressed concern that Valdivia was acting improperly in promoting SCG America against other companies that had expressed an interest in the mall property, and that Field was assisting him by granting SCG America an inside track on a proposal to demolish the mall structures in preparation toward the transition of property into a mixed use retail/residential project. Calvin and Reynoso interpreted that, as did many of the city's residents, as a clear indication that Valdivia was on the take, that Field knew Valdivia was on the take and that

Field was knowingly and directly participating in the quid pro quo arrangements the mayor was involved in.

The epiphany that ultimately brought Field to full consciousness of how Valdivia was perceived by a substantial cross section of the community came in June 2021 when Valdivia utilized a host of city facilities and assets to stage what he billed as the "State of the City Address," a barely disguised effort to promote himself. Ostensibly laid out as a city event, Valdivia completely gave away that it was a fundraising event to fatten his political war chest by creating an invitation list that consisted of his past donors, whom he referred to as San Bernardino's "movers and shakers," along with a handful of his political associates, including Figueroa. He excluded the remaining six council members from the guest list.

The council called upon Field and the city's top administration to look into what had occurred and seek to determine if Valdivia had violated both the law and city policy by utilizing public funds for political

purposes.

Ultimately, city staff went through the various expenditures the city made in support of the address, providing that documentation to an attorney, Norma García Guillén. García Guillén thereafter had staff compile further documentation relating to Valdivia's expenditures of public funds that were used for a hotel stay and meal in San Diego on September 20-22, 2019; a hotel stay in Irvine on September 10-11, 2020; a hotel stay and meal in Irvine on March 8-9, 2021; a hotel stay in Irvine on March 18-19, 2021; meals in Nevada on March 22-23, 2021; a meal in Newport Beach on March 23, 2021; and a meal and hotel stay in Irvine on April 13-14, 2021, all of which García Guillén said had nothing to do with city-related business and provided the basis for censuring Valdivia. García Guillén presented the case for Valdivia's censure to the city council during a special meeting held on December 1, 2021. In response to García Guillén's presentation, Valdivia's attorney, Rod Pacheco, offered a defense, which the city council ultimately rejected when it voted to censure Valdivia.

In the preparation of that censure effort, the degree to which Valdivia was out of favor with

the city council at last dawned on Field. His support of Valdivia became more tepid after that, but the damage to his relationship with several members of the council had been done by that point.

In June, Valdivia ran for reelection against six other candidates, including former Human Resources Director Helen Tran, former City Attorney James Penman, former Councilman Henry Nickel and government reform activist Treasure Ortiz. He ran in third place, with Tran and Penman qualifying for the November 8 run-off. Ultimately, Tran was elected to serve as mayor beginning later this month for a term running until December 2026.

On December 7, Valdivia, in what may be one of his most significant last acts as mayor before he leaves office later this month, announced that in closed session that evening the city council accepted Field's resignation.

Things had been building toward Field's exit for some time. For the majority of the council, most of the major things facing the city under Fields watch had taken care of themselves. It was an accumulation of smaller items that had been allowed to fester that led to the conclusion that he was not the best fit for the city. One of the things that tripped him up was that he had never before served in the role of a city manager. In his Riverside County assignments, there had always been a higher ranking staff member – essentially chief executive officers Bill Luna and Jay Orr – who had served as a buffer between him and the elected officials there, the members of the board of supervisors. In San Bernardino, Field found himself answerable directly to the mayor and city council, having to function in an assignment where he had to please his political masters, interact with them directly and bear the brunt of their displeasure when he or the staff he headed were

unable to meet their requests or demands. This was exacerbated by the consideration that at San Bernardino City Hall generally and among the council particularly, both before and after the 2020 election, there was a good degree of chaos, a situation in which there was no agreement on what the council's role is and what the city manager's role should be. Compounding that was his having to deal with Valdivia's efforts at micromanagement. After February 2021, the more he sought to placate Valdivia, the angrier Calvin became. For the last year-and-a-half, Field was spending nearly 20 percent of his time seeking to ameliorate Calvin. When he did so successfully, they managed to peacefully coexist. When he fell short, Field's life was, in the words of a well-placed source at City Hall, "a literal living hell." Valdivia could be very demanding. Calvin had come to consider virtually every priority that the mayor was pursuing to be illegitimate. Without the explicit endorsement of the council, Calvin believed, Valdivia had no authority to issue orders to city staff. Field carrying out, or attempting to carry out, Valdivia's agenda, infuriated Calvin. Thus, Field for some time found himself vacillating between Valdivia's demands and the expectations of the remainder of the council. When Calvin learned that Field was hiding from her and the council action he was taking on behalf of Valdivia, Calvin became angrier still. Indeed, Valdivia emerged as a major unifying factor for the council, as opposing him more than any other single issue put Sanchez, Ibarra, Shorett, Reynoso, Calvin and Alexander on the same page. Over the last year or so, Field had come to realize that it was virtually impossible to please both camps – one consisting of Valdivia and Figueroa and the other composed of Sanchez, Ibarra, Shorett, Reynoso, Calvin and Alexander – simultaneously, and he

came to understand that having kowtowed to Valdivia for the first year he was city manager had been a major mistake. The formula that Field at last had adopted to maintain his sanity was to meet the expectations of Sanchez, Ibarra, Shorett, Reynoso, Calvin and Alexander as best he could and simply live with Valdivia's contempt.

Despite that, Calvin never got over her discomfiture with Field's indulgence of Valdivia during the first 15 or 16 months of the time he had been city manager.

With Tran's election and her pending installation as mayor just around the corner, the time for Field to leave was propitious. Rather than comply with Calvin's wish that the council terminate him with cause – the cause being that he had abated Valdivia in a good number of his depredations – cooler heads on the council prevailed and an arrangement was arrived at by which Field tendered his resignation and the council accepted it. Field is to receive a generous severance allotment, but city officials were not able to delineate whether that was to entail 100 percent, 75 percent or 50 percent of his current annual salary of \$406,850.

"As this is a personnel issue, I am not at liberty to say much," Councilman Damon Alexander told the *Sentinel*. "I can say that the decision that he would leave was one that was mutually arrived at between Rob and the city council. I can speak only for myself, but from my perspective, I must say Rob was effective in guiding our city the entire time I have been here. He did a good job of hiring our department directors. Unless I am forgetting someone, he was the one who hired all of our current directors, and I believe he assembled a good team. I can also tell you that he did a good job in giving the city an operational structure, in trying to create policies for the city where we were lacking in policy and structure previously."

## Hesperia Officials Violated No One's Rights With Ordinance That Evicted Families On The Mere Suspicion That Crimes Had Occurred On The Properties They Were Renting, City's Lawyer Maintains *from page 11*

Repeated efforts by the *Sentinel* to obtain a statement from Bentsen, who in January will have completed his sixth year as city manager, were unsuccessful.

In a copyrighted story authored by Rene Ray De La Cruz which appeared in the Victorville Daily Press on Thursday, December 15, an attorney who represented Hesperia in its defense of the lawsuit brought against it by the U.S. Attorney's Office sounded anything

but contrite in describing the city's acceptance of the consent order.

J. Pat Ferraris, an attorney with the law firm of Honan, Stone & Rossi, said, essentially, that the city had knuckled under because of the greater authority, deeper pockets and advantage that the U.S. Attorney's Office had in federal court and not because the city had engaged in any wrongdoing or because it had violated anyone's rights.

The city caving in

and accepting the consent degree was not an admission of liability, Ferraris told De La Cruz. According to the Daily Press article, the city agreed to the terms of the consent order to avoid the cost of trial and the risk of sustaining even greater costs if the matter were to be adjudicated in the plaintiff's favor. De La Cruz quoted Ferraris as saying "[T]he city continues to vehemently deny all allegations contained within the complaint filed by the Department of Justice" and that "the resolution of this matter by the city was based solely on a sound financial decision on behalf of the citizens of the city."