

Sheriff's Department Combat Hardware Acquisitions Raise Militarization Concern

Concern about the already-heightened militarization of the San Bernardino County Sheriff's Department intensified this month with the county board of supervisors' acquiescence in the department's acquisition of three pieces of combat equipment worth \$1,292,048.

The county board of supervisors on May 9 signed off on spending \$356,000 to purchase a 2021 Lenco BEARCAT

G3, a reinforced armored counter-response four-wheel-drive truck that possesses multiple specialized offensive capabilities. It is capable of both road/highway and off-road use.

In addition, the county is also paying \$505,493 for an Andros Spartan explosive ordnance disposal robot.

The department is acquiring, as well, a \$430,555 customized mobile command post,

courtesy of the City of Victorville, which contracts with the sheriff's department for the provision of law enforcement services.

In recent decades, a number of incidents nationwide, including mass shootings and circumstances in which criminals have engaged in the use of heavy firepower such as semiautomatic and fully automatic firearms, has prompted not only calls to arm police

agencies with all order of military-level weaponry and equipment but the actual provision of that ordnance to local law enforcement. Over the last 15 years or so, police department after police department throughout the Golden State has outfitted their Special Weapons and Tactics (SWAT) teams with semi-automatic guns and magazines and trained its members in their deployment. So routine and

casual is the intensive arming of peace officers in California that a little more than ten years ago, when the Fontana Unified School District's police department, consisting of officers who are assigned to the district's 30 elementary schools, seven middle schools and five high schools, purchased 14 Colt LE6940 high-powered semiautomatic rifles, no one batted an eye. That was one each **See P 3**

Upland To Let Tesla Use Two Acres Of The City's Corporate Yard As A Makeshift Lot To Store Unsold Vehicles

Two weeks after the Upland City Council backed down from its plan to allow Tesla, Inc. to store 300 of its vehicles intended for eventual sale from its Upland dealership on slightly more than two acres of undeveloped parkland in the city's Sycamore Hills district, next Monday, May 22, it is scheduled to sign off on letting the electric car company use the city's corporate yard to lodge the vehicles that would overflow its sales lot.

Tesla, Inc. has leased the large showroom property formerly occupied by CNC Motors at 1018 East 20th Street, just west of the confluence of the 210 Freeway and Campus Avenue along the northern periphery of the Colonies Crossroads commercial subdivision. The building's south side is proximate to and is visible from the freeway. During the property's previous incarnation as CNC's showroom for vintage and high-end modern collector vehicles, all of CNC's inventory was kept inside, and the paved parking around the facility to east, north and west accommodated the cars driven by CNC's employees, CNC's clientele and those simply there to tour the vintage car displays. At present, with Tesla's inventory running three to four times the volume of CNC's and a good portion of the building being used as a repair facility, the existing paved parking lots at the site are **See P 5**

Ontario City Council Hires Larson To Contest "Open & Shut" Brown Act Violation Case

By Mark Gutglueck

In an effort to stave off what is growingly considered to be an inevitable conviction of at least three members of the Ontario City Council on a Brown Act violation rap, the city has hired top-flight criminal defense attorney Stephen Larson to represent the council.

At stake in the matter is whether the defense to

be employed by the city in meeting the charges will leave exposed a closely-held tactic used by hundreds of elected officials throughout the state to evade that element of the government code which requires that elected municipal and other government agency officials openly engage in their deliberations on matters to be decided upon without prior

collusion among themselves with regard to the votes they make in their official capacities.

A key factor in whether Mayor Paul Leon, Councilman Alan Wapner and Councilwoman Debra Dorst-Porada will be forever marked as criminals and thereby sustain potential political career-destroying wounds is whether Larson will be able to keep

the forum for the investigation and trial on the criminal charges that would most logically be filed against his three clients in San Bernardino County and prevent the San Bernardino County District Attorney's Office from surrendering jurisdiction in the prosecution to the California Attorney General's Office. Leon, Wapner and Dorst-Porada put them-

selves into legal harm's way in February when Councilman Ruben Valencia, who was first elected to the city council in 2016, was reelected in 2020 and who unsuccessfully challenged Leon in the 2022 mayoral race, went on vacation to Mexico with his wife, daughter and in the company of La Puente Mayor Charlie Klinakis. That excursion **See P 2**

Forest Service's North Big Bear Restoration Project To Involve Prescribed Burning And Forest Thinning

The United States Forest Service has rendered a final decision on what the North Big Bear Landscape Restoration Program is to entail.

"Objectives of the project include promoting forest health, returning beneficial fire to the landscape, improving the watershed condition, protecting resource val-

ues, and restoring unauthorized roads and trails that have been created within the project area," according to the United States Forest Service, known by its acronym USFS. "The successful implementation of this project will reduce the risk of catastrophic fire which would serve to protect two adjacent

communities - Fawn-skin and the Peter Pan Community of Big Bear City - and the greater Big Bear Valley.

Of note is that the USFS will institute controlled burns of certain areas in an effort to reduce and control the fuel load in that portion of the forest. That tactic has not been used in re- **See P 7**

Redlands Extends Moratorium On Warehouse Construction One Year

On Tuesday, the Redlands City Council voted unanimously to extend the moratorium on warehouse development it has in place for another year.

Two factors played a part in the decision: The tendency among some San Bernardino County cities to eschew further warehouse development while many

of their neighboring cities are in a warehouse development frenzy and the efforts being made by the State of California to promote residential rather than industrial and commercial development.

There is more than 930 million square feet of warehousing in San Bernardino and River- **See P 3**

H₂O Board Appointment Of Granlund Keeps Familial Political Presence In Yucaipa Intact

Previous reports that the era in San Bernardino County governance in which the Granlund Family's involvement in local politics was drawing to an end turns out to have been premature and wrong.

While Lonnie Granlund, the ex-wife of former Assemblyman Brett Granlund has left as a board member with the Yucaipa Valley Water

District, the remaining members of the board, after interviewing Brett Granlund, Sheldon Jones, Matt LeVesque and Torin Setlich as her potential replacements on May 2, appointed Brett Granlund to the board.

Based upon the statements, résumés and responses each of the applicants provided during the interview, the board

settled upon Brett Granlund.

In his statement, Brett Granlund made open allusion to his familial connection with the governance of the district.

"I intend to try to do as good a job in the position as director as my predecessors, directors Lonni Granlund and Bruce Granlund, providing support of policies that ensure a modern

district supplying reliable and safe water and sewer service to our ratepayers."

Lonnie Granlund had been a director with the district since December 2008. Her presence on the board extended for more than a decade the political reach of the Granlund family in the Redlands-Mentone-Yucaipa neck of the San Bernardino County woods. **See P 7**

When They Learned Their Council Rival Valencia Was In Sinaloa Cavorting With Mexican Officials, Leon, Wapner & Dorst-Porada Got Together To Exploit The Advantage They Thought He had Given Them from front page

was to the Mexican State of Sinaloa, where three cities – Guamuchil, Los Mochis & Mocorito – were, until January, international sister cities with Ontario. On January 17, the Ontario City Council, with Valencia's sole dissenting vote, had acted to end its sister city relationship with Guamuchil. According to Leon, the vote extended not just to Guamuchil but Los Mochis & Mocorito. Despite that, the city's website in February and even at present lists Guamuchil, Los Mochis & Mocorito as Ontario's sister cities, along with Winterthur, Switzerland; Jieyang, China; and Brockville Ontario, Canada.

The agenda for the February 21 Ontario City Council meeting had already been set, and had been posted on Thursday, February 16. On Friday, February 17, city officials learned of Valencia's sojourn to Sinaloa. They began monitoring social media postings and press accounts of the interaction between Valencia, Klinakis and Sinaloa Governor Rubén Rocha Moya as well as both Veronica Rochin and Feliciano Castro Meléndrez, members of the Sinaloa legislature, known as the House of Deputies, along with other dignitaries with the cities of Los Mochis, Mocorito and Guamuchil. While the nature of the discussions that went on between Kinakis, Valencia and the local and state Sinaloa officials was 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."

Valencia had long been on the wrong side of Alan Wapner. In 2014, Valencia had run unsuccessfully against Wapner and Bowman for a position on the council. In that campaign, Valencia

had sought to capitalize on the surfacing of a video of Wapner striking his teenage daughter, which was posted on the internet. Wapner hit back, accusing Valencia of campaign finance irregularities, based upon what he said was Valencia improperly soliciting support from his colleagues in the Los Angeles Sheriff's Department, with which Valencia was employed as a deputy. Valencia then took legal action, seeking to obtain a restraining order against Wapner to prevent him from harassing him at his place of employment at the City of Industry Sheriff's Department Substation. Similarly, Valencia was on less than solid footing in his relationship with Dorst-Porada, whom he vied against unsuccessfully in 2012 and outpolled in the 2016 election when he was first elected to the council and she was reelected for the second time. Valencia's challenge of Leon in last year's mayoral election deepened an incipient distaste Leon felt toward Valencia.

As a consequence of his being persona non grata on the council, Leon, Wapner, Dorst-Porada and Councilman Jim Bowman had acted last year to strip Valencia of his adjunct governmental assignments such as his membership on council committees and his representation of Ontario as an appointed board member on various regional joint powers authorities with officials from other cities and government agencies.

Based on Valencia's January 17 vote opposing the elimination of the sister city alliance with Guamuchil Leon, Wapner and Dorst-Porada, one-by-one came to interpret Valencia's unanticipated presence in Mexico that week where he was involved in discussions with Sinaloa officials as an effort to

perpetuate the sister city relationship with Guamuchil. Given that Valencia had no portfolio to be representing the City of Ontario in any capacity, they concluded that there was grounds to censure Valencia for acting as an official emissary of Ontario when he had no authority to do so.

The appearance, late February 17 and early February 18, of social media, Mexican newspaper, and television reports that Valencia was in Sinaloa on a sister city mission was first picked up by, it seems, City Manager Scott Ochoa, who shared that information with Leon. A flurry of communications between the mayor, Wapner and Dorst-Porada followed. Somewhat predictably, within the echo chamber amongst the three, outrage festered and raged as each sought to outdo the other in expressing how affronted he or she was over Valencia's audaciousness. Valencia was engaged in activity which he was not authorized to undertake, the three agreed, resolving to do something about it. The mayor's interpretation of those reports was that Valencia was cavorting with a group of international politicians and that he was representing Ontario with regard to issues and discussing the sister cities programs. There were photos of him at parties or festivities with the Sinaloa governor and a congresswoman. In at least one case he was referred to as the mayor of Ontario, Leon fumed. Ontario City Manager Scott Ochoa was brought in on the serial discussion amongst Leon, Wapner and Dorst-Porada. Valencia was, the officials concluded, "out of control."

At that point, the agenda for the February 21 Ontario City Council meeting had already been set and posted on Thursday, February 16. In that agenda, there was no mention of a censure.

On Saturday February 18, City Clerk Sheila Mautz was contacted by Leon, who instructed her to put an emergency walk-on item onto the

agenda. Mautz herself had at one time been a member of the city council. Based on that experience as well as her status as city clerk, she recognized that Leon, Wapner and Dorst-Porada were inflating the issue far beyond what it was and that if push were to come to shove, she would be hard-pressed to justify Valencia's vacationing in Mexico as an "emergency" necessitating the alteration of the already set agenda. Still, she recognized the political primacy of Leon and Wapner and for that reason complied with Leon's demand, composing an agenda add-on that 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 add-on posting was that either the resolution would be drawn up over the weekend or on Monday and Tuesday, February 20 and 21, and would be presented to the public and the council at the Tuesday night meeting or that the council would draft the resolution during the course of the meeting.

There were grounds to believe that Valencia's vacation in Mexico was intended as an extended one and that he would not be back in Ontario on February 21 to attend that evening's council meeting. Moreover, given that the agenda had already been set and posted as of February 16, much or even most of the public interested in attending meetings, the usual crowd that might have been anticipated to show up on February 21, would by Friday have consulted the then-as-yet-unaltered agenda and thus would have no clue that a move to censure Valencia was under way. This created the prospect that the discussion of the censure of the councilman would begin

The San Bernardino County

Sentinel

Published in San Bernardino County.

The Sentinel's main office is located at 10788 Civic Center Drive in Rancho Cucamonga, CA 91730

A Fortunado Publication in conjunction with

Countywide News Service

Mark Gutglueck, Publisher

Call (951) 567-1936

to learn of locations where the Sentinel is available or to provide news tips

10808 Foothill Blvd., Suite 160-446

Rancho Cucamonga, CA 91730

SBCSentinel@yahoo.com

Legal Notice Department 951 567 1936

Message Line 951-567 1936

the evening of February 21 and take place outside Valencia's presence, during which it might mature into a full-blown resolution to censure him which would be voted upon and approved on the spot. By the time of his return to Ontario the last week of February, Valencia would stand as being, if the plot hatching over the weekend of February 18 and 19 went forward, officially rebuked by his colleagues, publicly shamed and condemned as unfit to hold office, labeled an enemy of the people of Ontario.

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 admonished.

An eagle-eyed Valencia, however, while using the internet to look over the agenda and agenda packet for the upcoming meeting in his Sinaloa hotel room, noticed that the agenda had been altered from its original form and that the addition called for a hearing relating to censuring him. He called City Attorney Ruben Duran, who reluctantly took the call, confirming only that there had been an additional item placed on the agenda and that the agenda item related to Valencia's potential censure. Since, Duran said, he had already discussed the matter with the mayor and another council member, he could not engage in any substantive discussion with Valencia about the issue, as doing so would potentially

entail a violation of the Brown Act.

The Ralph M. Brown Act is California's open public meeting law. It requires that all decisions made by a publicly elected governmental body, with a handful of specific exceptions, be conducted in an open venue which can be witnessed by any and all citizens who wish to be present. Those meetings can only be held after the public is given at least 72 hours advance notice of the issues, topics or matters that are to be discussed and voted upon during the forum in which the decision is made. That notice must be given by the publishing or posting of the agenda for the meeting. When backroom discussion or decisions relating to matters that are given exception from immediate disclosure and public scrutiny take place, the Brown Act requires that the public be informed immediately upon a decision of the legislative/executive body being reached.

The Brown Act requires that all discussions pertaining to official business of a governmental entity involving a quorum of its elected board such as a city council be conducted in public, with exceptions for negotiations for land purchases, discussing employee discipline, hiring and firing employees, labor negotiations, pending and ongoing litigation, discussing threats to the security of public buildings, discussing or contemplating the licensing of individuals with criminal records, con-

Continued on Page 4

Redlands Officials Looking To Substitute Future Housing Onto Land Now Earmarked For Industrial Use *from front page*

side counties at present, with more being built. That includes 3,034 warehouses in San Bernardino County. In Ontario alone, there are 289 warehouses larger than 100,000 square feet. Reportedly, there are 142 warehouses in Fontana larger than 100,000

square feet. In Chino there are 118 warehouses larger than 100,000 square feet, 109 larger than 100,000 square feet in Rancho Cucamonga and 75 larger than 100,000 square feet in San Bernardino. Since 2015, 26 warehouse project applications have been processed and approved by the City of San Bernardino, entailing acreage under roof of 9,598,255 square feet, or more than one-third of a square mile, translating into 220.34 acres. After Ontario, Fontana,

Chino, Rancho Cucamonga and San Bernardino, the city in San Bernardino County with the next largest number of warehouses of more than 100,000 square feet is Redlands, with 56, followed by Rialto with 47. Fontana has been so aggressive in building warehouses over the last dozen years that the city's mayor, Acquanetta Warren, is known by those who both oppose and favor warehouse development as "Warehouse Warren." In 2021, California Attorney General

Rob Bonta sued Fontana over its affinity for warehouses, forcing the city into a settlement that calls for far greater regulation of the construction of logistics facilities in the city of 208,393. Increasingly, some elected officials, local residents and futurists are questioning whether warehouses constitute the highest and best use of the property available for development in the region. The glut of logistics facilities in the Inland Empire has some thinking their num-

bers are out of balance. In refuting the assertions of the proponents of warehouses that they constitute positive economic development, their detractors cite the relatively poor pay and benefits provided to those who work in distribution facilities, the large diesel-powered semi-trucks that are part of those operations with their unhealthy exhaust emissions, together with the bane of traffic gridlock they create. In 2021 and 2022, the cities of Colton, Chino and

Redlands imposed a temporary moratorium on the further construction of warehouses in their jurisdictions and the San Bernardino City Council by a five-sevenths majority very nearly did the same in June 2021. That effort to declare a moratorium on further warehouse construction within the county's largest city failed because the five sevenths margin of passage was less than the four-fifths vote of a governmental entity's

Continued on Page 16

State Law Originally Meant To Limit Law Enforcement Militarization In Actuality Allows Police Agencies To Transition Into Mini-Armies, If Local Politicians Don't Object *from front page*

for all 14 of the department's sworn officers. The Fontana Unified School District Police Department does not have a SWAT team. The proliferation of that type of destructive gear in the hands of the police motivated the California Legislature to pass and Governor Gavin Newsom to sign Assembly Bill 481. Recognizing that taking large-caliber firearms, semiautomatic or even automatic firearms, armor piercing shells, hollow point bullets, explosive projectile launchers, explosive breaching tools, "flashbang" grenades, drones, helicopters and mechanized assault vehicles away from the police would prove politically costly or impossible in the face of the law enforcement profession's lobbying might and the rigors and demands of modern police work, legislators instead made an effort to transfer the onus and responsibility for arming the state's more than 300 separate police agencies to the local officials directly overseeing them, a move which was touted as increasing transparency, accountability, and oversight with regard to the acquisition and use of military equipment by police and sheriff's departments. AB 481 applied to not just weapons, but armored and weaponized vehicles and

any other equipment that carries with it a military cachet.

AB 481, which went into effect on January 1, 2022, requires all law enforcement agencies in the state to obtain approval from each individual agency's governing body before purchasing, raising funds for, or acquiring military equipment by any means, including requesting surplus military equipment from the federal government. The law further required agencies to seek governing body approval before collaborating with another law enforcement agency in the deployment or use of military equipment within the governing body's territorial jurisdiction, or before using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

Governing body approval under AB 481 must take the form of an ordinance adopting a publicly released, written military equipment use policy, which must address a number of specific topics, including the type, quantity, capabilities, purposes, and authorized uses of each type of military equipment, the fiscal impact of the acquisition and use of that equipment, the legal and procedural rules that govern the equipment's

use, the training required by any officer allowed to use the equipment, the mechanisms in place to ensure policy compliance, and the procedures by which the public may register complaints. Under AB 481, the governing body must consider a proposed military equipment use policy in open session and may only approve a military equipment use policy if it makes various specific findings regarding the necessity of the military equipment and what is termed "the lack of reasonable alternatives."

For cities that contract with another entity for law enforcement services, such as with a county sheriff's department, AB 481 gives the city the independent authority to adopt its own military equipment use policy based on local community needs.

Law enforcement agencies that had previously acquired military equipment were required under AB 481 to obtain, no later than May 1, 2022, governing body approval for that equipment.

AB 481 did not, as some had hoped it would, force the demilitarization of the police. Nor did it limit further militarization of those forces, provided a majority of the governing body which had nominative authority over them evinced no objection to that militarization. In actuality, one effect of AB 481, was to allow for different agencies to undergo differing degrees

of militarization, subject to the willingness of the board members overseeing each individual jurisdiction, to go along with arming its civil police force to virtually any level that panel saw fit, with virtually no limit on the intensity or lethal potential an agency could embrace.

What emerged after AB 481 took effect was not a diminution in the lethality of the state's various police agencies but rather a competition amongst at least some departments, in particular the better funded ones, to see which might more fully assume the identity of a paramilitary organization.

In many respects, the San Bernardino County Sheriff's Department is leading in that arm's race.

In October 1971, under then-Sheriff Frank Bland, a World War II Marine who had seen action in the Alaska campaign to liberate the islands Attu and Kiska from the Japanese, the department formed its aviation division, using federal law enforcement augmentation funding to acquire two turbocharged civil aviation Bell 47G helicopters, which were placed under the command of then-Lieutenant Terry Jageron, a licensed helicopter pilot. It was a giant leap for the department, increasing its patrol and rapid response capability. But within two months, it was clear that the two airships were insufficient to the task of

serving the entirety of the 20,105-square mile county, which covered more ground than the states of New Jersey, Delaware, Connecticut and Rhode Island combined. Over the next several years, the department acquired three Hughes 500 C helicopters to boost its patrol capability.

In 1981, ten years after the aviation division had been formed and just about a year before the close of Bland's 28 years as San Bernardino County sheriff, the department acquired four new Hughes 500D helicopters to augment its existing fleet, putting into the possession of the sheriff's department what was arguably the most effective civilian law enforcement/search and rescue program in the nation.

The aviation division continued to grow and be refined under subsequent sheriffs Floyd Tidwell, Dick Williams, Gary Penrod, Rod Hoops, John McMahon and current sheriff, Shannon Dicus, such that the department's air fleet now consists of six Airbus H125 helicopters, one Eurocopter AS350 B3 helicopter, three Bell UH-1H medium helicopters, one Bell 212 medium helicopter, two Mahindra Air Van airplanes, a single Renaissance Twin Commander airplane and two Beechcraft King Air airplanes.

If San Bernardino County were a nation, the sheriff's air fleet would be larger than the air forces of 86 of the

world's 150 countries.

Sheriff Dicus, who was hired by the sheriff's department in 1991, served as a military policeman in the U.S. Army's 101st Airborne Division and as a federal law enforcement officer with the U.S. Department of Veterans Affairs prior to his civilian law enforcement career.

Dicus in 2021 was the inheritor of a political machine that had its inception with Bland's election as sheriff in 1954 and which was handed down to Tidwell in 1982, to Williams in 1990, Penrod in 1994, Hoops in 2009, McMahon in 2011 and to Dicus in 2021. While Bland beat the then-incumbent sheriff, Eugene Mueller, in his maiden run for sheriff in 1954, since that time, the political machine that Bland created has ensured that no incumbent sheriff has lost since. The political machine, consisting of business and real estate interests from throughout the county who poured money into Bland's campaign coffers and a cross section of the deputy sheriffs who have provided crucial backing to each incumbent sheriff through monetary support and endorsements, has thrown its support behind each succeeding incumbent sheriff or his handpicked successor.

In this way, Bland designated Tidwell as the undersheriff just prior to his retirement and then backed him in the 1982 election. That was the case in 1990,

Continued on Page 6

Orchestrated Hearing To Censure Valencia Fell Apart When Residents En Masse & His Lawyer Showed Up *from page 2*

sidering the investment of pension funds and discussing and arriving at the governmental entity's final response to a state audit. The Brown Act restricts a quorum – consisting of a majority – of a public board of elected officials from meeting outside of a previously noticed and agendized public forum to discuss any matter pertaining to the governmental entity those elected officials represent. It prohibits serial meetings of the elected officials that ultimately involve discussion of official action by a quorum. With a five-member board, a serial meeting takes place when one member, through whatever means – in person, by post, telephone, text message, through an intermediary and email included – discusses with one of his or her colleagues official action and thereafter discusses with another colleague that contemplated action through whatever means, so that three members of the board have discussed the action or potential action among themselves.

The Brown Act in general prohibits publicly elected members of a governmental board from reaching a consensus on a public issue outside of officially sanctioned forums and it precludes the government and those who constitute it from keeping a decision that was arrived at in secret from the public once that decision is made. Thus, any decision involving a matter legitimately discussed in secret under the exceptions provision of the Brown Act must be disclosed upon being reached.

If it had been Leon's, Wapner's and Dorst-Porada's hope that the council could convene on Tuesday night, February 21, carry forth a discussion about the transgressions Valencia had engaged in and note that he had not shown

up to answer the charges against him because he was still in Mexico cavorting with public officials the City of Ontario had ended its relationship with the month before and methodically move to the conclusion that Valencia was a reprobate whose activity merited the sternest of disapproval before officially castigating him, they were disappointed.

When the council meeting commenced on February 21, present in the council chambers were dozens of Ontario residents, among whom were not only Valencia supporters but residents who had been alerted that something significant was in the offing. Many had shown up because they were given to understand that the council was stampeding toward a predetermined outcome by which the proper protocols and due process were being given short shrift.

One of those was Celine Lopez, who had run for the city council against Valencia in 2020 and had previously expressed differences with him over certain issues. She nevertheless questioned both the motive for and the basis of the council majority's effort to objugate Valencia without clarifying why it was doing so or marshaling supporting documentation, which she said demonstrated a lack of transparency that reflected more poorly on them than it did on Valencia.

Maria Galvan questioned why the council had felt it necessary to submit a change to the agenda over the weekend and denounced the council for not including the resolution of censure in the agenda packet.

Valencia had caught a flight back to Ontario and was on hand for the meeting, a circumstance that Leon, Wapner, Dorst-Porada and Ochoa had hoped to avoid.

Anticipating that by crossing swords directly with his accusers and defending himself against their allegations he might subject himself to further accusations that he was using the council dais for self-advocacy and was

engaged in a conflict of interest, Valencia had retained San Diego and Upland-based attorney Cory Briggs to represent him.

Briggs, the grandson of Homer F. Briggs, a former Ontario councilman, addressed the council, informing its members he intended to put the city and the council through their 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.

In rushing into a censure hearing in the guise of emergency action without any drafted resolution beforehand, Briggs said, the council appeared to be in violation of the Brown Act, was improperly applying the censure procedure and in doing so was using a basis that was not clearly defined and of questionable and unproven reliability. The council had formulated the charges against Valencia simply 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 valid grounds for censuring him. "Your agenda doesn't tell anybody what this is about," he said. "Mr. Mayor, you just recited what you know [about Valencia's interactions with public officials in Sinaloa]. 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," which Briggs said was subject to error and contradiction. "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."

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.

In ensuring that Valencia was provided with due process, Briggs said he would insist upon examining Leon and his council colleagues under oath.

"You are the initiator of this, the instigator," Briggs told the mayor. "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."

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.

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 were 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.

The council meeting drew to a close without a vote of censure being made but rather a vague commitment by the council to have city staff prepare the resolution of censure to provide the council majority with the justification for holding Valencia to account for his supposed malefactions and that it ready a public hearing on the matter and schedule a censure vote at some indefinite point in the future.

Over the next week or so, as a city employee in the city clerk's office sought to deal with the public records request that Briggs had lodged, their ensued difficulty with the mayor, Wapner, Dorst-Porada and Ochoa, all of whom recognized that the referenced communications constituted proof that they were in violation of the Brown Act or facilitating such a violation. This brought City Attorney Ruben Duran into the process.

It was believed that attorney-client confidentiality would ensure Duran would be able to resist having to disclose any information or details vouchsafed to him by members of the council. Accordingly, he was granted access to some of the communication that had passed among Leon, Wapner, Dorst-Porada, Ochoa, City Clerk Mautz and Assistant City Clerk Claudia Isbell from February 17 until February 21, although there has been indication that certain exchanges were withheld from him.

In very short order, Duran came to see, as was communicated to several city officials and members of his law firm, there was no mistaking that Leon, Wapner and Dorst-Porada had engaged in a "cold" violation of the Brown Act in readying for a vote of censure targeting Valencia on February 21. Compliance with Briggs' pub-

lic records request would arm him and Valencia with irrefutable evidence that the council majority had violated California law, Duran recognized.

Penultimately, a de-termination was made that the city would seek to bypass a situation that would most certainly prove to be deeply embarrassing to the council majority and potentially end with the filing of criminal charges against them by withholding from Briggs and Valencia the materials Briggs had sought in his public records request. There followed the formulation of a more elaborate strategy as to how the contretemps might be dealt with, that being the effectuation of an agreement with Valencia and Briggs that the council would drop the censure proposal in exchange for everyone just forgetting about the pending public records request that Briggs had made.

February made the transition to March and then the calendar ran through into April. Under the California Public Records Act, a governmental entity or agency has ten days to comply with a records request by producing the sought-after records, documents or materials. If there are complications or realistic difficulties, the government can extend that deadline for another two weeks.

On April 4, some 18 days after the final deadline for the city to have produced the sought-after records/documents/communications, Valencia, represented by Briggs and another member of Brigg's law firm, Nora Pasin, filed suit against the city, calling upon the court to force the city to disgorge the materials.

For City Attorney Duran, the filing of the lawsuit precipitated a crisis. The communications and documents laid out before him had led to the ineluctable conclusion that three of his city clients – namely Leon, Wapner and Dorst-Porada – had entangled themselves in a violation of the State of California's

Continued on Page 6

Upland Officials Will Let Tesla Use The City's Corporate Yard To Store Vehicles In The Aftermath Of Resident Opposition Nixing The Use Of Sycamore Hills Open Space For That Purpose *from front page*

inadequate for the inventory, the cars driven by Tesla's corporate, administrative, financing, sales and automotive service staff and the facility's customers. At present, virtually all of the paved parking lot at 1018 East 20th Street parking is full, with employees and customers parking along 20th Street and in an unimproved field north of the freeway to the west of the dealership. Earlier this year, Tesla began construction on a permanent vehicle storage lot on a 1.3-acre parcel adjacent to the dealership to the east. Early in May, word was that the lot would not be ready for another two to three months. As of this week, however, the lot appears to be nearing completion. At its November 14, 2022 meeting, the Upland City Council approved a lease agreement with Tesla to allow the company to use a 35,000 square-foot area, or roughly 0.8-acre, within a city-owned reservoir site on the northwest corner of 15th Street and 6th Avenue to park/store up to 100 new vehicles.

As a retailer of big ticket items, the current minimum price of which is \$44,380 with a model at the high end of the scale running to \$200,000, it is predicted that once the Tesla dealership is fully in gear, it will likely be the city's largest source of sales tax. Accordingly, the city's elected officials and staff members were anxious to accommodate Elon Musk, the owner of Tesla, and the company's senior corporate officials.

They arrived at a tentative agreement to allow Tesla to lease for two years 2.07 acres within a 58-acre property zoned as open space within Sycamore Hills located approximately 80 feet east from Park View Promenade and set back approximately 145 feet from the residential dwellings on Plan Tree Drive to the south and

roughly 196 feet east of the single family residential lots along Hemlock Lane, which lies west of Park View Promenade.

On April 24, the 2.07 acres were graded in preparation, which alarmed a number of nearby residents.

There is some dispute over how knowledgeable the city's top-ranking officials were with regard to the commitment to convert that open space into a temporary car storage lot.

Nearby residents contacted City Councilwoman Shannon Maust, whose First District encompasses Sycamore Hills. She informed them that she was not aware that the property was to be leased to Tesla for use as a parking lot and did not know anything about the grading of the property. When Maust made an inquiry at City Hall about the matter, the city sent notices to residents living within 300 feet of the temporary parking lot. The first of those notices arrived on April 27.

The city council was scheduled to approve the lease with Tesla at its May 8 meeting. The agenda for that meeting had been prepared and was posted on May 3. Nevertheless, more than a week-and-a-half prior to the posting and more than two weeks prior to the scheduled official approval of the lease, the property was being altered to accommodate what was to be a gravel parking lot.

A vocal contingent of city residents, including several who lived in the Sycamore Heights District, assumed the premature action stemmed from the full council's silent acquiescence with the grading and eventual conversion of the property into a temporary or even permanent parking lot. Such a conclusion was supported by the consideration that the property in question was sequestered behind fencing and a

locked gate off to the east of the northernmost extension of Park View Promenade and that the key to the gate's lock was in the possession of the city. The contractor who graded the property could not have accessed the site that was graded without the consent, at the very least, of someone on the city's staff. It was not likely, the vocal contingent of city residents figured, that city staff would have allowed the contractor onto the site to do the grading without having gotten some order of an indication from the city council that the grading should occur.

Councilman Carlos Garcia, whose Third District lies roughly a mile south of the Sycamore Hills area, told those who contacted him that he, like Maust, had not been informed about the lease or the circumstance.

Given that the councilwoman in whose district the grading had taken place was unfamiliar with lease arrangement and had not given even tentative approval to the grading and that a second member of the council was likewise uninformed about what was going on, word spread that it was Mayor Bill Velto on whose authority the grading had been allowed to take place. Because the grading was an intrinsic element of the accommodations for Tesla pursuant to the pending lease, logical deduction led many city residents to conclude that a consensus to lease the property to Tesla had already been arrived at. Since by their statements Maust and Garcia were not in the loop with regard to the lease of the property let alone its grading, a large number of Upland residents concluded that Velto and councilmen Rudy Zuniga and James Breitling had agreed in advance that the lease should be approved. An account to that effect circulated.

The Sycamore Hills District lies west of Benson Avenue and north of 16th Street, running virtually to the western city limits with Claremont

and Los Angeles County. A substantial number of the district's residents were growing increasingly upset over what was happening in their midst. Sycamore Hills is hemmed in on the north by the 210 Freeway, which in Claremont runs east-west along a tangent south of 16th Street, known as Baseline Avenue in Claremont. Near the Claremont/Upland boundary and county line, close to the San Antonio Wash, the 210 Freeway sweeps north before reorienting again as an east-west corridor, below which is Sycamore Hills. There is an existing residential subdivision at the northwest corner of Benson and 16th Street. As one proceeds west on 16th Street toward Claremont, there are three north-south roads extending into the Sycamore Hills neighborhood, those being Mountain Shadow Road, Burl Drive and Park View Promenade. It was near the confluence of Park View Promenade and Iris Lane, in the field/open area to the east, that the 2.07 acres enclosed behind a gate had been graded. The 2.07 acres were part of some 58 acres of designated open space, consisting of chaparral and a utility access road easement. The marketing of those residential subdivisions had included representations that they were adjacent to city-owned open space that was to remain as it was until such time that it is converted to a park and other outdoor recreational facilities and/or a biking path, equestrian trail or walkways. Some of the residents of the subdivisions had paid more than the going price for the other homes in the neighborhood to purchase houses that were proximate to, and within the visual range of, that open space and eventual parkland. In the latter days of April and the first days of this month, those living along east-west Plan Tree Drive who were closest to the intended parking lot were informed that for the next two years and perhaps for an extended two years beyond

that and maybe even for two years after that, there was to be a parking lot full of cars roughly 135 to 150 feet north of their of their backyards.

A firestorm of protest ensued. Councilwoman Maust was given an earful by several of her irate constituents, at least one of whom accused her and her council colleagues of being on the take and having received bribes from Tesla. Other residents, ones who learned either directly or through the grapevine that Maust and Garcia had been caught unawares by the lease arrangement and the grading, accused Velto, Zuniga and Breitling of violating the Brown Act, California's open public meeting law, by having reached a decision to approve the lease outside the forum of a public hearing and well prior to the May 8 council meeting.

Recognizing that the lease and grading of the property was triggering widespread discontent, Velto pulled the item pertaining to the lease off the agenda for the May 8 meeting.

The *Sentinel* had inquired with City Hall and several city officials in preparing an article that ran in its May 5 edition about the grading of the 2.07 acres in the Sycamore Hills District to accommodate the parking lot. Other than a statement from Alan French, Upland's principal engineer, the *Sentinel* was not provided with any information by City Hall with regard to the planned parking lot prior to the publication of that article beyond what was contained in the agenda and staff report for the May 8 meeting. French said that the city has relatively exacting standards with regard to the proximity of a parking lot to residential units and that the setback of 145 feet from the backyards of the homes along Plan Tree Drive likely met or exceeded the city's standard. French said the parking lot would not be incompatible with the open space zoning since it was not paved nor permanent.

On May 12, Councilman Zuniga contacted the *Sentinel* by email, indicating he had recently read one of the emails sent to City Hall inquiring about the issues pertaining to the parking lot. He upbraided the *Sentinel* for "stating that Mayor Velto, Councilman Breitling and myself knew about the Tesla parking lot ahead of time but Maust and Garcia didn't. I ask you to please do your homework and verify as all good journalists do, before making ridiculous and untrue statements. I can only speak for myself and I assure you that I had absolutely no knowledge about any Tesla parking lot being added anywhere in the City of Upland until I started getting emails from concerned residents."

Two days prior to that, on May 10, Upland City Manager Michael Blay wrote the *Sentinel*, stating "I share residents' concern that the construction company began staging the area before councilmembers ever had a chance to consider the project. Tesla's success at their new Upland location has exceeded expectations, which is great for everyone. We want to continue to be a partner in their success, which benefits the entire city."

Bray further stated, "In developing the initial idea to lease two of the 58 acres of raw land, I considered the lease revenues at this site to be a good way to begin bringing in revenue for developing the park space for the neighborhood. However, I'm glad that residents reached out early to let us know their preference so that we can work towards another plan to bring to council. Our goal here is to assist an Upland business and bring in revenue while respecting our residents' desires and I believe we can do that."

The agenda that was posted for the upcoming May 22 Upland City Council meeting includes an item that calls for the city council considering a lease agreement with

Continued on Page 7

In The Sheriff's Office, The Distinction Between Upholding The Law & Waging War Is Sometimes Blurred

from page 3

when Tidwell opted out of running for reelection and he endorsed Williams, who was then the undersheriff, in that year's election. Williams lasted a single term before he left office, in so doing seeing that his undersheriff, Penrod, took command of the department. After being elected with the full weight of the political support that always swung behind the sheriff or his designee,

Penrod was reelected in 1998, 2002 and 2006 without opposition, retiring and riding off into the sunset in 2009 after he had convinced the board of supervisors it should elevate Hoops, who at that time was the department's third highest ranking member as assistant sheriff, to the department's top spot. Hoops then ran as an incumbent in 2010, with the full support of the electioneering machinery that had been at the incumbent sheriff's disposal since Bland had been sheriff, winning handily. As 2012 was winding down, Hoops called an end to his 33-year law enforcement

career. Before effectuating his retirement, he recommended that the board of supervisors appoint Assistant Sheriff McMahon to replace him, bypassing Undersheriff Robert Fonzi and the department's other assistant sheriff, Ron Cochran. Knowing that control over the department's political machine was being conveyed to McMahon by Hoops, the board of supervisors appointed McMahon. History repeated itself in 2021 when McMahon, after being elected on the basis of his being the incumbent sheriff and his control of the sheriff's political machine in 2014 and being reelected sher-

iff in 2018, called it a career, telling the board of supervisors they should replace him with Dicus, who was then serving in the capacity of undersheriff. The board acted in accordance with McMahon's wishes and Dicus, who is now in control of the sheriff's political machine, was elected in 2022 as an incumbent.

As sheriff, Dicus has the wherewithal to turn the power of his political machine in any direction he chooses. Accordingly, as he has sought fit to provide his department with ever greater firepower, putting it on equal or superior footing with any civilian polic-

ing agency in California or the entire country, the board of supervisors has offered Dicus no resistance.

Since AB 481 essentially allows a law enforcement agency to accumulate weaponry and equipment of whatever level of lethality its jurisdiction's elected legislative/governing leadership will accede to, Dicus has pushed the envelope.

A token restriction contained within AB 481 is that the law enforcement agency outfitted with military equipment is to submit annual reports to the governing body relating to the use of the equipment, com-

plaints received, internal audits or other reports pertaining to violations of the equipment's use policy, and costs associated with possessing the equipment. Compliance with that element of the law presents little in the way of complication for the department.

Another requirement pertains to the training of the officers who are to use the equipment in a law enforcement setting. In that arena, there is concern that while the San Bernardino County Sheriff's Department is meeting the letter of the law, it may be evading the intent and spirit of the law.

Continued on Page 15

Ontario City Attorney Duran Saw Right Off That The Brown Act Violations His Clients Had Entangled Themselves Were Compounded By Conspiracy

from page 4

open public meeting law. A violation of the Brown Act, as things normally go, is not deemed to be a serious offense by prosecutors, the courts, other public officials or the public at large, which overall is ignorant of that particular law, its application or its implication. The Brown Act is, if not frequently then occasionally, ignored or breached by the elected officials heading government agencies, oftentimes without being remarked upon by members of the community. Where it does garner attention is among the relative minority of citizens who devote some of their time to monitoring the action of local government. Generally speaking, somewhere around far-flung San Bernardino County – among its 22 city councils, two incorporated town councils, 29 boards of education or school boards, five community college district boards, nine community service district boards of directors, 19 water district boards, and its various fire, healthcare, park and recreation, sanitation and cemetery district boards, virtually every week some accusation of a Brown Act violation manifests, as the members of those panels are

prone to immediately vote on agenda items without any discussion whatsoever, triggering suspicions that before the meetings and out of the scrutiny or earshot of the public the members had reached a consensus. On rare occasions, a resident or citizen will lodge a complaint alleging a violation of the Brown Act with the district attorney's office, which may or may not make more than a cursory inquiry into the matter. Over the last five decades in San Bernardino County, in the handful of cases where the district attorney's office has launched a serious investigation into such allegations, those matters were resolved with what were essentially relatively innocuous findings that some order of a transgression occurred, followed by a less than stern warning that the perpetrators should endeavor to not repeat their behavior in the future. No punishments were meted out and no fines, even though conviction on a Brown Act carries with it the gravity of a misdemeanor if a prosecutor elects to pursue it as such.

For the San Bernardino County District Attorney's Office, as crimes

go, Brown Act violations do not rank with murder, fraud, theft, mayhem, bribery, malfeasance and the like on the scale of seriousness that most people perceive; the district attorney's office therefore does not place much of a priority on enforcing the Brown Act. As such, even where it is clear that such a violation occurred, prosecutorial priorities are such that justice does not demand the filing of charges. In San Bernardino County, one must go back in history more than half a century to find an example of a Brown Act violation being taken to trial, and that was in the case of members of the Needles City Council, against whom the then-sheriff, Needles-born Frank Bland, had some idiosyncratic personal differences and animus.

There is something extraordinary, however, in the current matter involving the Ontario City Council, a feature which Duran picked up on from the outset. What Leon, Wapner and Dorst-Porada engaged in was no mere inadvertency or oversight but something that Duran understood was calculated, malicious and deliberate, acts that were tantamount to a conspiracy that compounded the crimes, potentially elevating them to felonies.

First, the mayor and council members Wapner and Dorst-Porada

were not wet-behind-the-ears officeholders who had just been elected to office and were coming to terms with the Brown Act for the first or second time. Wapner, was elected to the city council in 1994 and has served on the council consistently in the more than 28 years since. Prior to that, he was a member of the Ontario-Montclair School District Board of Directors. Leon has been Ontario mayor since 2005 and was a member of the city council for the seven years prior to that, beginning in 1998. Dorst Porada has been on the city council since 2008 and served three years on the Ontario-Montclair School District Board of Directors for three years previous to that. None of the three can make a credible claim of ignorance or lack of familiarity with the Brown Act and its various requirements.

Secondly, all three communicated separately and with one another and with and through Ochoa regarding getting the censure discussion and potential action onto the February 21 meeting agenda. Their communications in part consisted of referencing Valencia's action in Mexico and citing it as a reason for censuring him, clear evidence that the three were militating toward a consensus on the censure vote.

Taken together with

the subsequently expressed reluctance toward/resistance to turning their communications over to Valencia and Briggs, Duran recognized that Leon, Wapner and Dorst-Porada were evincing "consciousness of guilt," i.e., revealing that they recognized that they had broken the law in their zeal to take Valencia down a peg or two.

Duran, despite being Ontario City Attorney and being caught up in much of what had occurred, including being in attendance at the February 21 council meeting, wanted to put as much distance between the situation and both himself and his law firm, Best Best & Krieger, as he could. Moreover, Leon, Wapner and Dorst-Porada could sense Duran's uncertainty, apprehension and pessimism. At that point, confronted with the reality that having tossed Valencia the bone of not pursuing the censure against him was not going to dissuade him and his lawyer from pursuing getting a hold of the incriminating text messages and emails they indulged in over the course of February 17 to 21, they understood that the worm had turned and instead of it being a pageant in which they would be able to discredit and politically wing Valencia it was turning into an ugly reckoning in which Valencia was on the brink of hobbling

them. They needed a lawyer who would fight rather than head for the tall grass to save his own reputation. That attorney was Stephen Larson.

A former U.S. Attorney who became a federal magistrate judge at the age of 35 and was subsequently nominated by President George W. Bush to a federal judgeship, Larson left the federal bench to go back into private practice in 2009. He has since taken on one complex case after another both civil and criminal. His legal representation involved him in several important civil matters, including the federal government's effort to compel Apple Inc. to decrypt the iPhone used by Syed Rizwan Farook, who with his wife killed 14 and wounded 22 in a murderous attack in San Bernardino in December 2015; a challenge of the constitutionality of voting districts created by the Arizona Independent Redistricting Commission; and the City of Ontario's legal action to reassert its ownership and control of Ontario International Airport from the City of Los Angeles.

Larson garnered as much publicity from his participation as a defense attorney in high profile criminal cases involving defendants whom prosecutors had placed a high priority on convicting. Among the defendants

Continued on Page 8

Granlund Replaces Granlund from front page

no County. In addition, Platinum Advisors represented San Bernardino County's governmental structure in Sacramento. The late Bruce Granlund, Brett Granlund's brother, was also a member of the board of directors of the Yucaipa Valley Water District. Bruce Granlund and Lonnie Granlund served on the board simultaneously. In fact, from December 2012 until December 2014 and from December 2014 until December 2016, first Bruce Granlund and then Lonnie

Granlund were consecutive presidents of the Yucaipa Valley Water Dis-



Lonnie Granlund

trict Board of Directors. The Community of Yucaipa, as much or more than virtually every other city or political sub-entity in San Bernardino County, is prone to familial political dynasties. After Chris Mann resigned his position as a

member of the Yucaipa Valley Water District Board of Directors earlier this year to accept the post of Yucaipa city manager, the board chose to replace him with Greg Bogh, who in December left the Yucaipa City Council after serving on that body for three terms. Welcoming him onto the board was his brother, Board Member Jay Bogh. In addition, Greg Bogh's wife, Rosilicie, served on the Yucaipa-Calimesa Joint Unified School Board and is now a California Assemblywoman. Greg Bogh's cousin, Russ, was formerly in the California Assembly. Another cousin, Michael Bogh,

has been bitten by the political bug, having vied unsuccessfully for the Highland City Council. Lonnie Granlund submitted a letter of resignation to her colleagues on the board of directors in April, advising them that they should move ahead with finding a replacement for her at the end of April, when her resignation became effective. "After much thought and much consideration, I have decided to step down from my position on the board after over 14 years of service to the community," she wrote. The Yucaipa Valley Water District Board of Directors is now maxed out with appointed mem-

bers.

Governing boards of public entities in Cali-



Brett Granlund

fornia must be composed of a majority of elected officeholders. As the gap on the Yucaipa Valley Water District Board of Directors that was created with Lonnie Granlund's departure has been filled with the appointment of her ex-

husband, at this point two of the board's three members have been appointed.

If there is to be a departure of any of the three other elected members of the board – Nyles O'Harra, Jay Bogh or Joyce McIntire – that board member could not be replaced by appointment, and a special election, potentially costing the district in excess of \$100,000, would have to be held. Both Brett and Lonnie Granlund live in the water district's Division 4.

USFS To To Controlled Burns In The North Big Bear District from front page

cent years.

The environmental assessment for the program analyzes the approximate 13,000-acre region between the Big Bear Dam and Baldwin Lake.

According to the USFS, "Over the past hundred years or more, fire suppression within the San Bernardino Na-

tional Forest has excluded fire from much of the landscape. Fire is a natural ecosystem process, and the absence of periodic fire has led to unnaturally high tree density and fuel-load conditions throughout the project area. The area includes a variety of habitats that support highly diverse plant and wildlife populations, including bald eagles. A high-intensity wildfire is likely in this area if left untreated and would potentially destroy their

little remaining habitat."

U.S. Forest Service personnel point out that the anticipated effects of high-intensity wildfires in untreated areas can be observed west of the project area as fire scars, resulting in vegetative type-conversion from a forested landscape into brush and grass with low to no tree cover or signs of natural tree regeneration.

"I am excited to share this final decision and begin implementing this very important project

that took over 12 years to develop," said Mountaintop District Ranger Freddie Duncan. "Improving forest health and community protection has been a major part of my career and I am very enthusiastic at the outlook of improving the environment within this project area so it can be enjoyed by future generations, while protecting complex natural systems, and the greater community. The level of interest and public engagement on this project

has clearly demonstrated how much we all value this landscape and do not want to see it lost to a catastrophic wildfire."

The original analysis also considered up to 41 miles of new mountain bike trail construction and the introduction of e-Bikes as a new form of recreational opportunity. This part of the proposed action was removed from the decision with the opportunity to re-evaluate the purpose and need for new trails and e-Bikes in the future.

"We understand the desire and value of sustainable recreation in Big Bear and will be taking another look at how mountain bike trails and e-Bikes fit into the recreational spectrum on the North Shore," said Mountaintop District Ranger Freddie Duncan.

The project record, final Environmental Assessment, Decision Notice and Finding of No Significant Impact are available online for public view.

Intent On Getting Tesla Sales Tax Revenue, Upland Accommodating The Car Dealership With Storage Space At the City Corporate Yard from page 5

Tesla, Inc. for city owned property located within the Upland Municipal Corporate Yard located at 1370 North Benson Avenue.

A staff report pertaining to the item submitted to the council by Blay and authored by Upland Development Services Director Robert Dalquest recommends that the council approve a lease agreement between the city and Tesla for 2.01 unoccupied acres at the "public works department's yard."

The lease will yield the city \$27,000 a month for the 2.01 acres.

According to the report, the lease and use of the property as proposed would not require any environmental impact report or other type of environmental certification. The report references Tesla's November arrangement with the city to store 100 new vehicles at the 15th Street and 6th Avenue northwest corner location, that Tesla is completing the 1.3-acre expansion of its lot east of the dealership and that the company had recently approached the city, indicating its need for a large offsite lot to increase its capacity to temporarily park/store an additional 300 new vehicles. "[T]he Upland facility [i.e., Tesla dealership] is not receiving a maximum delivery of vehicles each week from the Tesla manufacturer because of the overall lack of storage capac-

ity, even with the 15th Street Reservoir leased area and the 1.3-acre site next door," according to the report. "The Upland facility's lack of storage capacity has a direct correlation to the actual number of vehicles that the manufacturer will deliver to their facilities. The vehicles that the Upland facility could be receiving if not for the lack of storage capacity are now going to Tesla's Riverside and Burbank facilities, who are getting the point-of-sale revenue that would have gone to Upland. This is the reason the 15th Street Reservoir site is not at capacity. The number of vehicles being delivered to the Upland Facility are well below their capacity to process. As a result, in the 2nd Quarter of 2023, the Upland Facility was down 40 percent as compared to the 1st Quarter

2023, which was due to the lack of vehicles delivered from the manufacturer."

According to the report, "The proposed lease agreement is for 2.01 acres within the city's public work's department yard with a dimension of approximately 250 feet by 365 feet. About four years ago, the subject site was leased by Mountain View Chevrolet to store their vehicle inventory. The lease area would be set back approximately 32 feet from single family homes to the east. The Upland Police Department's impound yard is located to the south and city-owned vacant land is located to the north under the approach path by planes landing at Cable Airport. The subject site is zoned Open Space District which allows surface parking as a

permitted use. The zoning designations of adjacent property are Public District to the south and west, Open Space District to the north and RS-7.5 (Residential Single-Family-Medium) to the east."

According to the report, the term of the lease is three years with an option for two extensions of one year each if Tesla needs to use the property beyond that. Tesla is to prepare the site, including grading the land and placing a four-inch gravel base underneath the cars, and will install an entrance gate on the north side of the corporate yard. Tesla has sole responsibility for enacting security measures it deems appropriate for the premises, which is likely to include night vision cameras. Tesla will not install lights and generators on the prop-

erty and will disarm car alarms on all its cars while they are stored. Tesla is to assume all risk of damage to the vehicles and incidental equipment, while waiving all claims against the city, except for claims caused by gross negligence or willful misconduct of the city or its authorized representatives. The lease is not transferable, and Tesla is to repair and restore the premises to its original condition when the lease ends. Tesla is agreeing to indemnify the city with regard to any third-party claims based upon its lease of the premises and is required, during the term of the lease, to maintain liability insurance, worker's compensation insurance and commercial automobile insurance at the levels redeemed appropriate by the city.

-Mark Gutglueck

Ontario City Council's Hiring Of The Region's Premier Defense Attorney Proved An Immediate Giveaway That There Was Substance Not Only To The Brown Act Violation Allegations Against Them But The More Serious Implication Of Conspiracy

from page 4

he obtained dismissals, acquittals or conviction vacations for were Angela Aguilar in the Foreign Corrupt Practices Act trial of U.S. v. Noriega, former USC Water Polo Coach Jovan Vavic, and Jeff Burum in the Case of People v. Bi-ane et al, which involved bribery conspiracy and misappropriation of public funds allegations against a member of the San Bernardino County Board of Supervisors, two political functionaries and his client, one of the most prolific political donors in the county.

By bringing in Larson, it was Ochoa's and Duran's hope that the potentially politically explosive situation involving Leon, Wapner and Dorst-Porada could be defused. Duran, who recognized that mounting a factual defense of the three elected officials was essentially impossible given the activity they had involved themselves in, was relatively confident that Larson, with his penchant for imaginative and intensive focus on technical aspects of the law and his established connections with governmental and court officials, not to mention the immense respect accorded to him in the Halls of Justice, would be able to bring his skill and gravitas to bear to prevent any case against the mayor and two council members from materializing let alone progressing to court and any eventual convictions.

A major risk to Leon, Wapner and Dorst-Porada was that any investigative focus or criminal case that sprung from the circumstance they are bound up in might be pursued by some entity other than the San Bernardino County District Attorney's Office. Recognized by only a few well-informed individuals within the loop of San Bernardino County offi-

cialdom is that the three possessed an ace-in-the-hole in the form of who the San Bernardino District Attorney is. Before he was elected county prosecutor in 2018, Jason Anderson had been a member, from 2004 until 2008, of the Ontario City Council. At that time, he had been a member, with Leon and Sheila Mautz, of the council's ruling coalition. From 2006 to 2008, Wapner and Councilman Jim Bowman had made up the rival camp on the council. As it were, nonetheless, political fortune for the Leon-led coalition had reversed in 2008 when Dorst-Porada, who was supported by Wapner and Bowman, defeated Anderson in his reelection bid, such that the council had a new-found ruling majority consisting of Wapner, Bowman and Dorst-Porada. At that point, control of the council slipped from Leon's grasp, as he and Mautz, who was also elected to the council in 2008 as an incumbent after she had been appointed to the vacant position on the council in 2005 when Leon had been elected mayor in a special election that year, transitioned into being the council minority. In 2012, Mautz lost her bid for reelection when she was displaced by Paul Vincent Avila.

Over time, there had been a slow developing rapprochement between Leon and his three rivals, such that at present Leon, Wapner, Bowman and Dorst-Porada represent the council's ruling coalition.

Similarly, whatever hard feeling once existed between Anderson and Dorst-Porada, who ousted him from his position on the council in 2008, and Wapner and Bowman, who offered Dorst-Porada key support in doing so, has faded. In 2014, when Valencia had sought a restraining or-

der against Wapner to prevent him from making constant sojourns to the Los Angeles Sheriff's Department Substation in the City of Industry to lodge complaints against Valencia, Wapner persuaded the city council to use City of Ontario funds to hire an attorney to contest the granting of that restraining order. The City of Ontario retained Anderson, who was then an attorney in private practice, to represent Wapner and the city in that regard.

As members of the Ontario City Council in 2018, Leon, Wapner, Bowman and Dorst-Porada were key supporters of Anderson in his successful run for district attorney against the incumbent, Mike Ramos.

With Anderson now in the role of San Bernardino County District Attorney, given their political affiliation with him, Leon, Wapner, Bowman and Dorst-Porada were justified in their confidence that the prosecutor's office he heads would not treat them harshly over the Brown Act violation accusations that have been vectored their way, and they would be assailed with no punishment more severe than the type of warning letters that had been issued to those elected officials in San Bernardino County who have been caught running afoul of the state's open public meeting regulations over the past three or four decades.

A wrinkle developed there, however, in that it had not escaped Valencia that Anderson and Wapner, and the rest of the city council, for that matter, had an attorney-client relationship in that Anderson represented Wapner and the city in the effort to keep him from enjoining Wapner from harassing him with his sheriff's department employer in 2014. To Valencia, Briggs, Valencia's supporters and various Ontario residents, this constituted a conflict-of-interest which they believe should prohibit the San Bernardino County District Attorney's Office from being the agency determining

how any investigation or potential prosecution of the Ontario City Council or its members should or should not proceed. A better arrangement would be for the California Attorney General's Office to look into any criminal or civil prosecutorial issues relating to the Ontario City Council, including accusations that any of its members had violated the Brown Act.

One of the reasons that Leon, Wapner, Dorst-Porada and to a lesser extent Ochoa and Duran were so keen on retaining Larson was that Larson has special entrée with Anderson. Larson's client, Jeff Burum, and Burum's wife Kellie were the primary providers of the electioneering funding to Anderson in his victorious 2018 campaign for district attorney, having put up \$279,900 of the \$530,155.70 donated to Anderson by his various supporters. Larson was also a significant donor to Anderson's political campaign. Larson provided Anderson \$4,400 dollars in 2018 for his electoral effort against Ramos and in 2021 he gave Anderson another \$4,900 as he was gearing up for his 2022 reelection campaign.

Leon, Wapner, Dorst-Porada, Ochoa and Duran were pretty much convinced that Larson would be able to prevail upon Anderson to resist any call that he recuse himself from overseeing the Brown Act violation investigation and prosecution of the Ontario City Council, thereby preventing the matter from being transferred to the California Attorney General's Office, which is currently headed by Rob Bonta, a Democrat who is believed to be, if not more hostile, then certainly less favorably disposed, toward the three Ontario officeholders than Anderson.

With the prospect that the matter would remain within Anderson's prosecutorial purview taken together with Larson litigating on their behalves, Leon, Wapner and Dorst-Porada breathed a collective sigh of relief.

No sooner were they considering themselves to be in the clear, however, than word began making the rounds that they had retained Larson, San Bernardino County's preeminent defense lawyer, to represent them in the legal action that Briggs was bringing against them on behalf of Valencia as well as to defend them against any criminal charges that might arise from the public exposure of the details the public records act request was threatening to bring to light. With that revelation, Larson's gravitas at once began to work not in their favor but against them, at least insofar as public perception goes.

Why, Ontario residents began asking, did the city council need a world class defense attorney to go to bat for them if they had done nothing wrong? Indeed, the city's taxpayers wanted to know, why bring in a defense attorney at all in the face of some picayune issue with the Brown Act, which virtually never animates prosecutors? Even more suspicious to many was the way in which the city was hiding behind Larson and refusing to provide the communications between Leon, Wapner, Dorst-Porada and Ochoa. What, exactly, were they trying to hide?

Just as those questions were reaching a crescendo, a batch of what were purported to be text messages from the four principals in the burgeoning scandal were leaked. As they circulated, what Duran had previously recognized became open knowledge to a cross section of Ontario residents – three of the city's highest ranking elected officials had disdainfully disregarded the Brown Act and conspired to destroy the reputation of their council rival, utilizing evidence so flimsy as to be nonexistent, attempting to inflate what was little more than a few photographs of Valencia on vacation with his family into some kind of international incident, predicated upon spurious accusations that he was engaging in discus-

sions by which he was committing the City of Ontario to unauthorized contractual obligations and expenditures.

Word is that the text messages and emails that were secreted out of City Hall and into the public domain over the last several weeks are just a fraction of the damning evidence against the city council. It is doubtful that anyone – Larson included – will be able to contain the matter and keep the dam from bursting. Even if Larson is able to convince Judge Janet Frangie, who is hearing the case brought against Ontario by Briggs on behalf of Valencia, that the city need not release any further communications between city officials, those already being circulated establish that the Brown Act was violated, that those violating it did so knowingly and that they were militating to construct a false narrative upon which to justify censuring their colleague Valencia.

The *Sentinel* this week sought from Larson, as the council's legal representative, clarification as to whether the text messages and emails purported to have been exchanges between Leon, Wapner, Dorst-Porada and Ochoa over the five-day period of February 17-to-21 which are making the rounds are real or fabrications.

The *Sentinel* asked Larson if Leon, Wapner and Dorst Porada will contend that the communications that did take place between them over the five-day period in question did not constitute the reaching of a consensus prior to the ensuing council meeting and if the council evaded the technical requirements needed to establish the existence of a "serial" meeting in violation of the Brown Act by relaying its members' respective communications through the city manager.

Larson did not respond by press time.

The *Sentinel* has learned that the issues at stake in the circumstance in Ontario have elicited concern over just

Continued on Page 15

Public Notices

FBN 20230004499
The following person is doing business as: ECHO MEDICAL CENTER INSTITUTE. 10203 MONTE VISTA STREET ALTA LOMA, CA 91701

FBN 20230004344
The following person is doing business as: POSTALANNEX-5019FONTANA. 7426 CHERRY AVE STE 210 FONTANA, CA 92336

FBN 20230004329
The following person is doing business as: THE SIGNING STUDIO. 12250 CASPER CT RANCHO CUCAMONGA, CA 91739

Public Notices

Business and Professions Code). Published in the San Bernardino County Sentinel 05/05/2023, 05/12/2023, 05/19/2023, 05/26/2023

FBN 20230004370
The following person is doing business as: DC EXCAVATING. 15685 ATHOL ST FONTANA, CA 92335

FBN 20230004489
The following person is doing business as: VALLEY PAINTING & DECORATING. 1152 BOBBETT DR SAN BERNARDINO, CA 92410

FBN 20230004347
The following person is doing business as: VENECIA BOUTIQUE. 621 S QUINCE AVE BLOOMINGTON, CA 92316

Public Notices

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).

FBN 20230004287
The following person is doing business as: BCI AUTO DEALER. 9415 HOMESTEAD DR RANCHO CUCAMONGA, CA 91730

FBN 20230004275
The following person is doing business as: PEPPIS RESTAURANT. 17570 FOOTHILL BLVD FONTANA, CA 92336

FBN 20230004271
The following person is doing business as: CHEMISTRY DRYWALL PATCH. 2035 CHESTNUT ST SAN BERNARDINO, CA 92410

Public Notices

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.

FBN 20230004266
The following person is doing business as: RAPNSG PINOY. 12739 7TH ST CHINO, CA 91710

FBN 20230003958
The following person is doing business as: TAG TRANSPORTATION. 9138 TIMBERLINE LANE APT C RANCHO CUCAMONGA, CA 91730

FBN 20230004675
The following person is doing business as: BIG BUCK BULLYS 2305 RAMONA AVE SAN BERNARDINO, CA 92411

Public Notices

(B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/TIMOTHYHAKENSJR, OWNER

FBN 20230004749
The following person is doing business as: BROTHERS METAL DOORS. 515 N DAHLIA AVE ONTARIO, CA 91762

FBN 20230004602
The following person is doing business as: SUPER 8. 205 E HOSPITALITY LANE SAN BERNARDINO, CA 92408

FBN 20230004619
The following person is doing business as: ABSOLUTE TREE SERVICE, INC. 22849 JUNIPER LN CRESTLINE, CA 92325

Public Notices

The registrant commenced to transact business under the fictitious business name or names listed above on: OCT 28, 2003

FBN 20230004550
The following person is doing business as: ACE TAPING AND DRYWALL, INC. 9064 ISLAY AVE FONTANA, CA 92335

FBN 20230004575
The following person is doing business as: J'S ROOM AND BOARD. 1387 W MAGNOLIA AVE SAN BERNARDINO, CA 92411

FBN 20230004568
The following person is doing business as: MZ PAINT AND PROFESSIONAL DRYWALL. 1434 N SAN DIEGO PL ONTARIO, CA 91764

Public Notices

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

FBN 20230004519
The following person is doing business as: AGUILAR FARMS. 13182 S BAKER AVE ONTARIO, CA 91761

FBN 20230004657
The following person is doing business as: V'S BRIDAL & VX DRESS BOUTIQUE INC.. 298 S RAMONA BLVD SAN JACINTO, CA 92583

FBN 20230004656
The following person is doing business as: KEIKI'S BOUNCERS INC.. 17141 GRAY PINE PL SAN BERNARDINO, CA 92407

Sheriff's Department Arsenal Rivals That Of Many Of The World's Armies from page 6

Much of the training San Bernardino County's sheriff's deputies are receiving with regard to the military equipment coming into the department's possession takes place at the Marine Corps Air Ground Combat Center in Twentynine Palms. That training is predominantly military mission oriented, often involving live fire and contexted upon teaching Marines to bring the maximum degree of force available to them to bear in a combat environment wherein the ultimate objective is to level the enemy and counteract with absolute deadly prejudice the force an armed and determined foe is equally intent on bringing to bear against the participating trainees. Though some of that context – such as facing a well-armed and determined foe – is applicable to the circumstance sheriff's deputies might face in the course of their assignments when they are called upon to employ the department's growing inventory of military hardware, they in virtually all cases will not be in a combat situation but more likely in an ur-

ban environment largely populated by innocent civilians in the form of bystanders or perhaps hostages. A form of training that would be more appropriate for the deputies would be to learn how to apply – selectively and precisely – the overwhelming and highly destructive firepower at their disposal in a circumstance where, even as their own lives are in danger, those they must target with that firepower are intersticed with or behind or near the very people – the residents of the county – the sheriff's department exists to protect. Put succinctly, sheriff's deputies are likely to be called upon to discriminately and delicately wield the overwhelmingly powerful combat equipment they are entrusted with like a surgeon's scalpel while they are instead training to use it indiscriminately and destructively like a sword.

The department has a prodigious array of military armament and hardware, some of which was donated to the department by the U.S. Military upon it being declared surplus. In other cases, the department purchased the material in its inventory.

Among that equipment are two American Technology Corporation LRAD 1000s, long-range

acoustic devices used for emitting amplified public announcements during search warrant services, barricaded suspects, or tactical operations. It cost county taxpayers \$45,134 and is in the custody of the department's intelligence division.

The department's bureau of administration has a 2001 Fleetwood Southwind mobile command post that cost \$92,652.

The department's specialized investigation division has a 2016 Eagle mobile command post that was acquired for \$221,912.50.

The department has a 2014 KME/Kovatch PREDATOR 100 foot-long S2D command vehicle which cost \$623,485 and has been used 23 times as a tactical command post.

The department's emergency operations division aviation unit lists some of the department's aircraft as military equipment, including three of the Bell UH-1H helicopters and its two Beechcraft King Air airplanes.

Currently the department has 100 Defense Technology Stinger® rubber ball grenades, model #1089, which deliver sensory overwhelming rubber pellets, light, sound, and pepper spray upon explosion. They cost \$50 each and

have been employed 22 times in the past.

The department has 82 Defense Technology Stinger® .32 caliber rubber balls, model #1087, maximum effect devices that explode to emit rubber pellets, light, and sound. They are most widely used as a crowd management tool. They cost \$48 apiece and have been used by the department 34 times.

The department has 61 Defense Technology Pocket Tactical Grenades, model #1016, lightweight launchable devices that expel approximately 0.9 oz. of tear gas, each at a cost of \$29. They have been used 14 times.

The department has 92 Combined Systems, Inc. Mini-Bang® Steel Body, model #7290M light sound diversionary devices. They are non-bursting, non-fragmenting, multi-bang mechanisms that produce a sound accompanied by intense bright light. They are used for distracting dangerous suspects during room entries or other high-risk arrest situations. They cost \$34 and have been used 51 times.

The department has twenty Ruag Swiss P .50 Caliber 960gr Armor Piercing Rounds, which are used to disrupt vehicles or penetrate barriers. They cost \$5 and have been used 10 times.

The department has 390 Hornady .50 Caliber 750gr A-MAX® Match™ model #8270 rounds, a type of ammunition used to disrupt vehicles or penetrate barriers. They cost \$4 and have been used 300 times.

The department has 4,500 Duke Defense USA .68 caliber frangible projectiles, which upon deployment from a pneumatic launcher deliver an approximate 3-gram powdered irritant of pepper and incapacitant sprays upon contact. They cost 55 cents each and have been used 855 times.

The department has 8,140 Defense Technology 12-gauge drag stabilized bean bag rounds consisting of cotton material filled with #9 shot. They cost \$5 each and have been used 113 times.

The department has 5,676 Defense Technology 40mm Exact Impact Sponges, model #6325, costing \$21 each. They have been used 650 times.

The department has 586 Remington 870 12-gauge stun-bag shotguns which fire less lethal "bean bag" rounds. They cost \$670 apiece and have been used 135 times.

The department has 33 Tippmann FT12L pneumatic launchers,

which deploy .68 caliber less lethal irritant projectiles up to 150 feet. They cost \$259 each and have been used 86 times.

The department has 26 SA 2000 pneumatic launchers costing \$259 each. They have been used 89 times.

The department has one Pepperball® FTC™ pneumatic launcher, which fires a less lethal .68 caliber irritant projectile. It cost \$600 and has been used 130 times.

The department has one Guide Lamp M3 select fire .45 caliber submachine gun.

The department has one Russian AK-47 chambered 7.62 x 39mm select-fire rifle capable of cyclic intervals that is used to address longer range engagements with a heavier round than is traditionally used in the United States.

The department has one Enfield STEN-MKV 9mm caliber select fire submachine gun.

The department has one Kulsprute pistol M45/Swedish-K 9 mm select fire submachine gun.

The department has one Russian PPSH-41 chambered 7.62 X 25mm select fire pistol carbine submachine gun.

The department has two Harrington & Richardson M50 Reising .45 caliber select fire pistol carbine submachine

To Extricate His Clients, Larson Now May Have To Reveal To The World The Secret Communication Methodology City Officials Have Devised As A "Work-around" To The Brown Act from page 15

what might be exposed if the civil case filed by Valencia and its revelations trigger a criminal investigation that leads to a criminal prosecution. In such a scenario, there is a possibility and perhaps even a likelihood that in order to rescue his clients from the political gallows, Larson will need to rely on exposing a closely held secret policy utilized by a large number of cities throughout California to dodge the Brown Act's serial meeting restrictions.

According to former Upland City Councilwoman Janice Elliott,

lawyers who specialize in municipal law and serve as legal advisors to cities and city officials say that a consensus on an upcoming decision by or vote of a city council can be built by utilizing someone who is not a member of the council to do so.

"The city manager, or anyone else, can poll each city council member without violating the Brown Act as long as the council member's positions aren't shared with the other council members," Elliott said.

During Elliott's six years on the Upland City

Council, lawyers with three different firms, including the firm that employs Duran, served as Upland's city attorney. Richard Adams and Kimberly Barlow with the law firm of Jones Mayer served as the city attorney and deputy city attorney, respectively, of Upland when Elliott was initially on the city council. Jones Mayer currently employs the city attorneys for five California cities and has provided specific area legal services to 69 California cities. James Markman and Steven Flower were the city attorney and assistant city attorney, respectively, of Upland for roughly two years of Elliott's tenure as a city councilwoman. Markman and Flower were employed by Richards

Watson and Gershon, a firm which currently employs the city/town attorneys to 28 California municipalities. Steve Deitsch and Thomas Rice are now and were during the last stage of Elliott's time on the Upland City Council Upland's city attorney and assistant city attorney, respectively. They work for Best Best & Krieger, which employs Duran. Best Best & Krieger employs lawyers who are the city attorneys to 30 cities throughout California.

Elliott referenced a passage on page 22 of the publication Open & Public V: A Guide To The Ralph M. Brown Act, which was compiled by the California League of Cities, and paralleled what attorneys claimed was the basis for working

around the Brown Act's serial meeting restrictions. That passage cites California Government Code section 54952.2(b) (2) as creating a loophole for having an outsider confer with a quorum, majority or even all members of an elected body with regard to an issue to be voted upon. That passage states, "A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an

open and noticed meeting 'with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.'"

In this way, it is possible that Larson may construct a partial defense of what transpired between Leon, Wapner and Dorst-Porada over the course of February 17-to-21 by asserting that Ochoa was merely providing information relating to Valencia's activity in Sinaloa to his three political masters.

Continued on Page 16

Redlands Looks To Be Substituting Future Housing For Future Warehousing *from page 3*

legislative body that is required under California law to impose building moratoria.

In recent years, as home prices have escalated, there has been a corresponding increase in the number of homeless people in many areas of California. Under the leadership of the immediate past California governor, Jerry Brown, and current Governor Gavin Newsom, the California legislature had pushed and continues to push to limit in large measure the land use authority of local jurisdictions such as cities and counties and instead impose residence-building mandates to address a perceived housing shortage throughout the Golden State.

The governor and the legislature, through Government Code §65580, are now requiring each municipality in the state to assist in alleviating the homelessness crisis by complying with an assessment of housing needs throughout the state carried out by the California Department of Housing and Community Development. Collated into a document given the title Regional Housing Needs Allocation, those figures provide the basis of the mandates that state officials impose on all jurisdictions, including cities and unincorporated county areas in California, demands that those entities include in their general plans and zoning codes an accommodation of the number of dwelling units specified in the assessment, meaning each city must allow the construction of at least the number of homes the state says is its share of the burden

to meet housing demand statewide.

Under the Regional Housing Needs Allocation figures drawn up by the California Department of Housing and Community Development, San Bernardino County must accommodate the construction of 138,110 new homes between the end of 2021 and the end of 2028, including 35,667 intended for very-low-income homebuyers; 21,903 for low-income homebuyers; 24,140 for moderate-income homebuyers and 56,400 for above moderate-income homebuyers.

The City of Redlands' share of the houses to be built during that span is 3,507.

There is a sizable contingent of Redlands residents who are resistant to packing more homes into the city's existing residential zones. At present there are 15 properties around Redlands that are zoned for light industrial

or semi-industrial use, which is compatible with the development of warehouses.

City officials, seeking to comply with the state mandates but at the same time not alienate a significant portion of Redlands' citizenry, has entertained the concept of converting the land now being reserved for industrial or warehouse use to residential property, such that the homes to be built there will go a good distance toward meeting the state housing mandates.

That was part of the rationale for declaring the warehouse moratorium last year. It was thought that staff could use the timeout created by the moratorium to look at the ins and outs of transforming at least some of the industrial properties in the city into residentially-zoned properties. Whatever progress was made in that regard, however, was insufficient to un-

dertake the zone change processes. Moreover, it may prove difficult to sell city residents on changing some of those areas now zoned for industrial use into residential subdivisions, as a good cross section of the public in Redlands is against the intensification of land use, which might occur if the industrially-zoned properties are declared open for multifamily or apartment development.

The entire council, which had declared a 45-day moratorium on warehouse development in June of last year and then extended that ban to a full year less than two months later, on May 16 voted to double the length of the current moratorium until June next year.

Council members, noting the perceived need for more housing and responding to city staff's recommendation that at least for the time being the city hold off on

any further warehouse projects in the city's commercial industrial district, said the moratorium extension would allow the city to explore its options in earnest.

The commercial industrial district is a subcomponent of the Redlands East Valley Corridor, where city officials have suggested much of the housing that needs to be built to meet the state's housing mandates under the Regional Housing Needs Allocation process should be constructed.

At the same time, city officials are pushing forward with updating the Redlands' Housing Element.

A housing element is a plan, adopted by a local jurisdiction such as a city, town or county, which includes the goals, policies and programs that direct decision-making around housing.

-Mark Gutglueck

Its Paramilitary State Offers The Only Reasonable Alternative To Ensuring Civil Rights & Liberties, Sheriff's Department Affirms *from page 15*

guns.

The department has two Irma MP40 9mm chambered submachine guns.

The department has three Ingram chambered MAC-11 .380 caliber select fire pistol submachine guns.

The department has two IMI-UZI Model-B 9mm chambered semi-automatic pistols.

The department has one Auto Ordnance 1927A1 .45 caliber semi-automatic carbine.

The department has four Thompson Variant .45 caliber select fire submachine guns.

The department has one Heckler & Koch .233 caliber chambered semi-automatic HK93 rifle.

The department has one Olympic Arms semi-automatic 5.56 x 45mm CAR-AR rifle. It paid \$1,200 for it.

The department has one Daewoo DR200 semi-automatic .223 caliber rifle.

The department has

one Armalite AR180 Rifle chambered 5.56 x 45mm semi-automatic rifle. It paid \$2,000 for it.

The department has one Valmet M76 chambered .223 caliber semi-automatic rifle.

The department has one Steyr AUG-P Bullpup chambered 5.56 x 45mm semi-automatic rifle.

The department has two Heckler & Koch HK416D chambered 5.56 x 45mm select fire rifle, which is capable of cyclic intervals.

The department has two Heckler & Koch G36 chambered 5.56 x 45mm semi-automatic rifles.

The department has one FN Herstal FNC Sporter chambered 5.56 x 45mm semi-automatic rifle.

The department has one Barrett .50 Caliber M82A11 semi-automatic rifle that is designed to disrupt vehicle borne threats by disabling key mechanical components. It cost \$10,200. It has been used 26 times.

The department has one TNW Firearms .50 caliber M2 semi-automatic rifle that is designed to disrupt vehicle borne threats by disabling key mechanical components. It cost \$9,200.

The department has one Browning .50 Caliber M2 Machine Gun that is designed to disrupt vehicle borne threats by disabling key mechanical components.

The department has 14 other semi-automatic rifles of various types.

Most of the department's military type firearms are in the possession of its personnel and emergency services bureaus.

The department has a multiplicity of riot control grenades and chemical agents.

The department possesses detonating cord, a flexible plastic tube that is filled with pentaerythritol tetranitrate. Detonating cord creates a blast wave that assists with defeating locking mechanisms.

The department also has 12-gauge TKO breaching rounds, which are shells loaded with a compressed zinc slug,

which utilize smokeless powder as a propellant. The TKO is designed to defeat door lock mechanisms, doorknobs, hinges, dead bolts, safety chains, and pad locks on both wooden and hollow core doors.

The department has a supply of blasting caps.

The department has six Transcend Robotics Vantage Patrol Robots, which are used to search the interior of structures and can be used to communicate with subjects via an onboard speaker. They cost \$5,000 and have been used twice.

The department has one iRobot First Look, which allows for quick deployment and observation during critical incidents. It cost \$25,022 and has been used 12 times.

The department has five other robots.

The department has five small unmanned aviation systems, which are commonly known as drones. They have been used 89 times.

The department has a Caterpillar/EZSPOTR tactical tractor, which is used to port doors and windows, remove heavy objects, and provide mobile cover during tacti-

cal operations. It cost \$82,945 and has been used 26 times.

The department has two 1980 Cadillac Gage Ranger five-man armored personnel carriers, which are primarily used as rescue vehicles.

The department has a 2006 Lenco 12-man ballistic engineered armored response (BEAR) vehicle, used in the conducting of rescue operations, SWAT operations, and the serving of high-risk search warrants. It cost \$279,955 and has been used 43 times.

The department has a 2006 Lenco ballistic engineered armored response counterattack truck (BEARCAT), an armored rescue vehicle capable of protecting approximately eight people while conducting rescue operations, SWAT operations, and high-risk search warrants. It cost \$213,352 and has been used 65 times.

The department has a 2004 Lenco BEARCAT capable of protecting approximately eight people. It cost \$143,286 and has been used 127 times.

The \$356,000 cost of the 2021 Lenco BEARCAT G3 the de-

partment is acquiring as a consequence of the board of supervisors' action on May 9 is to be met by a disbursement out of the county's general fund.

The \$505,493 cost of the Andros Spartan explosive ordnance disposal robot the department is getting will be defrayed by federal seized asset forfeitures.

The Freightliner MT-55 mobile command post, which has a price tag of \$430,555, is being paid for by the City of Victorville.

In signing off on the acquisitions, the board of supervisors made a finding that there is a necessity for the equipment because no reasonable alternative could provide for officer and civilian safety and the use of the equipment will safeguard the public's welfare, safety, civil rights and civil liberties. The board also declared that the equipment coming into the possession of the department is reasonably cost-effective compared to any available alternatives.

-Mark Gutglueck