

## County CEO's Management By Intimidation Spurs Department Head Exodus

By Mark Gutglueck

Leonard Hernandez, whose tenure as San Bernardino County's chief executive officer started out with so much promise, at least for him, has lost considerable traction in recent months as he has fallen victim to his own vaunting ambition and the ruthless formula he had previously so successfully utilized in seeking to fulfill it.

As little as a year ago, the smart money was that



Leonard Hernandez

Hernandez, who was selected in September 2020 and officially hired the following month to replace Gary McBride, his

predecessor as the county's chief executive officer, was on a trajectory to last another decade-and-a-half in the county's top staff position.

In recent months, however, he and the county have encountered some rough sledding that is threatening to dislodge him from the pinnacle of government in the nation's largest geographical county outside of Alaska.

San Bernardino Coun-

ty, more than most of its 57 counterparts throughout the Golden State, has had unfortunate experiences with several of its top administrators. Two of them, Harry Mays and his protégé James Hlawek, ended up in prison after the exposure of bribetaking schemes they hatched to enrich themselves by committing the county to contracts with vendors and service providers which cost taxpayers millions

of dollars more than would have been the case if those contracts had been honestly bid upon rather than going to companies whose corporate officers were willing to pay to grease the way for their companies to profit.

Another, Robert Covington, brought himself and the county into disrepute when he bootlegged 22 lots on 80 acres in a dry lake in Apple Valley under his mother's name, selling them at **See P 2**

## IEUA Board Members Spurn Request To Hold The Line On Managerial Salary Increases

On a 4-to-1 vote February 15, the board of the embattled Inland Empire Utilities Agency gave its general manager a salary increase of more than 9 percent, raising the ire and concern of a large cross section of the community and public served by the regional service entity.

As a result of the action, Shivaji Deshmukh will see his salary

jump from \$311,428 to \$340,000, and his total annual compensation, when his annual cost of living adjustment is factored in, go from \$420,853.80 to \$462,908.57.

At issue in the board's favorable treatment of Deshmukh is not only pointed disagreements within the community and the direction of the

Inland Empire Utilities Agency, but growing public dismay over the reflexive granting of raises to public employees in general and the management echelon among public employees specifically, creating a widening gulf between the remuneration levels of public and private sector workers. On display in the matter was the seeming nonchalance of

the four members of the utility agency board who supported Deshmukh's pay increase and the conflicting expression of alarm made by the single board member who took a stand against it.

The Inland Empire Utilities Agency has been in existence since its founding on June 6, 1950 as a municipal corporation, then known as the Chino Basin Municipi-

pal Water District. Having undergone rebranding as the Inland Empire Utilities Agency, it now takes as its charter treating wastewater and recycling water, converting biosolids and other refuse into compost and generating electrical energy from renewable sources.

While there is little opposition to the agency's stated goals **See P 4**

## Gomez Arrested Again After Another Victorville City Council Contretemps

Victorville Councilwoman Blanca Gomez is in the custody of the San Bernardino County Sheriff's Department, and it appears she will likely remain so until the resumption of her trial on public disturbance and related charges growing out of two 2021 incidents. Her current incarceration began with her arrest on Tuesday night over an

event and circumstances not unlike those leading to one of her previous arrests.

As previously, the issues in which Gomez finds herself entangled straddle, or stand on, the border dividing free speech and political expression from what the San Bernardino County establishment considers a seditious **See P 7**

## Wonder Valley Residents, Having Confirmed Resort With Homes Will Total 160 Acres, Press For Full-Blown EIR

The recent revelation that the proponents of the Wonder Valley Inn intend to augment that project slated for just over 21 acres at the corner of Amboy Road and Gammel Road with a residential component on the surrounding 138.78 acres has prompted an even greater degree of alarm among local residents than they

have evinced since they learned early last year about the prospective hotel development project.

In November 2021, Alan Greenberg and Jason Landver applied for a conditional use permit, including a rezoning request, for the majority of 21.22 acres on the corner lot site in the remote desert community which are currently zoned for low

density housing.

The 3.18 acres closest to the confluence of paved Amboy Road and dirt-surfaced Gammel Road is already zoned for commercial service use, while the remaining 18.4 acres bear the county's RL-5 zoning designation. Greenberg's and Landver's request of the San Bernardino County Land **See P 7**

## Ontario Council Effort To Censure Valencia Runs Into A Buzzsaw Of Resident Resistance

In what was for a number of Ontario residents the seeming disintegration of the Ontario City Council played out right in front them Tuesday night as three-fifths of the panel's members made an eleventh-hour effort to officially rebuke their colleague who has assumed the mantle of the community's lead dissident.

The hurried nature of

the effort, including the failure of the city clerk to provide timely public notice of the contemplated action and a corresponding failure of the city council, city staff and the city attorney to provide any text or written resolution of censure with attendant documentation resulted in the matter not being consummated, such that it was deferred to an unspecified date in

the future.

What did emerge is a somewhat vague and inexact description of the transgression Ontario city officials are alleging Councilman Ruben Valencia had engaged in, relating to his recent sojourn to Mexico and social interaction with some politicians there.

At Tuesday night's meeting, while Valencia did recuse himself from

the discussion relating to his censure, his supporters made their presence known, presaging the likely response the council and city management will be subjected to if the effort to discipline Valencia for what they consider to be a non-issue persists. They hinted at a deeper motivation for tarring and discrediting Valencia than the Ontario political establish-

ment is letting on, and insinuated that they will push for an open public discussion in which they will make the exposure of that motivation a part of the presentation of the evidence to support or oppose the resolution of censure and the deliberative procedure for its approval. The putative grounds for the censure have their basis in the city council's **See P 3**

## Land Swap Between USFS & San Manuel Would Give Tribe Choke Point Control Of Region's Water Supply

By Anthony Serrano & Mark Gutglueck

After discussions that have gone on for more than four years, the San Manuel Band of Mission Indians, now known as the Yuhaaviatam Nation, is on the brink of swapping seven parcels consisting of 1,533.92 acres it owns in the San Bernardino National Forest at various altitudes ranging from approximately 5,200 feet to 7,000 feet in the San Bernardino Mountains for two parcels of federal land consisting of 1,475.90 acres located near the Arrowhead Springs Hotel at the approximate 2,000 foot elevation in the San Bernardino Mountain foothills.

The land the tribe will acquire under the agreement lies at a crucial juncture above the San Bernardino and Highland city limits, from which it could divert to its own use much of the inland region's water resources. According to Dave Anderson, the special uses and lands program manager for the San Bernardino National Forest, "The tribe initially approached the forest with a proposal for the land exchange. At some time before 2019 the tribe was advised by the Forest Service to first acquire (or acquire the option to purchase) properties that had previously been identified by the United States Forest Service as high-value parcels with respect to location and resources within our congressional boundary. The tribe did so and returned **See P 5**

**Over The Decades, San Bernardino County Has Had A Mix Of Top Administrators, Some Very Capable, Some Ineffective, Some Crooked, Some Unassuming, Some Domineering** *from front page*

an inflated cost to unsuspecting buyers intent on building homes there.

In some other cases, the board of supervisors hired individuals to lead the county whose suitability for the posts fell under question after it was learned they did not possess the skills their political masters had imputed to them. In a handful of others, personality differences with those elected officials who put them into their managerial positions manifested.

Hernandez, who is now 44, has spent close to 24 years employed in government, although initially he worked in an arena in which his migration into a senior management position seemed highly unlikely. Eight years ago, however, he began a meteoric rise that culminated in his becoming not only one of the youngest senior administrators in county history but also one of the most feared. His presence still carries with it that specter of intimidation, though it now turns out he might have sliced himself with the sword he wielded so powerfully to cut others off at the knees.

In 1998, the then-20-year-old Hernandez obtained a part-time job as a library assistant at the Chino Branch Library while he was attending Cal State Fullerton while pursuing a bachelor's degree in history. Upon graduating from college, he obtained a full-time position at the James S. Thalman Chino Hills Branch Library, where he worked for four years. It was there that he discovered what he at that time figured was his calling, being a librarian.

He enrolled at Pennsylvania's Clarion University, which offered an online learning program by which he was able to earn his Master of Sci-

ence degree in library science. He immediately parlayed that into a promotion within the San Bernardino County Library System, becoming the manager of the Fontana Branch Library.

In 2008, when a position as the director of libraries with City of Riverside opened up, he jumped at the chance.

In 2010 he applied for and was offered the executive director's position with the Tumwater, Washington-based Timberland Regional Library System, which features 25 libraries located in a geographically dispersed section of northwest Washington, but ultimately declined the offer after learning that San Bernardino County Librarian Ed Kieczkowski was leaning toward retirement. At that point, he returned to San Bernardino County as the county's assistant librarian. In 2011, upon Kieczkowski's departure, Hernandez moved into the position of San Bernardino County librarian. In 2013, he was offered, while he was simultaneously serving in the librarian post, a secondary position as the director of the San Bernardino County Museum.

In 2015, while Greg Devereaux was the county's chief executive officer, Hernandez was promoted to the position of county deputy executive officer overseeing the community services group, which includes the county's library and museum systems, the registrar of voters, regional parks, county airports and the county department of agriculture/weights and measures.

Devereaux was arguably the most dynamic top county administrator in San Bernardino County history. A transplanted West Virginian who had been that state's minister/director of culture overseeing the West Virginia Department of Arts, Culture and History, which operated the West Virginia State Museum, the West Virginia Independence Hall, Camp Washington-Carver, the Grave Creek Archaeological Complex and the West Virginia State Museum

Educational Foundation, Devereaux came to California for the opportunity it offered more than 35 years ago. After working in Orange County, he came to San Bernardino County first as the director of housing and economic development in Fontana. Three years later, he was hired as the city manager there.

After a three-year stint in that position in which he was credited with arresting and then reversing what had looked to be the former steel town's steady progression toward bankruptcy, he was offered the city manager's position in Ontario in 1997. He served in that role for more than twelve years, during which time the city made progress by



**Greg Devereaux**

leaps and bounds, with the success of the Ontario Mills mall, the steady expansion of Ontario International Airport and Devereaux's shrewd and savvy courting of a number of corporations features of his tenure there. By persuading major-scale companies to set up their corporate headquarters in Ontario, the city reaped the benefit of becoming the "point of sale" for those companies' business activity and sales throughout California, which made Ontario the recipient of the sales tax paid by those companies' customers. By 2010, Ontario was the wealthiest of the 24 municipalities in San Bernardino County, with more than two-thirds of a billion dollars running through all of its municipal accounts, more than double that of its closest competitor, Rancho Cucamonga.

In 2010, former Ontario Mayor Gary Ovitt was serving as both Fourth District San Bernardino County supervisor and board chairman, and he persuaded his board colleagues to hire Devereaux as the

county's top administrator when the board grew disenchanted with Mark Uffer, the one-time director of the county hospital who had been serving for more than five years in the capacity of what was then titled the county administrative officer. Devereaux agreed to leave Ontario and come aboard with the county, but only after he negotiated a substantially higher salary than what he was being paid in Ontario and what the county was paying Uffer, along with a so-called "super bonus," which consisted of an until-that-point non-existent margin of job security for the person holding the position, consisting of a contractual assurance that he could not be terminated on a simple 3-to-2 majority vote of the board of supervisors and could be fired only upon a vote of at least 4-to-1 to end his status as the county's top dog. In addition, the county changed the title of the position that he held from that of "county administrative officer" as had been the case with Uffer and those who headed the county previously to the job description of "county chief executive officer."

Written into Devereaux's contract as well were provisions that gave him a greater degree of authority than had been the case with his predecessors, such that it was put in writing and cast in cement that he was to be answerable only to the board of supervisors as a whole such that no single member of the board or no two members of the board had the authority to direct policy or order action and he was to be given his orders from the board in action taken publicly during an agenda meeting of the board which was imposed by a vote of no fewer than three of the board's members. He was thus given full authority – or near full authority – to operate the county and execute policy approved by the board majority in a way he deemed best and most efficient, subject only to the limitations of the policy dictates of the collective board. He was given a guaranteed ten-year contract that called

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for him being switched into a management consultant position if his status as chief executive officer were to be terminated at any time during that decade.

For more than four years, despite the consideration that he had come to his position with the county in the midst of the severe economic downturn that had begun with the contraction of the national, state and local economy in late 2007 and which persisted for six years to become identified as the "great recession," Devereaux remained in his element as he guided the county with aplomb, even as tax revenues and funding for governments of all sizes shrank, necessitating layoffs and severe belt-tightening among local governments in particular, but which the county for the most part evaded by his ability to wring concessions from the county employees' collective bargaining units despite existing contracts. It appeared that Devereaux would serve out the ten years on his contract and, after the county, state and local economy snapped out of the funk that had engulfed them for more than five years, his contract would be renewed and he, the supervisors, the county and the world at large would have an opportunity to see how he would perform in a fully functional financial environment.

In 2014, however, Curt Hagman, who had been a councilman and mayor in Chino Hills in the early and mid 2000s and then was elected to the California Assembly in 2008, was about to be

termed out of his station in the state legislature after three two-year terms as a consequence of the term limits that were then in effect. An A-type personality, Hagman in 2013 had deposed Robert Rego as the San Bernardino County Republican Central Committee chairman after Rego had reestablished the central committee as a formidable political fundraising machine. Hagman then used his control of the local GOP electioneering apparatus to intimidate Gary Ovitt, a fellow Republican, out of seeking reelection as the Fourth District San Bernardino County supervisor representing Carbon Canyon, Los Serranos, Chino Hills, Chino, West End, Montclair and Ontario, Guasti and lower Upland. Hagman ran as the primary Republican candidate for the Fourth District supervisorial post in 2014, emerging victorious after he and his political associate, West Covina Mayor Mike Spence, who was also Hagman's campaign manager and chief of staff as assemblyman and later as supervisor, were able to use Hagman's status as an assemblyman and chairman of the San Bernardino County Republican Central Committee to raise enough money to outthrust and outcampaign Gloria Negrete-McLeod, who was then a Democratic Congresswoman who also vied for supervisor, despite a decided Democratic Party voter registration advantage over Republicans in the Fourth District.

Hagman came into county office with an

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## Valencia's Sojourn To Sinaloa After The Council Ended Affiliation With A City There Prompted Leon's Concern from front page

recent move to end its sister city status with Guamuchil, a city in the Mexican state of Sinaloa, on January 17. Mayor Paul Leon, noting that Ontario had done much for the Mexican city throughout the 40-year span of its sister city relationship with Guamuchil, including donating various used city equipment that Guamuchil had utilized for its municipal purposes, said he wanted a more reciprocal relationship and was looking forward to Ontario forging a sister city relationship with some other international municipality. The vote to disengage from the sister city relationship with Guamuchil passed by a 4-to-1 vote, with Valencia abstaining. Ontario's sister city status with five other cities – Los Mochis, Sinaloa, Mexico; Mochis, Sinaloa, Mexico; Winterthur, Switzerland; Jieyang, China; and Brockville, Ontario, Canada – remained intact.

Earlier this month, Valencia sojourned to Sinaloa on a vacation with his wife, Imelda. While there, he and La Puente Mayor Charlie Klinakis met with Sinaloa Governor Ruben Rocha Moya and Veronica Rochin, a member of the Sinaloa legislature, known as the House of Deputies.

In short order, there were a number of social media postings in which Valencia's meetings with Moya, Rochin and other dignitaries with the cities of Los Mochis, Mochis and Guamuchil were referenced. Some of those came to the attention of Ontario city officials. While the nature of the discussions that went on between Kinakis, Valencia and the local and state Sinaloa officials is not clear, Ontario officials assumed the worst.

In one of her posts, Rochin made reference to "strengthening our ties with the sister cities of La Puente and Ontario, California." While Ontario remains a sister city with

two Sinaloa cities – Los Mochis and Mochis – and Ontario's website yet lists Guamuchil as a sister city despite the city council's January 17 action, city officials, at least initially, interpreted Valencia's discussions with Sinaloa officials as an effort to perpetuate the sister city relationship with Guamuchil and that he was representing that he was acting as an official emissary of Ontario in doing so.

Mayor Paul Leon encapsulated the case against Valencia in an exclusive interview with the Sentinel on February 18.

"For 40 years, long before I got on the council or became mayor, we have had a one-way friendship with Guamuchil through a sister city arrangement," Leon said. "We have sent them fire engines, police cars, equipment and other things to support their operations to the tune of tens of thousands or hundreds of thousands of dollars. We are not crying about that, and we did it out of a spirit of benevolence. We were always sending them something. We moved toward a decision where we have said we want to engage in sister city relationships that are mutually beneficial, ones that are beneficial to both cities and where our political alignment is clear. So, we ended our 40-year relationship with Guamuchil."

Leon hinted at troubling issues below the surface that may have prompted the city's action on January 17.

"Sinaloa is the drug cartel capital of Mexico," he said.

With four-fifths of the council committed to a course of action, Leon said, Valencia was pulling in the opposite direction.

"This last week he has been in Sinaloa, and according to their news media and Facebook pages, he is on a sister city mission," Leon said. "He doesn't have the right or the authority to be acting in that capacity. We did not ask him to do that. He is not our sister city liaison. He is on television down there and in the newspapers and on social media, where it is being reported he is

with a group representing the city on issues and discussing the sister cities programs. There are photos of him at parties with the Sinaloa governor and one of their congresswomen. In some of those he was referred to as the mayor of Ontario. On whose behalf is he talking? His own? We don't know what he's doing down there. If he makes any kind of commitment, we will not fulfill it. They have asked him to send them stuff. If he is making any kind of promise, it will fall on deaf ears when it hits our city. This guy is out of control."

Contentious politics is nothing new to Ontario. Going back a quarter of a century or more, there has been intense dissension among the ranks of the council, together with conflicting alliances that have occasionally shifted. Censure has proven to be a recurrent element of Ontario's political playbook.

Rudy Favila, who was on the city council from 1992 until 1996, grew crosswise of three of his colleagues after disagreements emerged between him and them on a handful of issues. He was censured, which inflicted a wound that kept him from being reelected in 1996.

In 2000, Debbie Acker was elected to the city council. In less than a year, she demonstrated herself as being consistently out of step with the other four members of the council and to have a different vision with regard to the future of the city. In 2003, the council voted to censure her, and she opted out of seeking reelection the following year.

In 2014, the Ontario City Council considered censuring Councilman Paul Vincent Avila, who like Acker was perennially at odds with his colleagues on the council and was even more strident than she was in raising his objections and hurling insults at his rivals. The council instead of censuring Avila sanctioned him, an act that was distinct from a censure without any practical difference. In 2016, Avila lost his bid for reelection, and was replaced by Va-

lencia.

There have been other celebrated differences on the Ontario City Council, ones that did not result in censure, but which involved an interpersonal bitterness that were every bit as intense. Some of those differences have involved a logic or progression of reason that has not remained internally consistent.

Jim Bowman, who is currently a member of the city council, was first elected to that body in 1986, leaving that post in 1998 to become the city's fire chief. He returned to the council in 2006 and has been reelected to the position ever since. Early in his tenure as a councilman, Bowman had intense differences with then-Councilman Beecher Medlin. Bowman, citing Medlin's ownership of commercial properties in the city that included a gas station, sought to bar Medlin from participating in any votes relating to the city's redevelopment agency, going so far as suggesting that by casting his votes as a member of the city's redevelopment agency board, Medlin was engaging in a criminal conflict of interest. By 1990, however, when Medlin made a failed run for San Bernardino County Fourth District supervisor, Bowman had forged an alliance with him, endorsing Medlin in that contest.

More than a decade ago, Leon found himself on the opposite side of a political divide from both Bowman and Councilman Alan Wapner. Ontario is one of the few San Bernardino County cities in which the mayor is substantially more than a ceremonial position. As such, in 2007 the city council had voted to confer on him a \$30,000 raise on top of the \$25,000 stipend the mayor was already receiving along with the approximately \$10,000 in other stipends he received for attending meetings as the city's representative to various joint powers authorities and regional governmental boards such as the Southern California Association of Governments, the Southern

California Rail Authority and the like. In 2009, Wapner, Bowman and their council ally, Debra Dorst-Porada, voted to strip Leon not only of the \$30,000 per year augmentation to his mayoral pay but of most of his adjunct committee assignments, effectively reducing the roughly \$65,000 in pay he received to \$25,000.

Despite his differences with Wapner and Bowman, the three found themselves in office in Ontario on the same election cycle, such that Leon ran for mayor and both Wapner and Bowman ran for the city council in 2006, 2010, 2014, 2018 and 2022. Consequently, in appealing to the voters for reelection, all three found it to be in their interest to tout their shared accomplishments. In this way, something of a love/hate relationship had developed between Leon and Wapner and, to a lesser extent, between Leon and Bowman. While on multiple levels Leon and Wapner despise each other, when their reelection years come around, they begrudgingly endorse one another and Bowman, going so far as to run as a three-man slate.

Meanwhile, as early as 2012, Valencia had been bitten by the political bug, at which time he ran, unsuccessfully, for city council. He did so again in 2014, once more unsuccessfully. In doing so that year, he targeted Wapner, and his support network piled on, posting to YouTube footage taken by a security video camera mounted at a private residence in the area of East Hazeltine and South Pleasant Avenue in which it appeared Wapner was in public physically assaulting his 15-year-old daughter.

Despite failing to capture a position on the council in either 2012 or 2014, Valencia emerged as the champion of the underdog in Ontario, standing as he did four-square in opposition to Wapner, who has been on the city council consistently since 1994.

Upon Valencia being elected to the council in 2016, there was widespread speculation that he and Leon would gravitate to a natural alliance such

that by achieving a third vote – perhaps by driving a wedge between Wapner and either or both Bowman and Dorst-Porada – they would take control of the council. That did not occur, however.

Valencia was reelected in 2020 and last year challenged Leon for the mayoralty. Also running in the mayoral election was Christian Garcia. Leon cruised to victory by a comfortable margin with 15,583 of 29,173 total votes cast or 53.42 percent to Valencia's 10,129 votes or 34.72 percent, with Garcia's 3,461 votes or 11.86 percent making up the difference.

According to Leon, his victory would have been far more convincing than it was but for the consideration that he had been distracted by the death of his brother, which took his heart out of campaigning. He pointed out that Valencia had declared his 2022 candidacy for mayor in early 2021, which meant that his opponent had carried out a more than 20-month-long campaign. Despite that advantage, Leon said, Valencia was unable to summon up the voter support he needed to win.

"Because I was dealing with my brother's death, I didn't start campaigning until August," Leon said. "I had three months to catch someone who had been running for almost two years. I put him to bed by nearly 20 percent. After taking that kind of drubbing, he still doesn't understand that he isn't the mayor. He doesn't understand either that when you are elected to the council you are just one-fifth of the decision-making body. You don't get to call the shots on your own. You are not elected as the leader, and you are definitely not the leader if you are one against four."

Under California's government code, all action of a governmental body must be taken as part of an agendaized official public meeting. The Brown Act, California's open public meeting law, requires that an agenda disclosing all items to be discussed and/or acted upon must be made available to the public at least

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## Despite Widespread Perceptions That IEUA's General Manager Has Failed To Adequately Represent Consumers In Negotiations Over H<sub>2</sub>O Importation Fees, He Will Be Given A 12 Percent Raise This Year *from front page*

as pertains to recycling and conserving water, drought management, recycling waste products and generating renewable energy, disputes have manifested, grown and in some cases raged between the Inland Empire Utilities Agency and some or even all of the nine governmental entities within its 242-square mile jurisdiction in western San Bernardino County over the way in which the agency, known by its acronym IEUA, has sought to achieve those ends.

To some extent, those differences have been so pointed that they have resulted in litigation that has entailed substantial expense in terms of legal fees and the expenditure of taxpayer and ratepayer money, begetting questions as to whether the agency's existence can be justified at all.

Moreover, there is a perception – as in the case of the escalation of Deshmukh's salary and the agency's acceptance of rising costs imposed upon itself and the multiple municipalities, agencies and water purveyors it represents with regard to the importation of water into the region – that the Inland Empire Utilities Agency is not fulfilling its role in improving the quality of life of the nearly 935,000 people who live within its jurisdiction but is rather layering further costs and taxes upon them for which they are receiving minimal, or no, benefit.

On February 15, the Inland Empire Utilities Agency took up consideration of giving Deshmukh a salary increase of 9.174 percent, from \$311,428 to \$340,000.

The raise was proposed by the Inland Empire Utility Agency staff, which is headed by Deshmukh. The staff report, which was apparently jointly authored by Deshmukh, the agency's general counsel, Jean Cihigoyonette, and Denise Garzaro, the agency's

secretary and office manager, stated, "The board of directors conducted the annual general manager performance review in closed session on January 18, 2023." Referencing "a performance award based upon completion of stated goals and objectives over the last year," the report stated that the "current employment agreement allows for a performance award of up to 10% of base salary. [B]ased upon the general manager's positive performance review, and a compensation survey of comparable agencies, the board determined that an amendment to the general manager's employment agreement should be considered. The restated employment agreement submitted herewith provides an increase in base salary to \$340,000 per year and an increase in employer contribution to the 457(b) deferred compensation plan to \$576.92 per pay period. It is recommended that the board consider and approve a general manager's performance award in an amount not to exceed 10% of base salary."

Board President Marco Tule and board members Paul Hofer, Steven Elie and Mike Camacho voted to confer the raise upon Deshmukh, with Board Member Jasmin Hall dissenting.

The vote came amid growing discontent with the Inland Empire Utility Agency among no fewer than seven of the governmental agencies that articulate with it over water, water use and water recycling policy.

As a regional wastewater treatment agency, the IEUA provides sewage utility services to seven contracting agencies under the Chino Basin Regional Sewage Service Contract, those being the cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Upland, and the Cucamonga Valley Water District in the city of Rancho Cucamonga. In addition to the contract-

ing agencies, the Inland Empire Utilities Authority Agency provides wholesale imported water from the Metropolitan Water District to seven retail agencies, those being the cities of Chino, Chino Hills, Ontario, Upland, the Cucamonga Valley Water District, the Fontana Water Company in the city of Fontana, and the Monte Vista Water District in the city of Montclair.

There is a perception among at least some and in a few cases all of the city council, district board or company board members in Chino, Chino Hills, Ontario, Upland, Rancho Cucamonga, Fontana and Montclair that the Inland Empire Utility Agency in its dealings with the Metropolitan Water District has not sought the best financial terms available at least theoretically, given the volumes being purchased by the San Bernardino County entities collectively. Some believe that the 935,000 people living within the IEUA's jurisdiction are being ill-served by Deshmukh's unwillingness to press the Metropolitan Water District on behalf of Chino, Chino Hills, Ontario, Upland, the Cucamonga Valley Water District, the Fontana Water Company and the Monte Vista Water District.

At the same time, the Inland Empire Utility Agency is leveraging recycled water among a number of local communities as part of its function, and has pursued a policy of controlling the methodology and means of recycling, controlling that function and through its relationships with multiple entities including the State of California, making it difficult for the individual cities to utilize their own recycled water. While virtually all of the cities and water organizations are unhappy with the circumstance, the City of Ontario, which has the most revenue of any municipality in San Bernardino County, has sued the Inland Empire Utility Agency over the matter. Fontana officials, meanwhile, are contemplating some form of action against IEUA, either legal or procedural, over

the issue.

For that reason alone, many residents thought it was ill-advised for Tule, Hofer, Elie and Camacho to give Deshmukh the 9.174 percent raise.

Some of those and others thought it was poor form for the board majority to allow themselves to be swayed by a recommendation from Deshmukh in which he had a personal financial stake. Some have suggested that in making the recommendation, Deshmukh had involved himself in a conflict of interest that bore criminal implication.

Beyond that, the board's consideration and granting of the raise came within a long-prevailing atmosphere in which compensation increases for top echelon administrators and managers within public agencies have become routine and virtually automatic. Simultaneously, an examination of statistics shows, the salaries of public employees in general and public administrators specifically have been increasing at rates that outrun those generally provided to workers in the private sector going back for nearly a decade. Public sector jobs provide automatic annual raises that are in keeping with inflation and/or the consumer price index. Those automatic raises are augmented by periodic contract renewals or renegotiations, usually done on a two-year, three-year or four-year basis in which further raises are given, similar to what Deshmukh experienced this week. In general, the availability of salary and benefit increases in the public sector compares favorably to what most but perhaps not all employees in the private sector experience, that being that most of those who do not work for the government can expect raises of no more or little more than the rise in the consumer price index. Meanwhile, public sector employees in California have consistently seen pay increases that outrun inflation.

A commonly perceived circumstance in Southern California is that higher echelon pub-

lic administrators – department heads, city managers, school superintendents and agency managers – are seeing salary and benefit increases that are well above the pace of the increase provided not just to private sector employees but also public sector employees of a lower station. The seeming ubiquity of this phenomenon has resulted in an upward spiraling of what is being paid to the top people in government and in governmental agencies at the local level in Southern California.

Government reform advocates have decried what they characterize as an "incestuous" boosting of salaries that comes about when one city manager or school district superintendent, agency executive director or district general manager is hired or promoted and a few months later another top administrator is due for a review, at which time the increased salary of the previously referenced top administrator is taken into consideration, triggering a boost in the pay provided to the administrator under consideration. Weeks or months later, a top administrator elsewhere comes up for review and the process is repeated, using the baseline created by the most recent recipient of such a raise. This vicious cycle of salary and benefit increases continues on, ad infinitum, those who have expressed concern about the rising financial cost of government say.

A common refrain among city council members or board members is that the city manager or general manager they employ is so talented, so good at what she or he does, that she or he is indispensable to that organization's operation, such that the governmental entity in question cannot afford to lose her or him to another agency. This mantra is repeated across agency after agency, to the point that those who occupy governmental administrative suites, virtually wherever they are and whoever they are, have grown accustomed to routine raises. To many, this means that raises are expected and

they are not necessarily earned.

Moreover, a phenomenon has ensued by which the talent and value of an outgoing member of a particular management suite is automatically imputed to his or her successor. Commonly, an individual manager with a very impressive set of credentials – consisting of impeccable education, licenses, certificates and anywhere from a decade-and-a-half to a quarter of a century or more experience – will leave his or her post, either through retirement or being lured away by another agency, only to be replaced by a manager with a lesser degree of experience and accumulated skill who is nevertheless given a salary, benefits, perquisites and total compensation equal to that of his/her predecessor.

Often accompanying the periodic job performance reviews given to these top managers, if the review is a positive or at least not a negative one, are raises or bonuses. Nevertheless, the validity or integrity of those job performance reviews is subject to question or outright controversy. It is noteworthy that those reviews take place during closed sessions – in secret, behind closed doors outside the sight or earshot of the public, with no realistic opportunity for the public or anyone other than the board and one or two or three public agency employees who are very likely answerable to the person being reviewed to offer their views of the top administrator's performance or to provide anything that might go beyond what the board considers or which might contradict the official survey of the administrator's performance. This is exacerbated by the consideration that a largely apathetic and unengaged public is offered a very short window on even so much as knowing that the board is going to conduct such a performance evaluation. The time between the public being informed in what is a pretty obscure venue that a governmental agency is about to confer a raise on

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## Land Trade Between The U.S. Forest Service And The San Manuel Indian Tribe Is Complicated By Considerations Pertaining To Water Access On And Below The Property To Be Exchanged *from front page*

to the forest with a more complete proposal.”

Anderson said such a swap is potentially beneficial to the forest and the Forest Service.

“From the forest perspective, land exchanges are undertaken to acquire important resources, to fill inholdings and other gaps in the forest boundary, and/or to reduce the burden of administration on the forest. The tribe has explained that they wish to regain some of their ancestral lands. This is not a prerequisite of the land exchange and—as with our other two land exchange projects—the feasibility of the exchange is more dependent upon the qualities of the parcels rather than the motivation of the proponent.”

As federal land is subject to federal regulations, the environmental certification for the exchange will involve the National Environmental Policy Act, which requires federal agencies to assess the environmental impacts of their proposed actions prior to making decisions. This policy requires the federal government to use all practical means to create and maintain conditions conducive to maintaining nature’s “productive harmony.”

Section 102 in Title I of the act requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. Under the federal system, the most exacting of these examinations is an environmental impact statement. A less intensive environmental impact examination under the federal system is an environmental assessment.

Both San Bernardino

County Third District Supervisor Dawn Rowe and her predecessor as Third District supervisor, James Ramos, on January 24 sent letters addressed to the Forest Service endorsing the swap.

For various reasons, however, a substantial cross section of local residents has expressed concern about the potential long-term implication of the land exchange, and how it will play out with regard to a multitude of basic and quality of life issues. At the forefront of these is the impact on local water availability.

If the trade is made, the tribe will take possession of land that could serve as a crucial diversion point for water that feeds what is commonly known as the Bunker Hill Water Basin.

The Bunker Hill Basin covers approximately 92,000 acres and is located at the top of the Santa Ana River watershed and receives all the surface water runoff from the headwaters of the Santa Ana River, Mill Creek, Lytle Creek, and other tributaries.

The Bunker Hill Basin is bounded on the northwest by the San Gabriel Mountains, on the northeast by the San Bernardino Mountains, on the south by the Crafton Hills and Badlands, and on the southwest by the San Jacinto Fault. The Bunker Hill Basin stores approximately 5 million acre-feet of water, of which 1.2 million acre-feet are easily accessible. An acre-foot of water – the amount of water that would cover one acre to a depth of one foot or 43,560 cubic feet or 325,851.43 gallons, is roughly enough water to meet the domestic use needs of a family of four for one year. The Bunker Hill Basin provides water to approximately 650,000 people in the cities of Redlands, Highland, San Bernardino, Loma Linda, Colton, Rialto, Bloomington, Fontana, Grand Terrace, Riverside and

portions of San Bernardino County, and is used to sustain the water needs for business operations in those areas.

An investigation of the Bunker Hill Basin from 2020 to early 2022 prepared by the San Bernardino Valley Water Conservation District with a publishing date of March 1, 2022 found that the annual change in storage for the Bunker Hill Basin for the preceding water year – from Fall 2020 to Fall 2021 – entailed a negative 93,846 acre-feet, a decrease or depletion of 30,579,853,299.78 gallons, that is, nearly 30.6 billion gallons.

Furthermore, according to the study, the accumulated change in storage of the Bunker Hill Basin as of the last day of the preceding water year on June 30, 2021 over the previous eight years, running from July 1993 through June 2021, was a negative 580,031 acre-feet, that is, the amount of water stored in the water table was 580,031 acre-feet less in the summer of 2021 than it had been in the summer of 1993.

Moreover, the total groundwater production from the Bunker Hill Basin for the preceding water year, from July 1, 2020 to June 30, 2021, was 173,171 acre-feet.

According to the study, the estimated annual change in the amount of water stored in the Bunker Hill Basin for the then-current water year, running from July 1, 2021 to June 30, 2022, was a negative 79,759 acre-feet, a decrease of 25,989,584,205.37 gallons or something under 26 billion gallons.

The study also estimated the annual change in the amount of water stored in the Bunker Hill Basin for the ensuing water year, that one running from July 1, 2022 until June 30, 2023, as a negative 5,943 acre-feet, a decrease of 1,936,475,618.49 gallons, that is, more than 1.9 billion gallons.

The study also pegged the average annual change in Bunker Hill Basin storage for the immediate past ten water years running from 2011 to 2021 at a nega-

tive 32,822 acre-feet, a decrease each year of 10,694,767,415.46 gallons, that is, nearly 10.7 billion gallons per year.

According to the survey, the estimated amount of water drawn from the groundwater supplies and used for agricultural purposes within the district boundary for the ensuing water year, July 1, 2022 to June 30, 2023, was 9,503 acre-feet. The estimated amount of other water to be drawn from the groundwater supplies for other than agricultural use during the ensuing water year, from July 1, 2022 to June 30, 2023, was 95,690 acre-feet.

The estimated amount of water necessary for surface distribution for the ensuing water year from July 1, 2022 until June 30, 2023 for the Bunker Hill Basin and the district was 77,235 acre-feet. The estimated amount of water necessary for surface distribution for the ensuing water year running from July 1, 2022 to June 30, 2023 within the district boundary alone was 54,552 acre-feet.

The amount of water that is necessary for the replenishment of the groundwater supplies of the Bunker Hill Basin and the district for the ensuing water year from July 1, 2022 to June 30, 2023 was estimated at 131,381 acre-feet.

The amount of water which is necessary for the replenishment of the groundwater supplies within the district alone for the ensuing water year from July 1, 2022 to June 30, 2023 was estimated at 111,163 acre-feet.

According to the report, due to the imbalance between groundwater recharge and production since 1993, the Bunker Hill Basin’s storage is 580,031 acre-feet below the level which is considered full for purposes of the investigation. That is below the available water reflected in the 2021 report due to the decreased availability of native and State Water Project water for recharge.

To reach a state of full recharge by June 30, 2023, the aquifer below the Bunker Hill Basin would need, according

to the report, during the ensuing water year from July 1, 2022 to June 30, 2023, to experience an influx of 788,196 acre-feet of water. This recharge quantity would be needed to attain the 1993 storage level that is considered full.

The Basin Technical Advisory Committee recommended in the report that 282,600 acre-feet of water be kept in the Mill Creek and Santa Ana River Basins.

“The district must continue to take all necessary steps to maintain and enhance its capability to conduct recharge operations,” the report stated. “These steps may include maintenance and repair of existing, diversion facilities, canals, dikes, basins, roads, and other water recharge facilities.”

Water cascades down from the San Bernardino National Forest and the San Bernardino Mountains both above and below the surface and reaches the two parcels to be transferred to the tribe. Since a good amount of the water from the National Forest fills the water table within the Bunker Hill Basin, many residents have misgivings that they and the entities that serve as water purveyors in the region which are considered downstream beneficial users under California water law, including the East Valley Water District and the San Bernardino Water District, could become disenfranchised by the tribe’s assertion, as a sovereign entity unrestricted by California law, of a claim to that water.

Of note, last year, the California Department of Water Resources was conducting hearings on whether BlueTriton Brands, Inc., the current bottler of Arrowhead Spring Water, had the right to perpetuate the drafting of water from Strawberry Canyon, located at the 5,200-foot elevation level in the San Bernardino Mountains within the San Bernardino National Forest. That hearing was focused on BlueTriton’s disputed claim that it has an entitlement under both Cali-

fornia and United States federal regulations to withdraw that water utilizing a series of tunnels, boreholes and horizontal wells at the headwaters to Strawberry Creek which it had acquired in 2021 from Nestlé Waters of North America. Ultimately, those hearings were aimed at settling whether the company’s assertion of water rights in the National Forest is valid, together with determining whether a draft cease and desist order issued by the State Water Resources Control Board against BlueTriton Brands, Inc. to reduce the amount of water drafted from Strawberry Canyon by 184.74 acre-feet (60.196 million gallons) per year from 192 acre-feet (62.56 million gallons) annually to 7.26 acre-feet (2.366 million gallons) per year should be upheld. Alan Lilly, the water rights and environmental law attorney who served as the hearing officer for those hearings, requested that the tribe allow himself, State Water Resources Control Board staff and the advocates on both sides in the dispute to have access to the springs located further down the mountains in the foothills above San Bernardino not too distant from the Arrowhead Springs hotel where the tribe owns land and which was alleged by those contesting BlueTriton’s water claims to be the actual historic source of the water bottled by the Arrowhead Spring Water Company’s corporate predecessors in the early part of the 20<sup>th</sup> Century upon which the company’s actual water rights were based. In response to Lilly’s request, the then-chairman of the San Manuel Band of Mission Indians, Kenneth Ramirez, refused to provide access to the property for surveying purposes, based upon the claim that the property was ancestral Indian land, telling Lilly that a video of the property taken by tribal members would have to suffice as the survey of the property needed for informing the State Water Resources Control Board’s decision-

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## When The County's Voters Cut The Board of Supervisors' Quarter Of A Million Dollar Annual Compensation To \$60,000, Hernandez Leapt Into The Breach, Formulating A Strategy Of Delay, Administrative Sleight Of Hand & Blackmail To Save Their Bacon & Solidify His Status *from page 2*

aggressive attitude in December 2014 after spending six years as a Republican Assemblyman in Democratic-dominated Sacramento. In San Bernardino, where at that time three of the members of the five-member board of supervisors were Republicans, Hagman instantaneously transitioned from being a little Republican fish in the big Democratic pond of the state's capital to being a huge Republican fish in the medium-sized Republican pond of the



**Curt Hagman**

county seat. He was instantaneously in virtual control of the board of supervisors and the only obstacle to his being in control of the county was Devereaux. With the assistance of the very-able Spence, Hagman went to work on massaging the three-fifths Republican-controlled board of supervisors in an effort to establish himself as the undisputed ruler of San Bernardino County. That assignment was complicated by the consideration that he needed not three but four votes to force Devereaux out of his chief executive officer position. Devereaux remained in place through all of 2015, but by mid-2016, Hagman had made considerable headway, such that in January 2017 a deal was brokered by which Devereaux left as CEO, taking on a management consulting role.

Dena Smith had been the clerk of the board of supervisors for many years before Devereaux had entrusted her with the post of deputy chief executive officer in 2011.

As Devereaux's deputy, Smith's major assignment had been running the county's land use services department. In 2016, Devereaux appointed her to the chief operating officer post. Upon Hagman effectuating Devereaux's removal as chief executive officer, Smith was installed as his interim replacement.

One of Devereaux's last accomplishments as chief executive officer in 2017 had been to convince the board of supervisors to confer upon Hernandez the interim chief operating officer's assignment to replace Smith.

Hagman was a more forceful personality than virtually everyone in the county, including all of those on the fifth floor of the county administrative headquarters at 385 North Arrowhead Avenue in downtown San Bernardino, which housed the chief executive officer's quarters and those of the supervisors.

Smith was no match for Hagman in terms of preventing him from dominating the board and having them form a consensus in keeping with his goals, but she nevertheless represented a vestige of Devereaux's presence in the county. Hernandez, who was a dozen years younger than Hagman, was, despite having initially advanced under Devereaux, on good terms with the supervisor, and lived in Chino in the heart of the Fourth District. Hagman recognized Hernandez as someone on the way up and he saw to it that Hernandez, later in 2017, was elevated to the position of the full-fledged county chief operating officer, which extended Hagman's control over the levers of governance in the county.

Time went by, and ultimately, in October 2017, the board selected Gary McBride, the county's chief financial

officer, for promotion as Devereaux's ultimate replacement. That fit perfectly with Hagman's goals.

McBride was a devoted, accomplished and typical chief financial officer, one who was far more comfortable working with numbers than people, someone who routinely remained at his desk for three-and-a-half hours in the morning going over spreadsheets on his computer and repeating that in the afternoon, interacting with other employees only when necessary and when the job demanded it. After making the transition to chief executive officer, McBride's routine made a minimal change, extending insofar as his having some brief interaction with the members of



**Gary McBride**

the board of supervisors when they came into the county administrative building once or twice a week and on the two Tuesdays each month when the board held its meetings. Generally, he remained in his office, as often as not with the door closed. He delegated much of his interaction with staff to Hernandez.

Such an arrangement was more than suitable to Hagman. Whereas Devereaux insisted that following an official vote by the board of supervisors, official action in the county was to work its way through him, such that he relayed instructions with regard to the board's policy to the chief operating officer, who in turn would give instructions to the department heads to actuate the policy, McBride had in large measure opted out of that process. That left Hagman free to approach Hernandez directly and instruct him to carry out not only what the board as a whole had voted upon but to put into play whatever it

was that Hagman on his own wanted to see accomplished. Hernandez, looking to get ahead and recognizing that Hagman was the de facto leader of the board and the county, goose-stepped into action in accordance with whatever Hagman's orders happened to be.

The affable and easy-going McBride was uncomfortable with being confrontational with county staff and department heads, and was thus attitudinally and psychologically incapable of carrying out firings. Hernandez proved more than willing to act as McBride's hatchet man, seeming to relish such assignments, and throughout the county's governmental structure, Hernandez became known, indeed feared, as what some referred to as "the grim reaper." County employees en masse came to dread the prospect of looking up to see Hernandez make his way unannounced into his or her office and close the door behind him, at which point he was known to unceremoniously present the unfortunate employee with a pink slip to let him or her know he or she had been terminated and was to be separated from the county at once, oftentimes without the opportunity or privilege to clean out his or her desk.

Hernandez became valued by the board of supervisors for his decisiveness and willingness to act.

A standing joke was that one day McBride would look up to see Hernandez, in the form of the grim reaper he was celebrated by county employees as being, darkening the entrance into the county chief executive officer's quarters, at which point McBride would learn that the board of supervisors had decided his time was past.

Indeed, that is precisely what occurred in September 2020. Window dressing was applied, as the county made use of the then-ongoing COVID pandemic to announce that McBride was being reassigned, without any decrease in his \$373,833.78 salary, \$95,934.21 in pay add-

ons and perquisites along with his \$209,608.03 in benefits for a total annual compensation of \$679,376.02. The ever-agreeable McBride went along with the deal.

When Hernandez made the transition from chief operating officer to chief executive officer, Luther Snoke, one of the county's deputy executive officers, was promoted into the position of chief operating officer to replace Hernandez.

For more than a year-and-a-half, the tandem of Hernandez and Snoke appeared to be an unstoppable, dual-headed juggernaut that would overcome everything in its path, clearing a way through the county bureaucracy for Hagman and the rest of the board of supervisors, making



**Luther Snoke**

virtually whatever the county's political leadership wanted to accomplish doable, come hell, highwater, low water or pandemic.

A first major test came when the county's voters in November 2020, barely a month after Hernandez was in place as chief executive officer, passed by a supermajority – 516,184 votes or 66.84 percent to 256,098 or 33.16 percent – Measure K, which mandated the five supervisors be deemed part-time legislators, such that each was to see his or her total annual compensation, which ranged, depending on the number of their familial dependents covered under their benefit plans, from \$242,941.27 to \$280,905.92 annually, reduced to \$60,000.

Hernandez huddled with then-County Counsel Michelle Blakemore, the county's top in-house attorney, and formulated a plan to prevent the supervisors' pay reduction from taking place. They proposed having the county retain three at-

torneys – Bradley Hertz, James Sutton and Nicholas Sanders of the Los Angeles-based Sutton Law Firm – and then authorizing them to sue the supervisors' own immediate employee, Lynna Monell, the clerk of the board of supervisors of San Bernardino County, in a legal petition to keep her from implementing Measure K. The board complied with that proposal, authorizing the lawsuit, and further acceded to the strategy of pursuing the matter in San Bernardino Superior Court wherein the matter could be kept in front of a judge known to be sympathetic to the county's governmental hierarchy rather than removing it to another county where there would be less prospect of political, administrative or financial pressure being brought to bear on the adjudicative process. Simultaneously, at Hernandez's urging, Blakemore, who as county counsel was supposed to make a spirited defense of Monell's right and obligation to effectuate the directives inherent in Measure K, forewent making any defense of the initiative or assertion of Monell's duty to enforce its provisions.

The filing of the lawsuit put Measure K into abeyance while it was subject to legal challenge, preventing the salary reductions from going into effect until such time as the matter was adjudicated.

The matter was maneuvered into the courtroom of San Bernardino Superior Court Judge Donald Alvarez, who was known to county officials to be beholden to the San Bernardino County Sheriff's Department for having accorded him the courtesy of being escorted home on occasions when he had too much to drink before getting behind the wheel of his car. Judge Alvarez made a finding invalidating the entirety of Measure K on the grounds that its secondary provision limiting supervisors to a single four-year term was unconstitutional and that the term limitation element of the measure was not separable from

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## Mayor Jones & Councilwoman Gomez Talked Over One Another Repeatedly from front page

violation of civil order. Gomez was arrested by San Bernardino County sheriff's deputies as she was seated at her place on the council dais following what had been her thwarted attempt to address the council and the public from the microphoned podium used by the public to participate in public meetings held within Victorville's council meeting chamber. During the portion of Tuesday night's meeting reserved for public comment, Gomez informed Mayor Debra Jones that she wanted to speak, and Jones directed her to the rostrum. Once there, Gomez twirled around and made reference to the portable

video camera she was using to livestream the proceedings, instructing those watching the meeting on that medium about a button that needed to be pushed before she set the device down on the top of the lectern, which prompted Jones to say, "Ms. Gomez, you will speak solely to the full of the council."

Gomez then began, "It's nice to know that during closed session..."

Jones interjected, apparently addressing those to whom Gomez was livestreaming, "Ms. Gomez may not speak to you... Ms Gomez may not speak to closed session..."

Gomez spoke over Jones at that point, saying "It's a public comment. I'm allowed to speak. Freedom of speech. Are you interrupting me, because..."

Jones then spoke over Gomez, saying, "Yes,

ma'am, I am. You may not speak to close session..."

Gomez then blurted over Jones "Two minutes and 43 seconds..." an apparent reference to how much of her three-minute speaking time she had left.

Jones said, "Madam Clerk will you kindly mute the mic so that the chair can speak to this."

With the podium microphone turned off, Gomez turned her back to both the podium and the council and began addressing the public in the gallery. Jones then said that the council was going to recess for five minutes.

Five minutes and 43 seconds later, the open session of the meeting resumed, it having apparently been determined that Gomez's reference to the closed session was not to the content of its deliberations. The video

began with Jones stating that the meeting was to continue, followed by Jones referring to Gomez, who was gesturing toward Jones and speaking to her off mic, as "the audience member." Jones said, "The audience member will be silent this moment." Jones then lectured Gomez and the audience, stating that as the presiding officer she had to "enforce our rules and policies and make sure that decorum is followed in our meetings so that we can have a productive meeting, a meaningful meeting and carry out the business of the city. The reason previously that I called the audience member to order was that it appeared the audience member was speaking as a council member and was endeavoring into subjects related to closed session, which is a violation of the law to disclose. We have

very strict policies that we must follow in terms of confidentiality, and that's for the protection of our city, our community and, most certainly, the council. So, my apologies to this audience for the ramblings that have gone on during the recess, but at this time Ms. Gomez is going to be permitted to continue with her public comment, provided that she follows the rules of decorum as is required by any member of the audience. If not, she will be warned to bring herself to order. With that said, Ms. Gomez, please approach the podium and continue with your public comments."

Gomez moved toward the podium, while Councilwoman Liz Becerra, at her place on the dais, used her laptop camera to video Gomez as she stepped up to the podium.

Gomez started, "As I

was saying, the important thing that happened at the closed session was not that I was speaking about an item, because I am not speaking about an item. I'm speaking of what occurred, the targeting, and that you guys need to co-conspire against what I'm doing there. So, if I'm bringing a mic, I'm not recording you. I'm letting you guys know that this is required because I get shut off all the time. This has gone on for years since I was elected and that's what happens. The only reason you ever see Liz Becerra recording is she wants to co-conspire with her colleague [San Bernardino County Sheriff's Department] Captain John Wickum [who serves in the capacity of Victorville police chief] to do things I already have in a criminal lawsuit. That's why I invite all of you," Gomez

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## Wonder Valley Community Reacts Strongly To Fuller Announcement Of Amboy Road/Gammel Road Development from front page

Use Services Department has been to designate all 21.22 acres as suitable for commercial service use, or CS in the county's zoning parlance. The current RL-5 designation allows single family homes on lots no smaller than five acres. Greenberg and Landver have acquired 160 acres at the Amboy/Gammel corner location.

Last week, Landver in a statement to the *Sentinel* confirmed that he and Greenberg, who are being assisted by development consultant David Mlynarski, are purposed to see the entirety of the 160 acres built upon.

In his free-ranging interview, Landver said that he and Greenberg will abide by the existing zoning on the 138.78 acres they own that will be left after the hotel is built. In this way, he said, roughly 20 homes will be placed on the property. He emphasized that they will be prefabricated single-story structures of right around 2,000 square feet each.

Landver's acknowledgement of the residen-

tial component of their development was significant. Though there had been rumors to the effect that what Greenberg and Landver had embarked upon would not confine itself to the resort complex alone, their application to the county gave no indication that they were going to construct anything other than the 106-room hotel along with an accompanying all-night restaurant, a spa/wellness center, conference hall and event center, a 6,000-square foot swimming pool, hot tubs, outdoor showers and a 205-space parking lot.

Water is to be supplied by two existing wells on the property linked to a 180,000-gallon water tank. The project is to include a septic leech field system for the treatment of wastewater, which is to then be used for outdoor irrigation. The design is to include solar panels intended to supply at least a portion of the electricity to be used on site. Mlynarski has said the resort will rely on the local utility provider for the balance of the electricity needed at the site.

Landver downplayed the impact that the development would have on the local area and its current serenity. He suggest-

ed that the objections that Wonder Valley residents were raising with regard to the intrusiveness of the undertaking were misplaced.

The resort, he insisted, will be "ecologically friendly and self-contained, an eco-reserve that will confine itself to zero use of energy. We want to make it completely self-sustained."

Wonder Valley is proximate to the entrance to Joshua Tree National Monument, and he suggested it was selfish of Wonder Valley residents to begrudge the building of a hotel intended to provide tourists seeking to experience the park "a place to rest their heads at night. We are looking forward to creating an increase in tourism. [Joshua Tree National Park] is one of the wonders of the world. What we are doing will help people to discover and enjoy that amazing park. We think that's a good thing for society, to make it so more people can appreciate that desert land."

Landver emphasized that the project would bring economic development to the area and increase tax revenues, while simultaneously seeking to soft-pedal the degree to which the de-

velopment would impact the rural character and desert tranquility that is the area's signature feature now.

"I understand that the people who live there want to see the dark night sky and feel the calm air," Landver said. "We want to provide that setting for others who do not live there. We don't want to light up the dark sky. We do not want to disrupt the stillness. I don't know where the residents got the idea that it is going to be like a Miami nightclub. We will have meditation rooms that local residents can use. The restaurant will be another place for the residents to enjoy."

Landver said the resort will, if all goes as planned, open to the public at some point in 2025. The homes might be ready for occupancy in 2026, he said.

Landver did not seem to appreciate the significance of his acknowledgment that the development at the site was to go beyond the resort hotel.

In evaluating the project application, San Bernardino County Land Use Services consented to using a mitigated negative declaration, also referred to as an initial study, as the means of providing

the project with its environmental certification.

Under the California Environmental Quality Act, a mitigated negative declaration is one of the least exacting types of development impact assessments. Wonder Valley residents had already expressed the belief that the approval process for the project should entail an environmental impact report, the most involved type of environmental analysis and certification there is. An environmental impact report consists of an in-depth 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.

Neither of the two San Bernardino County Department of Land Use Services staff members who are processing Greenberg and Landver's application, Senior Planner Azhar Khan and Supervising Planner Chris

Warrick, were aware that the entire 160 acres that Greenburg and Landver had acquired were to be developed, essentially, together. This puts the soundness of their decision to allow a mitigated negative declaration to suffice as the environmental certification for the hotel project in doubt. Allowing the residential properties to be developed while allowing Gammel Road to remain unpaved would seem to involve less than sterling quality planning. Moreover, if Gammel Road were to be paved, a more comprehensive environmental examination of the developmental impacts would be in order. Landver's acknowledgment that he and Greenberg intend to proceed with a project or combination of projects entailing nearly eight times as much land as was previously indicated throws into doubt whether they can proceed with the project by carrying out an environmental certification on the cheap.

Upon learning about the project proposal, Wonder Valley residents coalesced into a working group calling itself Stop Wonder Inn Project. Its members have undertaken a grassroots *Continued on Page 9*

## Elected Officials' Acceptance Of Revolving Door Comparables For Public Agency Managers Has Created A Vicious Upward Cycle In The Cost Of Government, IEUA Director Hall Maintains *from page 4*

that agency's administrators or top administrator can be as little as three days and is virtually never more than five days.

Board Member Hall, who represents Fontana and parts of Rialto along with those cities' areas of influence and Bloomington, was the lone vote against giving Deshmukh the raise he had recommended for himself.

"As the representative of my constituents, the vast majority of whom are working at jobs which barely provide them and their families wages that are ten percent of what Shivaji is making, I just can't with a clear conscience agree to something like that," she said. "I am not criticizing his performance. An individual has a right to take a job and be well remunerated for what he does, but when we do this with taxpayer dollars, that creates a major concern in my eyes.

"If you look at staff, particularly those who are at the higher end of the pay scale, our salary range is out of control," Hall continued. "It is a problem with the IEUA and it is a problem with

other agencies. When the salary of one administrator or general manager goes up, the salaries of the managers of all of the other districts go up. They look at what others are paying, and they have to offer something like it to get a general manager to work for their agency."

Hall said, "I am a taxpayer as well as an elected steward of taxpayer dollars. It doesn't seem that the public has an opportunity to make itself heard on the issue of what we are paying our governmental employees. The board makes its decision not through the eyes of the public it represents or with the input of those who have put us into office by electing us. We are viewing the performance of staff and our manager on the basis of what staff is telling us. Staff writes the reports on everything relating to the agency, including whether staff members, or, as in this case, the general manager, deserves a raise and how much of a raise. That is not the right thing or the only thing for us to be basing our decisions on. Either Shivaji wrote that report and recommendation or staff wrote

it. Staff reports to him. He is our general manager. He does a competent job for the most part. He does a lot, but because of the comparables in the formula we are using, we are seeing this out of control salary escalation. We have this situation and I am at a loss to understand why we have to keep doing this. Can't we pull back and make an assessment? For three decades or more we have used comparables to determine how much we are going to pay our people in government and there doesn't seem to be any way we can say, 'Stop it.'"

Hall said the Inland Empire Utilities Agency Board of Directors, like its counterparts heading other agencies, was illogically and reflexively paying anyone who comes into top management positions with those entities the same amount of money as those who previously held the same position, whether the new hire had credentials equal to the person being replaced or not.

"You will see a general manager with 30 years' or even 40 years' experience and a lifetime of expertise retire and in some cases what happens is you bring in someone else, sometimes someone who is way younger and less experienced with a limited track record,

less than five years as a general manager or assistant general manager somewhere else or maybe even as little as three years' experience, but the newly hired general manager is given a salary right at or even over \$300,000 per year. That is not sensible. You ask why it is being done and you don't get an answer or a satisfactory answer. I don't know what to do except to express my opinion."

The *Sentinel* asked Inland Empire Utilities Board President Marco Tule what the rationale for giving Deshmukh a 9.1745 percent raise at this time was and if that raise truly reflected Deshmukh's value to the agency. The *Sentinel* followed up to ask whether in Tule's estimation giving Deshmukh an annual raise that matches the escalation in the consumer price index would be a sufficient show of appreciation toward him. Similarly, the *Sentinel* asked Tule if he considered Deshmukh to be indispensable to the Inland Empire Utility Agency's operations and if he thought Deshmukh to be irreplaceable.

The *Sentinel* sought from Tule whether he was concerned that granting Deshmukh the raise he requested was going to perpetuate the upward spiral in top administra-

tor compensation that is the general trend within government in Southern California. Additionally, the *Sentinel* asked Tule if he considered the staff report relating to, and positive recommendation for granting, the salary increase, originating as it did either with Deshmukh or with a staff member or staff members quite close to him who in any event must answer to him as one of his employees, to represent a conflict of interest. The *Sentinel* asked Tule about his personal comfort level in voting to grant the general manager a 9.1745 percent salary raise, given that in doing so he and his board colleagues were acceding to a recommendation made by someone who stands to personally financially benefit from the action being recommended.

The *Sentinel* also sought to explore with Tule whether he was concerned about the escalating cost of governance and the degree to which higher and higher percentages of governmental entities' budgets are being devoted to or eaten up by paying employee salaries and providing those employees with benefits. The *Sentinel* asked Tule if he believed this increase in personnel costs was leading to a circumstance in which an insufficient amount

of money is being left in public agency budgets for funding for capital improvements, the maintenance/refurbishing/renewal of infrastructure and the construction of new infrastructure. The *Sentinel* asked Tule if he felt that those who had elected him expected him to hold the line on ever larger public employee paychecks and generous benefits and if he had any trepidation with regard to the runaway costs of governance.

Speaking directly to the *Sentinel*, Tule said he did not understand the questions.

Tule did say that the Inland Empire Utility Agency had met its legal obligation to give more than 72 hours of advance notice of the board's contemplated action to provide Deshmukh with the raise.

In a setting outside the public forum, Tule remarked that the practice of providing governmental management employees with regular raises that outrun what is typically offered to private sector employees had been long established and accepted as part of governmental culture before he was elected to public office and he sees no reason to alter that pattern while he is serving in the capacity of an elected official.

-Mark Gutglueck

## Despite Having Been Soundly Defeated By Leon At The Polls In November, Valencia Was Yet Able To Demonstrate A Wellspring Of Support At Tuesday's Meeting *from page 4*

72 hours or three business day prior to a meeting. Exceptions can be made, but only in cases of dire emergency that will impact the public welfare or safety.

When the agenda for Tuesday's city council meeting was posted on Thursday, February 16, there was no mention of a censure. It was not until the non-business days of the weekend had begun, two days later, on Saturday February 18, that

City Clerk Sheila Mautz was contacted by Leon and instructed to put an emergency walk-on item onto the agenda.

The agenda add-on read: "A Resolution To Censure A Council Member: That the city council discuss and provide direction to staff regarding the adoption of a resolution censuring Council Member Ruben Valencia for unauthorized representation of the city's interests and/or positions."

There was no resolution accompanying the emergency announcement. What was suggested by the post was that either the resolution would be drawn up over the weekend or on Monday and Tuesday and would be presented to the public and the council at the Tuesday night meet-

ing or that the council would draft the resolution during the course of the meeting.

Valencia was still in Sinaloa when he learned of what was going to be discussed two days hence. In a brief statement to the *Sentinel* Valencia made on Sunday morning while he was yet in Mexico, he said he anticipated that when he got to the meeting, he would be "put on trial in a kangaroo court and convicted." Later that day, he and his wife flew back to Ontario.

In the meantime, Valencia's supporters rallied, discussing among themselves what was developing, examining the strength of the case against the councilman, which was based, in large measure not on anything

that Valencia had said directly but media coverage and social media postings, which in any event did not contain any statements attributed to him relating to City of Ontario policy or pending action by the city.

Word spread that Valencia was out of town and that the city council was rushing to hold a censure hearing against him in absentia so he could be officially rebuked.

Tuesday night, a stirred-up public demanded that a cogent case be presented against Valencia together with evidence and that Valencia be afforded the opportunity to defend himself.

Valencia was back in plenty of time and was at the meeting. Absent was Bowman. Present in the council chambers was

Cory Briggs, Valencia's attorney and the grandson of Homer F. Briggs, a former Ontario councilman.

Valencia's supporters vowed to make a demonstration of the motives behind the censure effort, which they intimated had much to do with Valencia's stand against the pay-to-play ethos they said had gripped the city as well as his knowledge of improper personal activity engaged in by the mayor and certain council members. The censure resolution is an attempt to discredit him before any revelation of that highly damaging information about the mayor and councilman and top-ranking staff is publicly made, his supporters suggested.

Celina Lopez, who

ran for the city council in 2020 and 2022, said the move to censure Valencia "shows a lack of transparency, unethical behavior, bullying and using your voting power against the very people who put you in those seats. Regardless of the differences, and believe me, I have my own, this action shows you are not capable of working with others unless they're aligned with your agenda. Let us know how you arrive at the decision of censure without providing the community with any type of supporting documentation on the agenda. The lack of transparency on why this is taking place shows that you have your own agenda, which doesn't include the community you serve."

*Continued on Page 19*



## Neither The Developer Nor The County Planning Division Is Giving Resort Proposal Adequate Environmental Impact Scrutiny, Wonder Valley Residents

Say from page 7

effort to question the San Bernardino County Land Use Services Department about the project, determine its scope and put on record the Wonder Valley community's protests with regard to the untoward impacts its members believe the project will entail. The stated intent of the effort, as the group's name implies, is to prevent the project from proceeding. Among individual members of the group and residents of Wonder Valley generally, attitudes range from shutting the door on the project altogether to accepting that the project is to proceed, but nevertheless ensuring that the county's planners insist on subjecting every aspect of the project that will negatively impact the project site, its near environs, the area, the community and its residents to all reasonable, foreseeable and conceivable efforts at mitigation.

Wonder Valley resident Eric Hamburg is a prime mover among the members of Stop Wonder Inn Project and the webmaster of the group's website, stopwonderinn.org,

Hamburg took issue with much of what Landver told the *Sentinel*.

With regard to Landver's representation that the resort would be "ecologically friendly and self-contained, an eco-reserve that will confine itself to zero use of energy," Hamburg said, "There is nothing significant in the initial study/mitigated negative declaration that specifies that the resort will be 'ecologically friendly and self-contained' or 'an eco-reserve that will confine itself to zero use of energy.' It will be connected to the Southern California Edison grid and will compete against the existing Southern California Edison infrastructure which is already prone to outages, and they don't propose

ways to work to assure that Wonder Valley residents will not experience the impacts of that.

"Additionally," Hamburg said, "there is nothing in the initial study/mitigated negative declaration that would implement a development that would be 'ecologically friendly and self-contained' other than marketing spin. They will be draining water from our shared aquifer, and none of the documentation supporting that is indicated in valid studies that show the current status of that aquifer. The last surveys of the aquifer in Wonder Valley date back to the 1970s. There are no studies that document the impact on the aquifer that were caused by the years-long drain of water resources by illegal marijuana grows – one of the largest in San Bernardino County, that was directly to the east of this proposed development."

Hamburg continued, "The water studies and the mitigated negative declaration as to water use and treatment are questionable, as pointed out in detail by the Stop Wonder Inn Project's 187-page response to the county as well as comments submitted by other concerned parties. An environmental impact report needs to be executed. It is difficult to 'buy' the contention that the proposed development will be 'ecologically friendly,' for example, when the developers and the initial study/mitigated negative declaration have ignored a scientifically valid survey of the presence of desert tortoises that would be eradicated by its construction and operation. There are sanitation and other environmental factor concerns included in our response to the county."

As to Landver's downplaying of the degree to which the projects he and Greenberg are proposing will impact the Wonder Valley district, Hamburg said, "In the 264 comments submitted to the county in objection to the initial study/mitigated negative declaration via a comment form on stopwonderinn.org, a large number of them express deep concerns as to how

the proposed development will impact the current 'rural and remote aspect of the district.' Impacts of noise, dust, and light pollution are just some of the concerns that many residents and visitors have expressed, and which are not adequately 'mitigated' in the initial study/mitigated negative declaration. It is hard to take Landver's 'downplaying' of these concerns as seriously informed."

Hamburg added, "Importantly, nowhere in Landver's comments nor in the initial study/mitigated negative declaration are the land use elements of the San Bernardino Countywide Plan mentioned or any justifications or mitigations that the proposal conforms to that plan."

Hamburg referenced compatibility with existing uses, compatibility with planned uses, compatibility with the natural environment, land use map consistency, rural lifestyle in the desert region and community identity as key criteria outlined in the plan that developers and county planners must abide by.

Hamburg said he detected disingenuousness in Landver's assertion that "We don't want to light up the dark sky. We do not want to disrupt the stillness."

In actuality, Hamburg said, "The large, unprecedented size and footprint of the proposed resort will create disruption to the current sparsely populated rural/residential nature of Wonder Valley. The implicit 24/7 operation of a hotel resort and the currently officially undisclosed housing development will impose noise and light that is not currently present in Wonder Valley. The 'mitigations' in the initial study/mitigated negative declaration, particularly in regard to noise and lightshed, will not cure these impacts."

Landver purposefully misrepresented resident's objections to the resort compound using an overstatement comparing it to a Miami nightclub, Hamburg said.

"Using 'Miami nightclub' is glib, and no one concerned about the

proposed development contends that to be in the offing," Hamburg said. "But in addition to the regular in and out traffic to the proposed resort, they are advertising that the proposed inn will conduct music and other events such as weddings that will incur additional noise, light, and traffic at that site."

Hamburg referenced Landver's statements to the *Sentinel* acknowledging his and Greenberg's intent to place prefabricated one-story, 2,000 square foot homes on the remaining 138.79 acres they have acquired at the corner of Amboy Road and Gammel Road, together with Landver's prediction that the homes will be completed and ready for occupancy by 2026, stating, "None of this is disclosed in the initial study/mitigated negative declaration. Such plans are contrary to the California Environmental Quality Act statute prohibiting 'spot zoning' and 'piecemealing' and should be addressed by the county with a full environmental impact report."

Hamburg referenced Landver's statement to the *Sentinel* that what is to be built on the property at the corner of Amboy Road and Gammel Road "is not going to be apartments or condominiums. If it is going to be homes, it will be very sparse. This will not take away from the way of life the residents now have." Hamburg said, "Anyone visiting Wonder Valley will clearly perceive and experience that such a large, concentrated development as the proposed resort and additional housing will be anomalous to the current environment and its implementation will set a precedent for further disruptive development."

With regard to Landver's contention that "The local residents do not realize that our hotel will put millions of dollars back into their community" and "They will be able [because of additional tax revenue] to bring the fire department and paramedics back," Hamburg asserted, "There is no evidence that this will be the case."

He called upon Landver to document "in detail" his claim that the hotel project will reinvigorate local public safety services.

"The current state of public services re sheriff, fire, and emergency medical technicians is totally inadequate to the current needs of Wonder Valley, with the nearest fire station 10 miles away and the sheriff's station in Joshua Tree and response times for such services therefore critically problematic," Hamburg said. "The proposed inn will create increased needs for public services for the guests in the 106 rooms and other facilities and events. We are frankly skeptical that the taxes collected by the proposed inn will cure these problems anytime soon. Again, I call upon Mr. Landver to please document how this will be addressed. The XV: public services section of our 187-page comment document to the county for issues relates to fire and other public services and the potential increase in tax revenue that might contribute to enhance these. It is up to the developers and the county to substantiate in an environmental impact report that the Wonder Valley community would in fact derive benefits from Wonder Valley Inn fees paid. The initial study/mitigated negative declaration addresses this only in a superficial manner."

Hamburg called into question the claim that Landver made in his interview with the *Sentinel* that the local populace is more in favor of the resort project than opposed to it. "There have been over 300 people who have sent letters of support of the Wonder Valley Inn," Landver told the *Sentinel* last week. "There are as many letters saying 'We support the project' as 'We don't support the project.'"

Hamburg said, "This is highly questionable. The comments that were submitted via the stopwonderinn.org site and sent to the county number 264, and we are aware of many comments separately submitted from others concerned, including the board of the

Morongo Basin Conservation Association. And it needs to be noted that Alan Greenberg, one of the proposal's principals, did put up a 'petition' on the Eko site which apparently garnered about 300 responses. We see this 'petition' as a prime example of 'astroturfing' and more as a marketing ploy. We also question the means by which signatures were gathered, as we have observed that links to it were generated via a Facebook post from Mark Landver, Jason's brother. We have no way of knowing if the signatures were organic, came from 'bots' or consist of Greenberg's and Landver's friends, family and business associates nor if the signers live in Los Angeles as we believe the developers do. It is suspicious that the large bulk of signatures were collected in about one day. Note that the 'petition' is no longer online, having been taken down the morning after the county comment deadline."

According to Hamburg, "A review of the initial study/mitigated negative declaration reveals numerous deficiencies, indicating further study is needed to adequately evaluate potential significant impacts on the Wonder Valley community, environment, and resources. Substantial evidence demonstrates that impacts from the project are individually and cumulatively significant. The following concerns, among others, have been either not addressed or not adequately addressed in the initial study/mitigated negative declaration: aesthetics; lighting impacting dark night skies; air quality; biological resources; cultural resources; energy; geology/soils; greenhouse gas emissions; hazards and hazardous materials; hydrology/water quality; land use/planning; noise; public services, recreation and transportation. Accordingly, the county must prepare a complete, certified environmental impact report addressing these impacts, in full compliance with the California Environmental Quality Act, before it can approve the project."

-Mark Gutglueck

**Public Notices**

FBN 20230000824  
The following entity is doing business primarily in San Bernardino County as ZYNTEC 2314 CALLE BIENVENIDA CHINO HILLS, CA 91701: MEI DU 2314 CALLE BIENVENIDA CHINO HILLS, CA 91701  
The business is conducted by: AN INDIVIDUAL.  
The registrant commenced to transact business under the fictitious business name or names listed above on: JANUARY 11, 2023.

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/ MEI DU  
Statement filed with the County Clerk of San Bernardino on: 1/30/2023

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 J3108

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 February 3, 10, 17 & 24, 2023.

FBN 20230000778  
The following entity is doing business primarily in San Bernardino County as MASI TECHNIKS 243 W. VERNON DR APT B UPLAND, CA 91786:

JAIME MORA 243 W. VERNON DR APT B UPLAND, CA 91786  
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/ JAIME MORA  
Statement filed with the County Clerk of San Bernardino on: 1/27/2023

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 J3108

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 February 3, 10, 17 & 24, 2023.

FBN 20230000215  
The following entity is doing business primarily in San Bernardino County as H & E HOIST AND EQUIPMENT SERVICES 12720 AMBER LANE RANCHO CUCAMONGA, CA 91739: EDER ESQUIVEL MAJESTY RANCHO CUCAMONGA, CA 91739

The business is conducted by: AN INDIVIDUAL.  
The registrant commenced to transact business under the fictitious business name or names listed above on: January 1, 2023.

**Public Notices**

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/ EDER ESQUIVEL, Owner  
Statement filed with the County Clerk of San Bernardino on: 1/09/2023

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 J3108

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 February 3, 10, 17 and 24, 2023.

FBN 20220009648  
The following entity is doing business as C&M PAINTING 9250 LOCUST AVE FONTANA, CA 92335 principally in SAN BERNARDINO COUNTY: CESAR MARTINEZ 9250 LOCUST AVE FONTANA, CA 92335

Mailing Address: 1440 S E ST #E SAN BERNARDINO, CA 92408

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/ CESAR MARTINEZ, Owner  
Statement filed with the County Clerk of San Bernardino on: 10/19/2022

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 I8090

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 November 4, 11, 18 & 25, 2022. Corrected on December 23 & 30, 2022 and January 6 & 13, 2023. Corrected on February 3, 10, 17 & 24, 2023.

FICTITIOUS BUSINESS NAME STATEMENT FILE NO-FBN20220010626

The following person(s) is(are) doing business as: AUTO AMBASSADOR, 1018 N VISTA AVE, RIALTO, CA 92376, SAN BERNARDINO COUNTY

Mailing Address: , AUTO AMBASSADOR, 1018 N VISTA AVE, RIALTO, CA 92376, State of Inc./Org./Reg. CA, Inc./Org./Reg. No. 5301463 Business is Conducted By: A CORPORATION

Signed: BY SIGNING BELOW, 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.

**Public Notices**

(B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/JAIME VALDEZ, PRESIDENT This statement was filed with the County Clerk of SAN BERNARDINO on: 11/17/2022

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 10/20/2022  
County Clerk,

NOTICE- This fictitious business 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 name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel on 12/16/2022, 12/23/2022, 12/30/2022, 1/06/2023

Corrected on 2/03, 2/10, 2/17 & 2/24, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF ARLENE McCALL

Case No. PROB2300099

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of ARLENE McCALL

A PETITION FOR PROBATE has been filed by Maurice McCall, Sr. in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Maurice McCall, Sr. 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 on March 13, 2023 at 9:00 AM in Dept. No. S37 located at 247 W. Third St., San Bernardino, CA 92415.

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

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

**Public Notices**

thority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

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

Attorney for petitioner: SANDRA B DeMEO ESQ SBN 194795 LAW OFFICES OF SANDRA B DEMEO 1130 E CLARK AVE STE 150-283 SANTA MARIA CA 93455

Published in the San Bernardino on February 10, 17 & 24, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: CARLOS GUTIERREZ CASE NO. PROSB2200796

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of CARLOS GUTIERREZ has been filed by SANDRA FRAIJO in the Superior Court of California, County of SAN BERNARDINO. THE PETITION FOR PROBATE requests that SANDRA FRAIJO be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority. A hearing on the petition will be held MARCH 9, 2023 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.

Filed: MAY 31, 2022 Jennifer Saldana, Deputy Court Clerk

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.

**Public Notices**

fect 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 Dannielle Gailynn Owens: R. SAM PRICE SBN 208603 PRICE LAW FIRM, APC 454 Cajon Street REDLANDS, CA 92373 Phone (909) 328 7000 Fax (909) 475 8800 sam@pricelawfirm.com

Published in the San Bernardino County Sentinel on February 10, 17 & 24, 2023.

NOTICE OF AMENDED PETITION TO ADMINISTER ESTATE OF: EDWARD LEWIS CLARK CASE NO. PROSB2100861

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of EDWARD LEWIS CLARK

AN AMENDED PETITION FOR PROBATE has been filed by DANNIELLE GAILYNN OWENS in the Superior Court of California, County of SAN BERNARDINO.

THE AMENDED PETITION FOR PROBATE requests that DANNIELLE GAILYNN OWENS be appointed as personal representative to administer the estate of the decedent.

THE AMENDED 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 amended petition will be held in Dept. No. S-35 at 9:00 a.m. on MARCH 1, 2023 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 amended 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

**Public Notices**

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 Dannielle Gailynn Owens: ANTONIETTE JAU-REGUI (SB 192624) 1894 S. COMMER-CENTER 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 February 10, 17 & 24, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: ROGER UMINSKI, II NO. PROSB 2300143

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of ROGER UMINSKI, II:

A PETITION FOR PROBATE has been filed by KELLY MARGARET ALLEN UMINSKI in the Superior Court of California, County of SAN BERNARDINO. THE PETITION FOR PROBATE requests that KELLY MARGARET ALLEN UMINSKI 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. S35 at 9 a.m. on MARCH 15, 2023 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

**Public Notices**

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: FEBRUARY 7, 2023 Jasmin Espeso, Court Deputy Clerk Attorney for KELLY Margaret Allen Uminski: Jennifer Daniel 220 Nordina St. Redlands, CA 92373 Telephone No: (909) 792-9244 Fax No: (909) 235-4733 Email address: team@lawofficeofjenniferdaniel.com Published in the San Bernardino County Sentinel February 10, 17 & 24, 2023

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

CASE NUMBER CIVSB 2300634

TO ALL INTERESTED PERSONS: Petitioner MICHAEL ALEXANDER LUZZI filed with this court for a decree changing names as follows:

MICHAEL ALEXANDER LUZZI to RHYS HENRI DORNHYLL

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: MARCH 24, 2023 Time: 8:30 AM Department: S27

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

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

Brian S. McCarville, Judge of the Superior Court Filed: February 10, 2023 Deputy Clerk of the Superior Court: Paola Iniguez Michael Alexander Luzzi, In Pro Per

747 E. Pioneer Ave. Redlands, CA 92374 (909) 699-3902 rhyshenridornhyll@gmail.com

Published in the San Bernardino County Sentinel on February 10, 17, 24 and March 3, 2023.

FBN 20230001059  
The following entity is doing business primarily in San Bernardino County as MAJESTY ONE ESCROW A NON-INDE-

**Public Notices**

PENDENT BROKER ESCROW 8338 DAY CREEK BOULEVARD STE 103 RANCHO CUCAMONGA, CA 91739: MAJESTY ONE PROPERTIES INC. 8338 DAY CREEK BOULEVARD STE 101 RANCHO CUCAMONGA, CA 91739

The business is conducted by: A CORPORATION registered with the State of California under the number 3024218.

The registrant commenced to transact business under the fictitious business name or names listed above on: February 8, 2008.

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/ JULIO CARDENAS, President

Statement filed with the County Clerk of San Bernardino on: 2/03/2023

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 J2286

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 February 10, 17, 24 and March 3, 2023.

FBN 20230000215

The following entity is doing business primarily in San Bernardino County as H & E HOIST AND EQUIPMENT SERVICES 12720 AMBER LANE RANCHO CUCAMONGA, CA 91739: EDER ESQUIVEL MAJESTY RANCHO CUCAMONGA, CA 91739

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: January 1, 2023.

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/ EDER ESQUIVEL, Owner

Statement filed with the County Clerk of San Bernardino on: 1/09/2023

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 J3108

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 February 3, 10, 17 and 24, 2023.

FBN 20230001541

The following entity is doing business primarily in San Bernardino County as TRULY CHEAP PRINTING [and] HUGE RESPONSE MARKETING 9373 COCA ST RANCHO CUCAMONGA 91737: ROBERT M LELLE 9373 COCA ST RANCHO CUCAMONGA 91737

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: FEBRUARY 15,

**Public Notices**

2023.

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/ ROBERT M LELLE, CEO Statement filed with the County Clerk of San Bernardino on: 2/16/2022

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 19576

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 February 17, 24 and March 3 & 10, 2023.

FBN 20230001574

The following entity is doing business primarily in San Bernardino County as ABC'S IMPORT AIR 15244 MERRILL FONTANA, CA 92335 CLAUDIA SORIA 15244 MERRILL FONTANA, CA 92335

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: 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/ CLAUDIA SORIA Statement filed with the County Clerk of San Bernardino on: 2/17/2022

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 19576

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 February 17, 24 and March 3 & 10, 2023.

FBN 20230000651

The following entity is doing business primarily in San Bernardino County as PRINCESS NAIL SPA 9000 FOOTHILL BLVD STE 110 RANCHO CUCAMONGA, CA 91730

LAM T TRAN 4554 BANDERA ST APT E MONTCLAIR, CA 91763 [and]

LIEU T HUYNH 4554 BANDERA ST APT E MONTCLAIR, CA 91763

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/ LAM THANH TRAN, Partner

Statement filed with the County Clerk of San Bernardino on: 1/24/2022

**Public Notices**

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy 19576

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 February 17, 24 and March 3 & 10, 2023.

FICTITIOUS BUSINESS NAME NOTICE

FBN 20220011076

The following person(s) is(are) doing business in SAN BERNARDINO COUNTY as:

DAMION'S CONSTRUCTION SERVICES LLC 1649 MAGNOLIA AVE SAN BERNARDINO, CA 9241: DAMION'S CONSTRUCTION SERVICES LLC 6709 LA TIERRA BOULEVARD #551 LOS ANGELES, CA 90045

Mailing Address: 6709 LA TIERRA BOULEVARD #551 LOS ANGELES, CA 90045

Business is Conducted By: A LIMITED LIABILITY COMPANY registered with the State of California under the number 202252019387

Signed: BY SIGNING BELOW, 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 17913) I am also aware that all information on this statement becomes Public Record upon filing.

S/ DAMION WILLIAMS, CEO

This statement was filed with the County Clerk of SAN BERNARDINO on: 12/05/2022

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: September 28, 2022.

County Clerk, G8420

NOTICE- This fictitious business 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 name in violation of the rights of another under federal, state, or common law (see section 14400 et seq. Business & Professions Code).

Published in the San Bernardino County Sentinel on 01/06, 01/13, 01/20 & 01/27, 2023. Corrected on February 17, 24 and March 3 & 10, 2023.

FBN 20220011500

The following entity is doing business primarily in San Bernardino County as MY MISSION [and] MY MISSION LLC 30833 LIVE OAK DRIVE RUNNING SPRINGS, CA 92382: MY MISSION LLC 30833 LIVE OAK DRIVE RUNNING SPRINGS, CA 92382

Mailing Address: 30833 LIVE OAK DRIVE 1755 RUNNING SPRINGS, CA 92382

The business is conducted by: A LIMITED LIABILITY COMPANY registered with the State of California under the number 20173110010.

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/ GLORIA WOLCOTT, CFO Statement filed with the County Clerk of San Bernardino on: 12/19/2022

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 J3108

Notice-This fictitious name

**Public Notices**

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 January 13, 20, 27 & February 3, 2023. Corrected on February 17, 24 and March 3 & 10, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: LONETTA WELLS HARRIS

CASE NO. PROB2300149

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of LONETTA WELLS HARRIS

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

THE PETITION FOR PROBATE requests that ERIKA McCOY be appointed as personal representatives to administer the estate of the decedent.

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

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

A hearing on the amended petition will be held in Dept. No. S-37 at 9:00 a.m. on MARCH 23, 2023 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 amended 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 Erika McCoy: ANTONIETTE JAU-

**Public Notices**

REGUI (SB 192624) 1894 S. COMMERCENT-ER 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 February 24 and March 3 & 10, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: CLIFTON LOOMIS

CASE NO. P R O S B 2 3 0 0 1 8 0

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of CLIFTON LOOMIS has been filed by ELIJAH Z. LOOMIS in the Superior Court of California, County of SAN BERNARDINO. THE PETITION FOR PROBATE requests that ELIJAH Z. LOOMIS be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority. A hearing on the petition will be held MARCH 29, 2023 at 9:00 a.m. in Dept. No. S35 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

Filed: FEBRUARY 16, 2022

Michelle Munguia, Deputy Court Clerk 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 Elijah Z. Loomis: R. SAM PRICE SBN 208603 PRICE LAW FIRM, APC 454 Cajon Street REDLANDS, CA 92373 Phone (909) 328 7000

**Public Notices**

Fax (909) 475 8800 sam@pricelawfirm.com

Published in the San Bernardino County Sentinel on February 24 and March 3 & 10, 2023.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: BETTY ARLENE HUBERT aka BETTY HUBERT

CASE NO. PROB2300023

To all heirs, beneficiaries, creditors, and contingent creditors of BETTY ARLENE HUBERT aka BETTY HUBERT, and persons who may be otherwise interested in the will or estate, or both: A petition has been filed by ROLAND R. HUBERT in the Superior Court of California, County of SAN BERNARDINO, requesting that ROLAND R. HUBERT be appointed administrator to administer the estate with full powers.

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

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

The petition is set for hearing in Dept. No. S35 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on MARCH 30, 2023 at 09:00 AM

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 deceased, 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 subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Attorney for the Petitioner: MARY M. BADER 9227 HAVEN AVENUE, SUITE 368 RANCHO CUCAMONGA, CA 91730 Telephone: (909) 945-2775 Fax: (909) 945-2778

Published in the San Bernardino County Sentinel on February 24 and March 3 & 10, 2023.

ORDER TO SHOW

**Public Notices**

CAUSE FOR CHANGE OF NAME

CASE NUMBER CIVSB 2221617

TO ALL INTERESTED PERSONS: Petitioner AMBER NICOLE WHITFIELD filed with this court for a decree changing names as follows:

JASON MATTHEW WHITFIELD II to JASON MATTHEW WHITFIELD JR.

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: MARCH 30, 2023 Time: 8:30 AM Department: S31

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

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

Brian S. McCarville, Judge of the Superior Court

Filed: September 28, 2022

Deputy Clerk of the Superior Court: Priscilla Saldana Attorney for Petitioner: Jeff W. LeBlanc Anderson & LeBlanc 1365 W. Foothill Blvd., Suite 2

Upland, CA 91786 (909) 949-2226 andersonlaw@live.com

Published in the San Bernardino County Sentinel on February 24 and March 3, 10 & 17, 2023.

FBN 2023000943

The following person is doing business as: A&H LEGAL DOCUMENTS. 8689 SIERRA AVE STE A FONTANA, CA 9233514674 ONTARIO CIR FONTANA, CA 92336 PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO A&H LEGAL DOCUMENTS LLC 8689 SIERRA AVE STE A FONTANA, CA 92335; 8689 SIERRA AVE STE A FONTANA, CA 92335 The business is conducted by: A LIMITED LIABILITY COMPANY. The registrant commenced to transact business under the fictitious business name or names listed above on: N/A

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/ NASAR ABOUD, CEO Statement filed with the County Clerk of San Bernardino on: FEBRUARY 01, 2023

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 02/03/2023, 02/10/2023, 02/17/2023, 02/24/2023 CNBB6202315MT

FBN 2023000904

The following person is doing business as: SO-CAL DEMO & CLEAN UO. 25675 6TH STREET SAN BERNARDINO, CA 92410 PRINCIPAL PLACE OF BUSINESS SAN BERNARDINO JAIME CASTANEDA VAZQUEZ 25675 6TH STREET SAN







## Mayor Cut Gomez Off & Then Had Her Arrested from page 7

said, turning around to gesture to the audience in the gallery, “to...”

“The audience member will speak to the full of the council,” Jones broke in. “You will bring yourself to order. You are admonished to follow the rules.”

Turning around to face Jones, Gomez said, “I can speak to the people...”

“You will follow the rules of decorum or you will be removed,” Jones spoke over Gomez.

“I can speak to whoever I want,” Gomez said. “The First Amendment gives me the right as a public member to say what I want to say.”

“Ms. Gomez,” Jones said, speaking over Gomez, “The chair is admonishing you that if you continue, because it is the right...” At that point, as Gomez gestured toward the dais, Jones said, “Madame Clerk, mute the mic and stop the clock.” Jones, addressing the audience in the gallery, said, “To the audience: Audience members are required to follow policies and procedures...”

Gomez turned to herself face the audience and began to speak to them, her utterances inaudible on the video.

“To the extent the audience member is disrupting this meeting, if she continues to disrupt, she will be removed from this meeting,” Jones said. “Ms. Gomez will step up to the mic and continue. Her time, Madam Clerk; put the mic back on.”

Gomez was yet addressing the gallery.

“Alright, at this point the audience member is refusing to bring herself to order and she will be removed from this meeting as an audience member,” Jones said. “She is to be removed. Deputies, she is to be removed.”

Almost simultaneously, Gomez concluded her monologue with the audience and walked to the end of the dais and then behind it to take her seat.

As two sheriff’s deputies loomed into visibility

on the video of the meeting, Jones, noting that Gomez had returned to behind the dais, asked City Attorney Andre de Bortnowsky, “Does that change the scenario?” Jones’ apparent meaning with the question was whether her call to have Gomez removed from the meeting still had authority.

“She has disrupted the meeting and she continues to disrupt the meeting,” de Bortnowsky said. “She should definitely be removed.”

“Deputies, remove Ms. Gomez from the meeting please, until she agrees to follow the rules of decorum,” Jones said.

Councilwoman Becerra, who had continued to videotape the proceedings from her vantage all along, stood up from her position on the dais to better angle her laptop camera at Gomez, who had moved into her seat behind the dais. Two deputies, who had previously begun to retreat when Gomez had gone behind the dais, repurposed themselves to approach her, going themselves behind the dais. One of them, approaching from her right, clasped Gomez’s right wrist and arm, twisting it behind her as the other deputy, having gone to the other side of the dais and behind it, approached her from her left. That deputy then twisted her left arm behind her back as her handcuffing was effectuated. Gomez nevertheless managed to place what appeared to be the cell phone she was livestreaming the meeting with on the dais counter. As the deputies were carting her off, Gomez instructed a young woman who appeared to be her adolescent daughter to come forward and use the phone’s video camera to “show that. Show them I’m being arrested right now.”

After the deputies took Gomez out of the field of the video, the girl, who had come forward to stand in front of the dais, could be seen angling the phone/camera toward the direction the deputies had taken Gomez in.

Though Gomez is not in the visual field of the

council meeting video, she can be heard having an indecipherable exchange, apparently with the deputies. Jones, in a narrative for the video audience, says, “Ms. Gomez is not being hurt in any manner.”

Meanwhile, Becerra, who was continuing to video Gomez with her laptop, followed Gomez and the deputies outside the visual field of the video by moving from behind the dais.

Thereafter, with Gomez apparently outside the chamber and no longer audible on the video, Becerra returned to her place on the dais and the proceedings resumed. Jones apologized to the audience, saying “Our council meetings are not town hall meetings,” and emphasizing that in holding the meetings, “We follow rules of policy, procedure, decorum.”

Jones allowed the next person to address the council to speak for 4 minutes and 50 seconds, one minute and 50 seconds over the three-minute limit.

According to available documentation, Gomez was transported to the High Desert Detention Center in Adelanto, where she was booked on charges of violating California Penal Code 403 – disturbing a public meeting and PC 602.1(B) – interfering with a lawful business.

She remained in custody as of today, Friday, June 24, and is next scheduled to appear in court on March 1.

Gomez had been scheduled for a pretrial hearing on four misdemeanor charges outstanding against her stemming from incidents on two occasions, one at the Panera Bread Bakery cafe in Victorville on June 2, 2021 and another at Victorville City Hall on July 20, 2021.

The first matter entails one misdemeanor count of PC148(a)1, resisting, obstructing or delaying of a peace officer and one misdemeanor count of PC242 – battery, both stemming from the June 2 incident in which she and her significant other, Robert Rodriguez, had a confrontation with cafe

employees over Rodriguez’s insistence on vaping within the establishment.

The second case involved a situation similar to what occurred this week. On July 20, 2021, during a Victorville City Council meeting, Rodriguez was using his cell phone to video the proceedings. Also present at the meeting was Mayor Jones’ husband, Gene Jones. Like Rodriguez, Gene Jones was using his cell phone to video the council proceedings. When Mayor Jones demanded that Rodriguez desist in his videotaping without issuing a similar order to her husband and deputies approached Rodriguez to enforce the mayor’s order, Gomez came out of her chair behind the dais and went into the gallery. A tussle between Rodriguez and Gomez on one end and the deputies on the other ensued, with Rodriguez and Gomez being arrested.

Rodriguez, who did not waive his right to a speedy trial, went before a jury in December 2021 on the charges against him stemming from the June 2, 2021 and July 20, 2021 incidents along with another matter pertaining to him causing a disturbance at the July 6, 2021 Victorville City Council meeting. On December 29, 2021, Rodriguez was convicted on the cases pertaining to the June 2 and July 20 incidents but acquitted on the charges relating to the July 6 meeting.

Gomez, who consented to delays in the trying of the case against her, is facing, in addition to the PC148(a)1 and PC242 charges stemming from the June 2, 2021 Panera Bread incident, another count 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.

Trial on those four charges was set for last month, but issues developed over the selection of a jury and Gomez’s motion to recuse Judge Katrina West, who was going to preside over the case.

Today’s pretrial hearing for that case was supposed to take place with Gomez out of custody, but her arrest Tuesday night and a declaration that she was ineligible for bail resulted in her hearing taking place before Commissioner: Arthur Benner II at the Rancho Cucamonga Courthouse this afternoon at 1:30 p.m. Commissioner Benner scheduled an in-custody pretrial hearing for Gomez on March 1 in Department V-6 at the Victorville Courthouse.

David Loy, an attorney with the First Amendment Coalition, today wrote a letter to Jones and the remainder of the city council, which was electronic carbon copied to San Bernardino County District Attorney Jason Anderson.

“On behalf of the First Amendment Coalition, I write to express strong concern that the removal of Council Member Blanca Gomez from the city council meeting and her arrest on February 21, 2023, violated the Brown Act and federal and state constitutions. By copy of this letter to the San Bernardino County District Attorney, I am asking that the charges against her be dismissed immediately. Whatever the merits of any assertions by Council Member Gomez or any disputes she has with other council members, on which I take no position, the removal and arrest of an elected official or community member should be an absolute last resort. Abuse of such power threatens the fabric of democracy and open government.”

Loy noted that Mayor Jones interrupted Gomez almost from the outset of her attempt to speak.

“These events present significant concerns for freedom of speech,” Loy wrote. “To begin with, the mayor may have imposed an unlawful prior restraint on Council Member Gomez by preventing her from completing her comments.”

Citing the cases of the Nebraska Press Association v. Stuart, and that of Alexander v. United States as well as South-eastern Promotions, Ltd. v. Conrad, which define

prior restraint as a command to prevent speech before it occurs, Loy pointed out the principles enunciated by the U. S. Supreme Court that “prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights” and “a free society prefers to punish the few who abuse rights of speech after they break the law than to throttle them and all others beforehand. It is always difficult to know in advance what an individual will say, and the line between legitimate and illegitimate speech is often so finely drawn that the risks of freewheeling censorship are formidable.”

Jones was not legally authorized to cut Gomez off, as she had not disclosed any confidential information and was merely expressing an opinion concerning the propriety or legality of actions taken by the council, action which she did not specify and therefore did not disclose, according to Loy.

Moreover, Loy said, “The mayor interrupted Council Member Gomez before it was possible to know whether Council Member Gomez would disclose any ‘confidential information’ – or whether the council member’s comments would have fallen within exceptions to the Brown Act’s confidentiality provisions. Accordingly, the mayor’s actions present serious concerns under the First Amendment and Brown Act. After the recess, the mayor again cut off Council Member Gomez, which also presents serious concerns. Council Member Gomez was speaking during non-agenda comment time, which must be open to ‘comment on any matter within the subject matter jurisdiction of the legislative body.’ Her comments concerned the alleged actions of other council members, which were well within the city council’s subject matter jurisdiction. No claim was made that she was off topic.”

According to Loy, “To

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### In Consolidating Power, Hernandez Valued Staff's Loyalty To Himself Above Competence, Resulting In Talented Employees Departing *from page 6*

its salary and benefit reductions. This, Judge Alvarez ruled, rendered Measure K unenforceable.

Ultimately, the sponsor of Measure K, the government reform advocacy coalition known as the Red Brennan Group, appealed Alvarez's finding and obtained a tentative ruling reversing his invalidation of the measure. But the Hernandez/Blake-more legal ploy bought the board of supervisors two years of time, during which the county government placed on the November 2022 ballot what it represented as its own government reform initiative, Measure D, which restored each individual supervisor's total annual compensation to roughly \$255,000 to \$275,000 while imposing on the supervisors term limits of three four-year terms, essentially equivalent to what had been the wage-scale and number-of-years-in-office rules that had been in place before Measure K's passage. Measure D passed by a margin of 241,894 votes or 58.22 percent to 173,582 votes or 41.78 percent.

In hatching a plan to prevent Measure K and the county's government reform advocates from reducing the supervisors to a financial status coequal to the average county resident, Hernandez vindicated the faith the board had placed in him.

Similarly, there were a number of other adjustments of the county's policy in the early rounds of Hernandez's tenure as the county's chief executive officer. Somewhat disturbing, however, was that just as his effectiveness as the county's chief operating officer under McBride had been dependent upon his ruthless willingness to exercise his authority, his reach as chief executive officer was in equal measure

contingent upon intimidation and fear. His stock had risen while he was in the capacity of chief operating officer because of a symbiotic exchange with the board: he was willing to do what neither McBride nor most previous chief executive officers would allow, which was to let the board of supervisors have their way or put into play the action they wanted taken without having to hold a public vote ratifying the policy they were embarking upon. In return, his own power grew. What the board members, in particular Hagman, wanted, Hernandez wanted and therefore achieved for them. Under this arrangement, the county's department heads had a simple choice: either do what Hernandez ordered them to do, whether what he was asking of them was kosher or not, or risk being fired. When he made the transition to chief executive officer, he continued to apply that formula.

About a year-and-a-half into his time as the chief executive, however, the county structure was beginning to feel the toll of the way he had been operating.

One element of the problem Hernandez is now having stems from his own limitations. Virtually his entire work history consists of being a government employee. Additionally, the breadth of his experience as a government employee is somewhat confined. Prior to becoming a deputy executive officer, he was a librarian. For a relatively short time he had overseen the county museum, as well. To be sure, libraries and museums are important cultural entities that have their place in the lives of many county residents. Still, most citizens and government employees understand those departments to have different levels of significance, priority, intensity, controversy, invasivity, authority and urgency than many other departments. Moreover, the county's libraries and its museum involve a far less substantial outlay of public funds than is the case with several other departments. Upon be-

coming chief operating officer, Hernandez knew very little about public works and engineering; the county hospital; land use services; the county health department; behavioral health; the department of human services formerly known as social services or the welfare department; the building department; real estate services, not to mention the departments that function under the authority of county elected officials other than the board of supervisors.

When Hernandez more than five years into Devereaux's time as chief executive officer demonstrated himself as a bright department head worthy of promotion and was accordingly plucked by Devereaux to move into a deputy executive officer assignment, an opportunity presented itself to allow him to remain in that capacity as Devereaux's understudy for another five to ten years so that he might familiarize himself with the nuts and bolts of a wide variety of the county's departments and divisions either in depth or at least in a fashion that was not superficial, which would have rendered him into a seasoned county administrator who might eventually take the helm himself. An extensive period under Devereaux's guidance likely would have given him an understanding of how the various county departments are purposed to articulate into an overarchingly cohesive operation.

But Devereaux lasted less than two years as chief executive officer after Hernandez came into the county administrative suite, at which point Hernandez found himself thrust into the post of chief operating officer. His response to this was to use his primary asset – his utter ruthlessness – to serve his political masters, to threaten department heads with termination if they didn't do exactly what he told them to do, regardless of whether what he was ordering them to do was in accordance with standards or agreed upon best practices, wise, sustainable or justifiable in the long run. If those depart-

ment heads did not do as they were told, if they refused to beat on the round peg placed before them long enough and hard enough and from as many angles as it might take to fit it into a square hole, they were soon out of a job. Hernandez established his reputation as someone who got results, someone who not only succeeded in getting square pegs into square holes and round pegs into round holes but getting round pegs into square holes and square pegs into round pegs if that was what was called for.

In his capacities as both the county's chief operating officer and as its chief executive officer, Hernandez encountered employees who resisted, or refused to follow, his orders or instructions. Virtually all of those employees are now gone. In his role as chief executive officer, Hernandez values loyalty above competence. Under Hernandez, a department head who salutes and carries out his or her marching orders, realistic or unrealistic, is highly valued. One who takes it upon him or herself to attempt to explain why the goal or timetable that Hernandez has outlined is either unachievable or fraught with complication that may result in problematic results is deemed an obstructionist. A direct consequence of this is that at present, roughly half of the county's departments/divisions have interim department heads, individuals who have been temporarily promoted into their department's top spot because the department leader quit, was fired or was forced out.

While Hernandez still draws kudos from some for being a can do guy who gets things done, others lament that county government has come to exist as a spectacle in which someone who doesn't know what he is doing is telling department heads, many of whom are not fully qualified to hold the positions they occupy and have not mastered all aspects of the function they are overseeing, what to do and how to do it.

The inadequacy, potential liability and ac-

tual liability of this circumstance is beginning to dawn on some of the members of the board of supervisors.

A case in point is that of Terry Rahhal, who previously oversaw the county's land use services department. Experienced and respected, Rahhal had worked her way to the top of her profession as a planner with impeccable credentials and an impressive comprehension of all forms of development, including residential, commercial and industrial in both urban, suburban and rural settings. She had an encyclopedic knowledge of the standards applied to the infrastructure that must accompany development in whatever context it is to occur and embodied a complete mastery of the California Environmental Quality Act and its multiple methods or options of providing a project with environmental certification, running the gauntlet from a full-blown environmental impact report to a slightly less comprehensive environmental impact statement and further down the scale of impact evaluation to an environmental assessment to an environmental examination to a mitigated negative declaration to a negative declaration.

When Rahhal insisted on running her department by the book, she rubbed Hernandez the wrong way, resulting in him not firing her, per se, but forcing her out as land use services director by allowing her to resign/retire. Absent her direction, the department has fallen into a state of disarray in which uncertainty and a lack of prompt follow-through has untracked projects, left other projects' permits unprocessed or undertakings delayed.

Hagman, whose backing of Hernandez was key to his advancement into the post of the county's chief executive officer, experienced this chaos firsthand. Long a resident of Chino Hills where a decade-and-a-half ago he was mayor, Hagman a while back purchased what some have said is his "dream

house" in the unincorporated county area outside the Chino Hills City Limits. He embarked on an effort to construct on the property an accessory dwelling unit, that is a secondary lodging in the form of a cottage, the approval process for which under recent state law encouraging residential construction to offset California's housing shortage has been simplified and facilitated. Despite that, Hagman encountered multiple delays and complications as his applications for the construction project approval and permits wended their way through the county land use services department, which has jurisdiction in unincorporated county areas. The experience has given Hagman a glimpse of what was wrought with Hernandez's installation as county chief executive officer.

Contained within Hernandez's personality is the drive to micromanage the county, his incessant need to stay on top of or otherwise monitor all interactions between county staff and not only its elected officials but those who work within the elected officials' offices. County employees are required to electronically carbon copy to Hernandez any communications – primarily emails and text messages – that they send to the supervisors or the other county elected officials or their employees, including those with the sheriff's department, district attorney's office, treasurer's/tax collector's/auditor's/controller's office or assessor's/county clerk's/county recorder's office. While the classic function of someone in a manager's role such as that of the chief executive officer is to plan, organize direct and control, Hernandez has taken the concept of control to what many county employees consider to be absurd lengths. The sheer volume of emails and text messages that are routed to Hernandez represent a substantial challenge merely in terms of the time it takes to wade through them and this often distracts him from focusing on the more im-

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## As A Sovereign Nation, The Tribe Could, Once It Has Land Across Which The Region's Water Flows, Take Possession Of As Much Of It As It Can Capture Without Regard To Downstream Water Rights

*from page 5*

making process.

The San Manuel Band of Mission Indians is considered to be a sovereign nation independent of both U.S. and California law and governance. This has given rise to concern among local residents that if the tribe is granted ownership of the two parcels through which a significant amount of water flows into the Bunker Hill Basin, at some future date the tribe could divert that water for its own purposes or otherwise dam the water to prevent it from reaching the basin.

Indeed, an incentive for the tribe to engage in such a diversion exists following the 2017 expansion of the San Manuel Tribe's Casino operation, which included a resort-style 500-room hotel, expanded gambling facilities, a 4,000-seat performance venue, a spa, restaurants, retail shops and a 2,200-vehicle stall parking structure. Moreover, the tribe since 2019 has been pursuing the construction of upwards of 30 mansions intended as the domiciles for many of its members on graded hillside property on and adjoining the San Manuel Reservation in the foothills north of the northeasternmost portion of San Bernardino and the northwesternmost corner of Highland.

One local resident, Amanda Frye of Redlands, encapsulated six issues she believes need to be addressed before the trade is ratified. The assertion that the two expanses of land contained on the 1,475.90 acres located near the Arrowhead Springs Hotel to be obtained by the tribe are San Manuel ancestral lands is not supported by the historical record, according to Frye.

"In a January 9, 2023 U.S. Forest Service letter File Code: 5430, the exchange proposal is referred to as the 'San Manuel Ancestral Land Exchange.'" Frye stated. "There has been no proof

that the U.S. Forest land is or was uniquely San Manuel Ancestral Land. The Yuhaaviatam of the San Manuel Nation, previously listed as the San Manuel Band of Mission Indians in California or the San Manuel Tribe of the Serrano Indians, published its history on the tribe's website, which never mentions or claims that the San Bernardino National Forest land proposed in the 'land exchange' was their ancestral land nor any connection to the Yuhaaviatam tribe."

She cited <https://sanmanuel-nsn.gov/culture/history> and the passages contained in the document *Our History | San Manuel Band of Mission Indians.pdf* posted on that website as the basis for her assertion.

"The history mentions that the Serranos moved from the mountains near Big Bear and settled near Harlem Springs," she said. "Other historical sources concur that the tribe was located in the mountains near Big Bear and moved later to the San Bernardino Valley to settle near Harlem Springs, not the Arrowhead Hot Springs. Multiple sources indicate that the San Bernardino National Forest land proposed to be given to the tribe in the land exchange was in ancestral lands of the Guachama, who were thought to have moved west toward Los Angeles in the early 1800s, and later the Cahuilla Tribe, now known as the Cahuilla Band of Indians, with the San Manuel Tribe moving into the valley years later near Harlem Springs."

She cited the *online document* <https://cdm15952.contentdm.oclc.org/digital/collection/p15952coll4/search/searchterm/San%20Bernardino> in asserting, "Other references make no mention of Indians at Arrowhead Springs."

According to Frye, "The Mormons and other early pioneers have many

historical claims to this area that the San Manuel tribe wants to take from the San Bernardino National Forest."

Frye noted, "The Cahuillas did not appear to be notified in the public notices provided by the U.S. Forest Service. Historical writings mention the Cahuilla and ancient Guachama tribes associated with the state Geological Landmark #977, otherwise known as 'The Arrowhead.' The internet-based website <https://ohp.parks.ca.gov/ListedResources/Detail/977> states the Arrowhead was referred to as the 'Ace of Spades' by early pioneers David Noble Smith in his possessory claim and John Brown Jr. in recorded court testimony."

Furthermore, according to Frye, "The San Bernardino National Forest was founded on February 25, 1893 as the 'Forest Reserve' to protect the water supply for the surrounding communities. The proposed land exchange harms all San Bernardino Valley residents that rely on waters that the San Bernardino National Forest was founded to protect. This proposed land exchange is not for the benefit or in the interest of the public as required by law. This proposed land exchange only benefits a few people of a sovereign nation in the small, but the extremely wealthy Yuhaaviatam of San Manuel Nation, referred to as a tribe and formerly recognized as the San Manuel Band of Mission Indians. In fact, this land exchange violates 43 United States Code §1716 (a), as the proposed tracts of San Bernardino National Forest land to be given to the tribe include many water sources for San Bernardino Valley's Bunker Hill Basin, including multiple perennial and intermittent streams. The land exchange is illogical, as it harms millions of members of the public by taking their water supply, which the San Bernardino National Forest was founded to protect in 1893."

Frye referenced the yet unresolved matter pertaining to the tentative cease and desist order against BlueTriton

Brands and the need to have closure on the issues it involves prior to any decision with regard to the land exchange being made.

"A current State Water Board issue which involves lands and water in the proposed San Bernardino National Forest is still ongoing," Frye said. "The State Water Board Enforcement Branch Administrative Hearing Office is still in the process of releasing its rulings in the draft cease and desist order against BlueTriton Brands, Inc., and this issue will then proceed to the State Water Board. Some of the proposed exchange land in T1N R3W R4W are part of this State Water Board issue. Furthermore, during the hearing it was revealed that the Yuhaaviatam of San Manuel Nation, formerly recognized as the San Manuel Band of Mission Indians, was receiving unauthorized diversions from BlueTriton Brands, Inc. Although the tribe is not a formal party to the case, it is indirectly involved through relationships with BlueTriton Brands Inc. and Arrowhead Bottled Water operations. Also, one of the non-federal land parcels in this proposed land swap was formally owned by the Arrowhead Bottled Water Company owners before it was laundered through the U.S. Forest Service and the tribe-supported Southern California Mountain Foundation and sold/given to the tribe. Again, this proposed land exchange is not in the public interest, violating 43 United States Code §1716 and 36 Code of Federal Regulations § 254.36."

Frye said, "43 USC§1716 (d) requires an appraisal of lands within 90 days of initiation of the agreement. No appraisal of lands occurred within the 90-day timeline after the United States entered into the agreement to initiate an exchange of lands with the 'San Manuel Tribe' or Yuhaaviatam of San Manuel Nation, formerly recognized as the San Manuel Band of Mission Indians. According to documents received from a Freedom of Information Act request, this initiation of land ex-

change started in 2021. There is no land appraisal. This appraisal should have been done within the 90-day timeline that started in 2021. This violation should nullify this land exchange proposal."

Frye asserted that "An infographic by BlueTriton Brands, Inc. revealed an unauthorized secondary diversion to the tribe at their private investment property, Arrowhead Springs. This unauthorized diversion was confirmed at the administrative water board hearing on January 22, 2022. This unauthorized diversion from Strawberry Creek was metered and read by the tribe as seen in the picture and hearing record. The tribe has failed to report this unauthorized diversion to the State of California or any agency. The tribe's diversion is not separately reported to any public agency and was not submitted to the San Bernardino Valley Municipal Water District for recordation, nor the San Bernardino Valley Water Conservation District, as confirmed during the administrative hearing for BlueTriton Brands, Inc. In the picture, the tribe can be seen reading the meter, demonstrating complicity in the water diversion and thus liability in the unauthorized water diversion of BlueTriton Brands, Inc. There was no evidence submitted regarding how the tribe is using the water or if the tribe is further diverting the unauthorized water. There is no evidence authorizing the respondent's secondary diversion of Strawberry Creek headwater springs on San Bernardino National Forest wells at T2N R3W sec 30 and 31 to the tribe nor any evidence that this diversion is authorized by riparian rights."

"Frye said, "BlueTriton giving away forest water to the San Manuel Band of Mission Indians appears to be a back door deal to take the forest water which would have flowed to the Bunker Hill Basin and injure the forest and at least half-a-million people in the surrounding communities."

Frye contended "The United Forest Service had

identified water rights associated with the Arrowhead Springs Property. The name Arrowhead Water and Power is not a legal entity and the current owners, the San Manuel Tribe, have not changed the name in the State Water Board's Electronic Water Rights Information Management System nor reported any groundwater taken from any of the said wells associated with the property, according to record requests to the San Bernardino Valley Municipal Water District. There is still an active State Water Board case for the waters and properties in the proposed land exchange."

Citing three studies or surveys of the water quality in the Bunker Hill Basin – those being <https://doi.org/10.3133/wri77129> and <https://doi.org/10.3133/wri884203> as well as <https://doi.org/10.3133/ds1096>, Frye contended, "The United States Geological Survey has documented the role of the San Bernardino National Forest streams and the Bunker Hill Basin Water Supply from the early 1900s to present. There are many United States Geological Survey historical and present documents which show that much of the water in the Bunker Hill Basin originates in the San Bernardino National Forest. The non-forest lands appear to recharge a different water basin. The Bunker Hill Basin provides water for a half-a-million to millions of people. The local water agencies which are responsible for the Bunker Hill Basin were not notified of this land exchange either."

Frye said the unwillingness of the tribe to cooperate with the State Water Resources Control Board in ascertaining the actual extent of or limitations on BlueTriton's water rights during last year's hearing process when the tribe's then-chairman, Kenneth Ramirez, refused access to the tribe's property near the Arrowhead Springs hotel demonstrated that the tribe would not be likely to respect the existing water rights that apply to

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## Despite His Authority, Hernandez Has An Incomplete and Imperfect Command Of How Many Of The County's Departments Function, Often Rendering Him Unable To Deliver On What Is Asked Of Him And Otherwise Dependent Upon Chief Operating Officer Snoke To Effectuate The Board Of Supervisors' Requests *from page 6*

portant communications specifically intended for his attention sent from county employees who are seeking to communicate directly with him and get his direction.

Simultaneously, county employees have told the *Sentinel*, while Hernandez insists that all such information and communication flow to him even when such minutiae is not crucial to his own executive and administrative function, he is pointedly reluctant or even unwilling to allow information that comes into his possession to reach others who have a desire or actual need to have access to it.

This is illustrated by the secretiveness that Hernandez is insisting upon with regard to the numbers that were obtained in late January as a result of what is known as the "point-in-time" count of the homeless population in the county. This year, that count was conducted on January 26 and involved several San Bernardino County divisions, including the office of homeless services, the sheriff's department, the department of behavioral health, the department of aging and adult services, the public health department, the probation department and a large number of volunteers from the county's 24 municipalities and its unincorporated communities. The U.S. Department of Housing and Urban Development requires local governments to conduct counts of their homeless populations at least every other year, and with the exception of 2021 because of the COVID 19 pandemic, San Bernardino County has conducted such counts every year since 2013.

There is a natural curiosity as to the results of those counts as well as practical reasons why information as to the number and whereabouts of the homeless can facilitate efforts to redress

the matter. In addition, elements and individuals within county government have requested the data in the form of the preliminary numbers, which are generally available the day of or, at the latest, the day after the count takes place.

Hernandez has decreed, however, that the numbers, both in total and as to each individual city or community in the county, are to be withheld until they are confirmed. This means that the official count – and any count whatsoever – will likely remain publicly undisclosed until April. That withholding applies not just to the public but internally within the county.

Homelessness in the county is most pronounced within the Fifth Supervisorial District. As a consequence, Fifth District Supervisor Joe Baca and his staff have requested that the numbers – qualified as being tentative and unofficial – be released. Likewise, the First and Second districts have significant numbers of homeless, both sheltered and unsheltered, subsisting at various spots within them. First District Supervisor Paul Cook and his staff as well as Second District Supervisor Jesse Armendarez and his people have requested that they be given an assessment of what challenges their communities face in dealing with the dispossessed living on the streets. Inexplicably, however, Hernandez insists on keeping the numbers from them.

There have been different interpretations among county officials, county employees and county residents of Hernandez's motives and intent in suppressing information and his insistence on maintaining control of the information and how it is distributed and applied.

Some are yet willing to forgive this tendency

toward micromanagement, believing it is a reflection, actually, of his ability. They see his efforts as well-intentioned and intrinsic to ensuring that the right steps are being taken in running the government and believe his insistence on being informed about what is going on is merely a manifestation of ensuring the board and county residents are being served not only adequately but well.

Others, however, see what is going on as a power grab or an effort to shift authority to himself and/or an unintentional acknowledgment on his part that he doesn't have the competency or skill to do the job he has been tasked with. To them, the secretiveness is a sign that he is overwhelmed and is trying to keep anyone from finding out.

Some see an ironic parallel between what occurred during McBride's tenure as chief executive officer and what is happening now. There was a perception three and four and five years ago that McBride was not up to or capable of running the county and therefore had to rely on Hernandez, who was, or seemed to be, a super-competent or omnipotent administrator. Instead of going to McBride to get something done, the supervisors pegged Hernandez, the chief operating officer, as the go-to guy. At present, the county supervisors and their staffs have learned or are learning that Hernandez's reputation for getting things done was based not on his ability or knowledge of how things worked but rather on his ability to intimidate county staff do what they were told without regard for what the consequences would be down the road. Because his insistence that staff demonstrate absolute loyalty to him has resulted in so many knowledgeable and capable county employees leaving and because he does not embody that knowledge or ability himself, Hernandez is no longer able to produce results, county employees have observed.

The one thing Hernandez has done right,

county employees have told the *Sentinel*, is to delegate responsibility for about two-fifths of the county's function to Snoke. According to them, Snoke delivers on the tasks he is called upon to perform in a remarkably short turnaround time. They attribute Snoke's ability to meet expectations to his previous employment, before going to work for the county, within the private sector.

"In the business world, outside the realm of government, time is money," one high-ranking county official told the *Sentinel*. "That's where Luther came from. Luther is a thousand times more efficient than Leonard. If you ask Luther to do something that hasn't been done before, he gets it right the first time and goes on to the next thing and then the next and then the next. Leonard isn't agile enough to meet new demands. He doesn't necessarily know how things work, but he can tell someone who does know to make it work. If you want to run things day-to-day the way they've always been run with no changes, Leonard's your man. If you want to do new things, identify solutions, meet challenges head on, you call Luther."

For the time being, the *Sentinel* was told, Hernandez is safe. But things aren't what they were even as recently as this time last year and the ground is continuing to shift under his feet.

The support of Hagman, former Second District Supervisor Janice Rutherford and Third District Supervisor Dawn Rowe were key factors in Hernandez's ascendancy. He was helped as well by the support of former Fifth District Supervisor Josie Gonzales, who was termed out of office in 2020, just a few months after Hernandez became county CEO. Joe Baca, Jr., who succeeded Gonzales, has had a decent relationship with Hernandez. Still, Hernandez has stiff-armed Baca with regard to information that the supervisor and his staff have sought, such as that pertaining to current homeless numbers.

Baca is slowly learning as well, one county insider told the *Sentinel*, that Hernandez's effort to simulate competence is more sizzle than steak. "Joe is starting to see that the CEO is an empty suit," the staffer said.

Hernandez was hired as chief operating officer with the support of then-First District Supervisor Robert Lovingood. Lovingood in December 2020 was succeeded by Paul Cook, who is on the brink of turning 80 years old and is a retired Marine Corps lieutenant colonel, former California assemblyman and congressman. Previously, Cook in public would engage in good natured repartee with Hernandez, ribbing him about how his youthful appearance clashed with his position of authority. More recently, however, word has spread about Hernandez's involvement in an effort to depose Cook as supervisor and see him replaced, perhaps even before Cook's current term draws to a close in 2024. It thus appears that one solid vote to remove Hernandez as county CEO exists.

Former Supervisor Janice Rutherford was a reliable member of the voting bloc that brought Hernandez in to replace McBride, and she was, right up until the time she was obliged by term limits to leave office in December 2022, highly laudatory of him and his ability. Her replacement as Second District supervisor, Jesse Armendarez, is yet orienting himself to county operations and remains a tabula rasa as far as Hernandez's function goes, although the chief executive officer so far has not had occasion to impress the board of supervisors' newest member with the same degree of dynamic responsiveness as Snoke has on a repeated basis over the last two-and-a-half months.

Supervisor Dawn Rowe has grown highly dependent on Hernandez and relies on him as much or more than on her own office staff. What is more, Hernandez is highly conscious that Rowe, who was selected last month to serve as chair-

woman of the board for a two-year term, is his most important ally and crucial to his prospect of remaining as chief executive officer.

Unlike Devereaux, Hernandez was not provided with a super bonus when he was promoted to chief executive officer in 2020, and he can be handed his walking papers on a simple 3-to-2 vote. In this way, the overwhelming red hot 5-to-0 enthusiasm for him among board members that was demonstrated at the time of his hiring and which might even have yet been extant as recently as a year ago has cooled considerably and might even be described as lukewarm.

Hagman, who is yet the dominant personage on the board despite Rowe's role as chairwoman, remains key to Hernandez's survivability. Under the term limits that were in place when he was elected in 2014, Hagman is due to leave office as supervisor in 2026, at the end of his third term. Yet the wording of the provision pertaining to term limits contained in Measure D passed by the county's voters three-and-a-half months ago can be interpreted in such a way that Hagman could now be entitled to serve three more terms as supervisor. It remains to be seen whether he will pursue a legal determination on that question and test whether he can indeed ask the Fourth District's voters to retain him in office another four years in 2026 and perhaps again in 2030 and maybe even again in 2034. If Hernandez, as county chief executive officer, uses his authority to have county counsel assist Hagman in such a pursuit, Hagman may deem it in his own interest to keep Hernandez in place.

On the other hand, Hagman, who has been characterized by more than just a few as a career politician, might consider it better to move on to another political office, perhaps by running for the California State Senate or U.S. Congress. If that is the case, he may deem it in his interest

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## Proponents Of Resort Project In Wonder Valley Kept The Residential Component Of Their Proposal Hidden From The County Division Processing The Application *from page 8*

If indeed the plan had been to railroad Valencia that night, the council thought better of it.

Instead of holding the censure hearing that night, the council deferred action on it until an indefinite future meeting, offering an assurance that the basis of the censure would be explicitly and fully disclosed, and that Valencia would have an opportunity to controvert the accusations against him and to defend himself.

Maria Galvan said it seemed like the council was trying to sneak the censure of Valencia through the process and past the community. She questioned why the council had felt it necessary to “submit a change to the agenda over the weekend.” She decried the council for not being up front, denouncing it for not including the resolution of censure in the agenda packet, questioning whether such a ploy was a violation “of council ethics rules.” The council wasn’t providing, she said, “an explanation” of the action it was taking.

“If it is going to be on any part of the agenda it has to have information along with it,” she said.

“This isn’t up for discussion for any of us right now,” Leon told what appeared to be a hostile crowd. “I am just saying on the next agenda this will be an item that will be up for discussion, but not today. I have to bring it up. The next time it’s on the agenda, Mr. Valencia will be given an opportunity to explain his action or whatever, and then the council votes on whether to censure or not. This is just saying we’re going to discuss that. I have to give warning that this is going to be coming up, so that everybody can be informed. It isn’t saying that it has happened. Everyone will have their say.”

Cory Briggs, Valencia’s attorney, addressed the council, informing them that he intended to put the city and the

council through its paces by insisting that Valencia be provided with due process and that he was looking to not only delve into the council’s motive and rationale for going after Valencia but would inquire as to whether the council had sought to load the dice against his client by arriving at a decision to censure Valencia and discussing doing so in advance of that evening’s meeting.

The Brown Act prohibits a quorum of an elected body from coming to a decision on action or reaching a consensus on action outside of an agendized meeting that is open to the public.

Verbally, Briggs made a public records request on the spot.

“I would like all the private and public account email, text messages, voice mails, everything exchanged by any member of the city council to anybody, including other members of the city council about this item,” Briggs said.

Briggs said the council was initiating action that was not properly defined.

“Your agenda doesn’t tell anybody what this is about,” he said.

Straitjacketing Valencia into a censure, Briggs said, was a likely violation of the city’s code of ethics and its rules of procedure.

He threatened a lawsuit if the city proceeded that night without making specific the charges against Valencia and giving him an opportunity to respond.

“I don’t think you want to litigate,” Briggs said.

The council was improperly seeking to use the censure procedure to engage in political one-upmanship, Briggs said.

“You clearly have an issue with one of your colleagues on the council,” Briggs said, pointing out that was hardly the basis for an official expression of condemnation. “This council has never been united since my grandfather was on it. I can think of very few 5-0 votes on anything of significance.

You and your colleagues need to ask yourselves whether you want to pay Mr. Duran [i.e., Ontario City Attorney Ruben Duran] a bunch of money to make some sort of political point as opposed to addressing a serious issue, which is not what’s before you.”

Briggs said the council was relying on information of unproven reliability in formulating the charges against Valencia.

“Mr. Mayor, you just recited what you know [about Valencia’s interactions with public officials in Sinaloa],” Briggs said. “You didn’t tell anybody where you got that information. You didn’t tell

anybody who your source is. You referred to some Mexican officials. You probably got the information from social media. And we’re supposed to believe that? You should be a little more candid with folks and tell people where you got your information. You should tell people why it was so important that you amended your agenda over the weekend to rush and put this on. All of that should be disclosed because you are now the key witness. You are the initiator of this, the instigator. You’ve got to tell the public everything you know. You haven’t done that and that’s what happens

in the due process portion of this proceeding. My client’s due process rights allow him to examine witnesses, under oath. Just because your rules of procedure say the rules of evidence don’t apply doesn’t mean the Constitution doesn’t apply.”

Leon sought to face Briggs down, implying that all of the evidence against Valencia was rock solid and that there was nothing to the suggestion that he and the rest of the council are seeking to propound a defense by going on the offensive against Valencia.

“I got all your answers for you in due process,” Leon said. “We’ll do it.”

Briggs responded, “I am glad that you are going to be a witness and that you’ll take an oath to be cross examined during that process.”

Leon didn’t blink. “I’m good with that,” the mayor said.

In his parting shot, Briggs reemphasized that he wanted “All of your communications. It’s hard for me to believe that Ms. Dorst-Porada and Mr. Wapner walked in here tonight, having no idea what was going to be discussed. And if they knew what was going to be discussed, that’d be a Brown Act violation,” Briggs said.

*-Mark Gutglaeck*

## Local Residents Skeptical About The Wisdom Of Signing Land & Water Rights Over To Tribe *from page 17*

the property downstream of the acreage the tribe is looking to acquire in the land swap.

“The tribe has publicly stated that it is not willing to follow the rules or orders from the State Water Resources Control Board, thus confirming the devastating impact this proposed land exchange would have on the water supply, which the founding of the San Bernardino National Forest Reserve was supposed to protect,” Frye said. “The law and case law do not align with the tribe’s opinion expressed in this letter, but the letter reflects the tribe’s attitude and what will most likely happen if this land exchange is allowed to proceed.”

Other local residents have said that the Forest Service and the tribe have failed to give adequate legal notice of the intended land trade to the San Bernardino Valley Municipal Water District, the San Bernardino Valley Water Conservation District, the East Valley Water District and the California State Water Resources Control Board’s Tribal Beneficial Uses office.

Some of those residents and others have questioned whether the exchange and terms under which the exchange is

to take place are in compliance with provisions contained within California Water Code § 75560-75561, which applies to the Bunker Hill Basin.

Under § 75560, “The district shall annually cause to be made an engineering investigation and report upon groundwater conditions of the district.”

Under § 75561, “The engineering investigation and report shall include all of the following:

a) Information for the consideration of the board in its determination of the annual overdraft.

(b) Information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year.

(c) A report as to the total production of water from the groundwater supplies of the district for the preceding water year.

(d) An estimate of the annual overdraft for the current water year and for the ensuing water year.

(e) The amount of water the district is obligated to purchase during the ensuing water year, and a recommendation as to the quantity of water needed for surface delivery and for replenishment of the groundwater supplies of the district for the ensuing year.

(f) Such other information as the district desires.”

Water Code § 75574 pertains to a water district’s authority or water conservation district’s authority to levy on local water users a water

replenishment fee above and beyond charges for specific water use.

Under Water Code § 75574, “The board shall, before the levy of the groundwater charge, find and determine all of the following:

(a) The average annual overdraft for the immediate past 10 water years.

(b) The estimated annual overdraft for the current water year.

(c) The estimated annual overdraft for the ensuing water year.

(d) The accumulated overdraft as of the last day of the preceding water year.

(e) The estimated accumulated overdraft as of the last day of the current water year.

(f) The estimated amount of agricultural water to be withdrawn from the groundwater supplies of the district for the ensuing water year.

(g) The amount of water other than agricultural water to be drawn from the groundwater supplies of the district for the ensuing water year.

(h) The estimated amount of water necessary for surface distribution for the ensuing water year.

(i) The amount of water which is necessary for the replenishment of the groundwater supplies of the district.

(j) The amount of water the district is obligated by contract to purchase.”

The proposed land exchange will provide the tribe with property over which, upon which and under which water de-

scending from the San Bernardino Mountains naturally flows into the Bunker Hill Basin and will thereby enable it, if it so chooses, to divert a considerable amount of that water to its own use and deprive the Bunker Hill Basin of natural water recharge it would receive.

There does not appear to be any arrangement to spell out what future diversions of water will take place nor an effort to put in place any requirement that the tribe be subject to any water replenishment charges for water it diverts at the point of the property that is being conveyed to it as a consequence of the land swap. Given the tribe’s status as a sovereign nation, there is concern that it would consider itself or hold itself to be exempt from the water replenishment charges that would otherwise be applicable under Water Code § 75574 to an entity that made such diversions.

Local residents want a clear determination as to whether the tribe will agree to either forego making such diversions altogether or waive its sovereign immunity so that it is required to pay replenishment fees to the water districts with jurisdiction within the Bunker Hill Basin if such diversions are made.

Another principle at stake is whether the standard enunciated in the precedent-setting case pertaining to the determination of water rights to the Hallett Creek

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## Residents Militating To Stop The Momentum Toward USFS/Tribe Land Exchange *from page 15*

Stream System in Northern California, which was decided by the California Supreme Court in 1988, applies to the situation regarding the water rights attached to the property to be obtained by the tribe as a consequence of the land trade. The Hallett Creek case pitted the California State Water Resources Control Board, as the petitioner and appellant, against the U.S. Government, as the claimant and respondent, and the Sierra Club, as an intervener and respondent.

Under the guideline laid down in the Hallett Creek Stream System case, the Water Resources Board was found to have the power to determine “the scope, nature and priority” of the unexercised federally-held riparian [i.e., water] rights consistent with the board’s judgment as to what is “reasonably necessary to the promotion of the state’s interest in fostering the most reasonable and beneficial use” of its water resources. While that ruling did not authorize the State Water Resources Board to extinguish altogether a future riparian water right, it did grant it authority to prohibit the exercising of such a right if it prevented the beneficial use of that water in a reasonable manner by another party. It would thus appear that, despite the tribe’s sovereignty, the California Water Resources Board would, under the Hallett Creek Stream System precedent, still have the

authority to prevent the tribe from diverting the water that would otherwise flow into the Bunker Hill Basin if it were determined that recharging the Bunker Hill Basin constituted “the most reasonable and beneficial use” of the water flowing down from the San Bernardino Mountains at that point.

Since in the Hallett Creek Stream System case the United States did not contest the ruling that its riparian right was unexercised and subject to subordination, it would appear the California Water Resources Board, at least theoretically, may evaluate the proposed use in the context of other uses and determine whether the riparian use

should be permitted in light of the state’s interest in promoting the most efficient and beneficial use of the state’s waters.

In the proposed land exchange between the Forest Service and the tribe, it does not appear that either party has filed an application with the California State Water Resources Control Board in compliance with the standard enunciated in the “In re Water of Hallett Creek Stream System” case.

In addition, there does not appear to be anything put forth so far by either the U.S. Forest Service or the tribe to establish the land exchange will result in water use that is compliant with both the Sustainable Groundwa-

ter Management Act and Governor Gavin Newsom’s October 2021 proclamation expanding the declaration of the statewide drought emergency and the accompanying intensification of water conservation efforts, a number of local residents and environmentalists contend. They want the Forest Service and the tribe to make compliance with both as defined conditions of the exchange.

Residents have complained that Assemblyman Ramos’s letter in support of the exchange, done in his official capacity as the assemblyman representing the San Bernardino Valley in the State of California’s lower legislative house, constitutes a conflict of

interest. Not only is Ramos a member of the San Manuel Tribe who draws a substantial amount of income from the tribe’s commercial operations, including its casino and resort, but prior to his tenure as San Bernardino County Third District Supervisor from 2012 to 2018, which preceded his service in the California Assembly, he was the San Manuel tribal chairman.

Supervisor Rowe has likewise found herself chastised for her endorsement of the plan, which was made in a letter dated the same day as Ramos’s. In response to protests lodged by a number of her constituents living in the confines of the Bunker Hill Basin,

Rowe, in an email dated February 15, 2023, gave indication she, perhaps, had not fully thought the issue through when she made her January 24 recommendation in support of the exchange.

“I sincerely appreciate you bringing this matter to my attention,” she wrote. “I have forwarded your concerns to county counsel for further review.”

County counsel is the San Bernardino County governmental structure’s stable of in-house attorneys.

Those wishing to provide input with regard to the proposed land trade can do so by email to david.anderson2@usda.gov or joseph.rechsteiner@usda.gov

## Arrest Violated Gomez’s First Amendment Rights, Lawyer Says *from page 18*

the extent the mayor’s conduct may have been based on Council Member Gomez’s criticism of other council members, it was unlawful. Under the Brown Act, the city ‘shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.’”

Loy cited a ruling in the case of *Leventhal v. Vista Unified School District* that “a speaker may not be stopped from speaking because the moderator disagrees with the viewpoint he is expressing.”

Loy said “[T]he removal of Council Member Gomez for alleged ‘decorum’ violations presents significant concerns. She did not ap-

parently exceed the time limit for comments. Indeed, she was cut off twice before she could complete her comments within the allotted time. Although she faced the audience during part of her comments, nothing in the city council’s decorum rules clearly prohibits doing so.”

Loy cited Government Code § 54957.95(b)(1) and Government Code § 54957.95(a)(2) in asserting, “Because Council Member Gomez remained within her allotted comment time and addressed matters within the city council’s jurisdiction, she was not clearly engaging in any conduct ‘that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting,’ as would be required to justify her removal. Regardless of any alleged violation of decorum rules, removal is justified only if an individual does ‘not

promptly cease their disruptive behavior.’ Once Council Member Gomez returned to her seat, she had ceased any allegedly disruptive conduct and her removal was not necessarily justified. There are also serious questions whether it was lawful to arrest Council Member Gomez on the charges for which she was booked. Penal Code section 403 requires that a person ‘willfully disturbs or breaks up’ a lawful meeting. Such disturbance requires conduct that ‘substantially impairs the effective conduct of a meeting,’ based on the ‘actual impact’ on ‘the course of the meeting,’ not the subjective opinion of ‘persons present at the meeting.’ To the extent Council Member Gomez remained within her allotted time while protesting interruption of her comments and the events ‘continued for only a few minutes,’ it is far from clear there

was ‘substantial impairment of the conduct of the meeting,’ as required to support charges under section 403.4.”

Loy maintains that “It is also far from clear that arrest was justified under Penal Code section 602.1(b), Loy said, as that section of the code requires that someone deemed an offender has to have defied a request to leave. “Council Member Gomez was never asked to leave,” Loy said. “Instead, she was interrupted, admonished, and arrested. With or without probable cause, the arrest may represent retaliation for the exercise of First Amendment rights. Whatever one might think of Council Member Gomez’s views, she had the fundamental right to speak within her allotted time, no matter how objectionable her claims might be. The charges against her should be dismissed immediately.”

Loy said Gomez was neither “obstructing [n]

or intimidating anyone else from lawfully continuing with the meeting by attempting to exercise her public comment rights within her allotted time.” She fell short of violating Penal Code § 602.1(b), Loy said, as that section of the code requires that someone deemed an offender has to have defied a request to leave. “Council Member Gomez was never asked to leave,” Loy said. “Instead, she was interrupted, admonished, and arrested. With or without probable cause, the arrest may represent retaliation for the exercise of First Amendment rights. Whatever one might think of Council Member Gomez’s views, she had the fundamental right to speak within her allotted time, no matter how objectionable her claims might be. The charges against her should be dismissed immediately.”

-Mark Gutglueck

## Hernandez’s Survival As CEO Likely To Come Down To His Symbiosis With Hagman *from page 18*

that the county engage in dynamic action over the next two to four years, which will burnish his image as a politician of accomplishment and perhaps render him more electable to higher office. In that case, Hernandez’s

usefulness to Hagman may have come to an end. If, indeed, Hagman has come to the conclusion that it is time to cashier Hernandez, he will no doubt be able to scare up two votes to add to his own to do that.

There are other considerations, ones both above and below the surface.

It is impossible to ignore Hernandez’s already demonstrated ruthlessness and instinct

for professional survival and advancement. There is indication that just as he was previously, he is now more than prepared to step over or kick to the curb the county employees down the chain of command by threatening to fire them or indeed actually terminating them if he perceives doing so to be in his interest. There are indications that in order to remain in place he is equally willing to pull the trigger or

at least threaten to pull the trigger on his political masters up the chain of command. Rumors abound that he made book on the members of the board of supervisors while he was chief operating officer and has continued to do so while he is serving as chief executive officer, a vantage point from which he is excellently positioned to observe corners being cut, the way decisions are made, what arrange-

ments have been made and what political horse-trading has taken place in backrooms or during closed sessions. And just as he and Blakemore were able to maneuver the lawsuit the board of supervisors filed against its own clerk into the courtroom of a Superior Court judge who had a few secrets that judge did not want exposed which were exploited to obtain a determination that kept the supervisors

from losing their quarter of a million dollars a year compensation, Hernandez may prove himself to not be above holding back a thing or two that he knows about the supervisors to remind them that it might be best all-around to let him keep his job and the \$336,561.82 in salary, \$40,746.20 in pay add-ons and perquisites and \$196,035.72 in benefits he receives for a current total annual compensation of \$573,343.74.