

## Judge Rules Yucaipa City Clerk's Suit Vs. Recall Blocked Resident Political Participation

By Mark Gutglueck

Yucaipa City Clerk Ana Sauseda last year initiated a lawsuit that was intended to prevent at least 197 of the city's residents from engaging in the public political participation process, Judge Michael Sachs ruled on Wednesday.

That effort consisted of an effort, officially initiated in May with paperwork filed with Sauseda's office signaling that the residents intend-

ed to circulate petitions to recall Mayor Justin Beaver and councilmen Bobby Duncan and Matt Garner after they abruptly moved to terminate longtime City Manager Ray Casey and City Attorney David Snow in January.

Largely as a result of Sauseda's lawsuit, the recall proponents ceased their effort and did not reach the goal of collecting the 1,623 signatures needed to qualify for a

recall question against Beaver, the 1,478 signatures needed to qualify for a recall question against Duncan and the 1,826 signatures needed to qualify for a recall question against Garner, which had to be returned to Sauseda's office by August 16 to force the holding of a special election in which those questions would appear on the ballot.

Though Sauseda's suit has now been dismissed,

leaving her and the city responsible for covering the recall proponents' legal costs in fighting the suit, the stratagem, which was not devised by Sauseda but rather City Manager Chris Mann and two lawyers for the Los Angeles-based Sutton Law Firm, Bradley W. Hertz and Eli B. Love, succeeded in protecting Beaver, Duncan and Garner from being subjected to a process that potentially would

have removed them from office.

The recall proponents have reinitiated a recall effort against Duncan and Garner, amid widespread speculation that Beaver will not seek reelection later this year. Based upon Judge Sach's ruling relating to the lawsuit Sauseda filed last year, it does not appear that she will again attempt to use her authority as city clerk and the city's election. **See P 2**

## Victims IDed And Suspects Arrested & Charged In Shadow Mountain Killings

In rapid fashion early this week came revelations about the identities of the victims and the perpetrators of the violent murders of six men in a remote area of the Mojave Desert north of Adelanto, together with indications that sheriff's investigators have solved the primary mystery surrounding the crime.

For at least several hours after the shootings

took place on January 23, sheriff's department investigators were unable to identify five of the six men who were gunned down by five of their criminal accomplices in the early hours of that evening. For five days thereafter, the department withheld the identities of the victims, as they pursued a multiplicity of leads in determining who the killers

were.

The department has now identified Baldemar Mondragon-Albarran, 34, of Adelanto; and two brothers, Franklin Noel Bonilla, 22, and Kevin Dariel Bonilla, 25, of Hesperia as three of the victims. The identity of a fourth, a 45-year-old man, has been ascertained, but his name is being withheld pending notification of his next of

kin. Two others, whose remains are in the custody of the coroner's office, have not been identified.

According to the San Bernardino County Sheriff's Department, those six were involved in the unlicensed production of marijuana in one or more locations throughout the High Desert subregion of the Mojave Desert in both San Bernardino and Los

Angeles Counties and had a deadly encounter with Taniel Baez-Duarte, 35, and his brother Mateo Baez-Duarte, 24; Jose Nicolas Hernandez-Sarabia, 33, and his brother, Jose Gregorio Hernandez-Sarabia, 36; and Jose Manuel Burgos Parra, 26 some time at or after sundown on January 23.

Like the victims, their five assailants. **See P 2**

## Chino Hills Council Agrees To Public Discussion Of Term Limits

Against what appears to be the wishes of at least some members of the city council, Chino Hills Mayor Cynthia Moran has agreed to schedule a discussion regarding term limits for politicians in San Bernardino County's southwesternmost municipality.

Whether that discussion will translate into

the council's willingness to use its authority to put a measure on the November ballot to allow the city's voters to decide whether members of the city council, who also rotate into the mayor's position, should be limited to one, two or three terms is by no means certain.

Nevertheless, a group of the city resi- **See P 3**

## Fontana City Council, In Departure From Its Long Established Policy, Grants Marijuana Shop A Permit

In action that firmed up a radical departure from a policy steadfastly adhered to over the last quarter of a century, the Fontana City Council voted on January 23 to grant a permit to a business trafficking in marijuana and other cannabis products.

On occasions too numerous to recount, both past and the cur-

rent Fontana City Councils refused to entertain or abruptly denied efforts by entrepreneurs to obtain licensing to operate medical marijuana dispensaries in the 43.07-square mile city in the years after Propositions 215, the Compassionate Use of Marijuana Act of 1996, was passed or permits to sell marijuana or marijuana-

based substances to be used for intoxicative effect following the 2016 passage of Proposition 64, the Adult Use of Marijuana Act. At several points, members of the city council vowed that Fontana would remain a commercial Marijuana free zone, no matter what liberalizations of the law there were or changes in societal norms. **See P 3**

## Two Men Who Disappeared Into The Wilderness In Disparate Events Found Dead

It has now been confirmed that a young man and a middle-aged man who disappeared into San Bernardino County's wilderness last year and this year perished in unrelated circumstances of misadventure.

Trammell Evans, a 26-year-old from Florida, who went into the Black Rock area of Joshua Tree National Park April 30, 2023 for an ill-

advised solo trek to clear his mind and body and exorcise some personal demons, did not reach, the point where he had arranged to be picked up on May 5.

An effort to find him, including trying to spot him from the air using helicopters, airplanes, and drones, while on the ground bloodhounds, volunteers and members of the sheriff's depart-

ment's search and rescue team ensued, but was unsuccessful.

Evans was an experienced hiker with some familiarity with Joshua Tree National Park. Hope that he might belatedly arrive at the designated spot faded, with some of those closest to him suspecting the worst and yet others believing he had used the hike in the vast 1,234 square

mile National Monument as a type of ruse to disappear and take on a new identity to evade certain realities of his own life that had become to complicated and self-suffocating.

On January 25, human remains were found near Covington Flats, not too far from Black Rock.

On January 14, 55-year-old Christian

Alan Petrie, was last seen near his home in Crestline in the San Bernardino Mountains. His family noted his absence later that day, but had not involved authorities until the sheriff's department was called on January 20.

On January 23, during a search and rescue effort, sheriff's personnel came across Petrie's lifeless body in. **See P 14**

## Measure W: The Cultural Struggle To Keep Public Services Traditionally Provided By Government In-House

The contesting of Measure W stands as what may prove a crucial battle over the cultural retrenchment in California and San Bernardino County as pertains to public service provision and whether it is government or property owners who are to be financially responsible for the delivery of those services.

There was a time when local governments in California and indeed throughout the United States, the various levels of government existed for the implementation of mutually agreed-upon laws, rules and regulations and the provision of in-common beneficial public services, including but not limited to all order of constructing and maintaining infrastructure such as streets, bridges, sidewalks, storm drains, sewers and water purification plants, cemeteries, hospitals, schools and parks and the establishment, outfitting manning and operation of police and fire departments. For generations, government workers were considered and were seen by themselves and the citizenry as public servants, ones who were, to be sure, remunerated for their work, but not overgenerously, and it was generally accepted that employees in the public sector were no more highly valued and in some degree less so than their counterparts in the private sector. The two minor benefits that came with working for the government **See P 3**

## Five Collared In Drug Trafficking-Related Slaughter Of Six In Desert from front page

were involved in the trafficking of marijuana.

According to Sheriff Shannon Dicus "Illicit marijuana was the guiding force behind these murders."

Investigators were able to connect some of those involved to at least one site in the desert where the cultivation of marijuana is known to have occurred. The site of the shooting – proximate to the El Mirage off-road trail 4652 marker not far from the Shadow Mountain Road/Lessing Avenue intersection – is in an area well known is known for illegal marijuana cultivation.

According to Dicus, in the 12 months from January 2023 through December 2023, his department served 11 search warrants relating to marijuana growing operations "in the immediate area of where the murders took place and they served approximately 40 search warrants to the west of what we call the Shadow Mountain area."

Shadow Mountain Road and Lessing Avenue are dirt roads. That intersection is roughly three miles east of the Shadow Mountain ghost town, where a no-longer active mining operation once flourished, and about three-and-a half miles west of Highway 395, 10 miles northeast of the center of El Mirage, 12 miles west of Helendale, 15 miles west of Silver Lakes, 18 miles north-northwest of Adelanto and 26 miles northwest of Victorville and 50 miles north of San Bernardino.

According to Sergeant Michael Warrick, who headed the specialized investigations division/homicide detail investigation, at 8:16 p.m. Tuesday, January 23, the gravely wounded Franklin Bonilla managed to call 911 and, speaking in Spanish, told a sheriff's dispatcher he had been shot. He was unable to provide his exact location beyond stating it was near Adelanto.

Shortly thereafter, the call went dead. Using the geographic positioning data emanating from Bonilla's phone, his position was determined to be roughly a quarter of mile from the Lessing Avenue and Shadow Mountain Road intersection.

The sheriff's department has an air fleet which consists of 11 helicopters as well as other fixed wing aircraft, but no helicopter close to the site was available. A closer California Highway Patrol helicopter was immediately dispatched to the area and was instrumental in helping the first arriving deputy at 8:40 p.m. and then others who swiftly followed to locate the bodies of the victims.

The initial report of the shootings provided to the media was that five men were found dead. The initial television and radio reports were that there were five victims and newspaper reports published the following day gave the same total of five dead.

The five victims other than Franklin Bonilla were found near the Lessing Avenue and Shadow Mountain Road intersection, along with two vehicles, a blue Chevrolet Blazer SUV with Oregon plates and a silver Dodge Caravan van 9HUW954 with a blue 2024 expiration tag. One of those five bodies was found inside the Chevrolet Trailblazer. The other four were on the ground, one close to the Dodge Caravan. All four of the bodies had been burned to some degree, two more thoroughly than the others. An apparent attempt, one which was ultimately unsuccessful, had been made before the sheriff's department arrived to set the Blazer afire. The body inside the Trailblazer had not been burned.

Five were killed as the result of multiple gunshot wounds, according to the sheriff's department. Sergeant Warrick suggested but did not state categorically, that Franklin Bonilla might have been shot only once.

It is not clear whether the report of the deaths that originally went out was limited to five be-

cause the body inside the Trailblazer was not included in the tally of the dead or if, as has been suggested, the department purposefully withheld from the public that, in fact, all six victims had been located shortly after the response to the scene, most likely on the basis of hope that media reportage of five victims being found might encourage some or all of the perpetrators to return to the area to find the sixth – Franklin Bonilla – out of the belief that he was yet alive to eliminate him as the final witness to what had occurred.

Apprehending the criminals returning to the scene of the crime did not turn out to be necessary in order to solve the case, according to the sheriff's department.

Sheriff Dicus said, From the moment we started this investigation, we started to receive strong leads, and after I was briefed, I was quite confident that we would be able to get the subjects that were involved in this homicide into custody. We used some human source and technological sources to be able to identify the suspects in this case."

Of significant assistance in the case was cellphone data gleaned from Bonilla's phone and cell towers in the area. That information allowed investigators to put together who was in the area of the shooting and to reconstruct an itinerary of both the victims and the suspects on January 23, including the time all nine arrived near the Lessing Avenue and Shadow Mountain Road location and the time the six suspects left, as well as the direction and routes they took in leaving.

That information was augmented with information provided by a walk-in at the Adelanto sheriff's station as well as a group of what appeared to be three adults and children who came to the site of the shooting and investigation on Wednesday evening January 24 around 5 p.m. At that time as was the case the entire day, a deputy stationed where the dirt Shadow Mountain Road

links with paved Highway 395 was preventing members of the public other than the press from moving west. Apparently, however, he let those potential witnesses pass with an escort after he was told that they believed they recognized one of the vehicles that was left near the Lessing Avenue and Shadow Mountain Road intersection based on what those adults saw of an aerial video of the crime scene broadcast by a Los Angeles television station.

Investigators indicated there was evidence to suggest that the victims and the suspects had arranged to meet at the location for a marijuana transaction. The five suspects arrived at the location, apparently after the victims were there. At some point, the six victims were shot. There was no indication that the victims had themselves opened fire on the suspects. The victims, with the possible exception of Franklin Bonilla, were stripped of their identification.

Franklin Bonilla, it appears, eluded the assailants by heading off into the chaparral. He went at least an eighth of a mile from the scene of the shooting, where he made the 911 call that brought the sheriff's department to the location.

"As far as the motives, we are confident that this appears to be a dispute over marijuana, which resulted in the murders," said Warrick. "Our investigators combed through evidence collected at the scene and followed up on information provided by the community. Through extensive investigation with the assistance of the sheriff's narcotics and specialized enforcement division, on Sunday, January 28, 2024, we were able to serve multiple search warrants in the Town of Apple Valley, Adelanto and the Los Angeles County area of Pinon Hills. We arrested five suspects involved in the murder of the six victims."

During those searches, Warrick said, eight firearms were seized, as well as additional evidence. "Our scientific investigations division

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will forensically process the evidence and determine if any of those firearms were the firearms used in our murders," Warrick said.

All of those identified as responsible for the killings have been jailed and are being held on a no-bail hold. There are no further suspects and no further arrest anticipated, according to Warrick. "We are still conducting follow-up investigations but we are confident we have arrested all the suspects in this case."

Dicus doubled down on that.

"I can guarantee you we got the five right people," the sheriff said.

The arraignments of the five defendants in the case took place on different days.

On Tuesday, January 30, the Baez-Duarte brothers, both of Apple Valley, pleaded not guilty in Superior Court in Victorville to six counts of murder and six counts of second-degree robbery.

Because of unspecified medical or health considerations, the arraignments of the Hernandez-Sarabia brothers and Parra, all of whom

resided in Adelanto, took place in Victorville Court on Thursday, February 1. They too entered not guilty pleas to six counts each of murder and six counts of second-degree robbery.

In trying the case, the district attorney's office intends to pursue obtaining special circumstance convictions based on the multiple murder aspect of the case. Despite the special circumstance inclusion, it is unclear as to whether the prosecutors will allege first-degree murder or second-degree murder. The former charge would be appropriate and might be accepted by a jury if it can be shown that there were elements to the crime, such as lying in wait or preparations for the slaughter in advance that the defendants engaged in. The latter charge would apply if the evidence or testimony shows that a fatal disagreement erupted after all 11 of the parties had arrived at the fateful rendezvous, and that the murders were not contemplated by any of the defendants in advance.

## City Manager Sacking Precipitated Yucaipa Contretemps from front page

official, which the recall proponents maintain she abused, to file another lawsuit in an effort to block the now ongoing recall attempt.

The genesis of the contretemps in Yucaipa extends back at least to the evening of October 23, 2022, when the Yu-

caipa City Council as it was then composed at its last meeting before the November 2022 election voted to extend City Manager Ray Casey's contract until June 2024. That council consisted of Greg Bogh, David Avila, Justin Beaver, Bobby Duncan and Jon Thorp. At the time of that vote, Bogh and Avila were lame ducks, as they had both opted against run-

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## Government Employees' Salaries & Benefits Over The Last Quarter Century Have Seriously Outpaced Inflation

*from front page*

were that the employment was steady and upon retirement loyalty was rewarded with a modest but still livable pension.

Over the years, and particularly within the last two generations, in California in particular employment in the public sector has become more and more lucrative, such that state, county and city employees in most cases have salaries that rival or even exceed salaries paid at most levels throughout the private sector and the benefits provided to public employees overmatch those given to everyday workers employed by

corporations and companies large and small. Most significantly, the retirement benefits public employee unions have wangled for government employees have become exceedingly generous. Virtually across the board, those who have worked for the government all or most of their adult working careers can count on receiving a pension that is equal to 75 percent to 80 percent of the highest salaries they earned while working for government. Moreover, between one-fourth and one-third of those who worked their entire careers in the public sector can count on receiving a pension that is equal to the highest salary they earned while they were working. In addition, over the last 25 to 30 years, a significant percentage of those em-

ployed in the public sector have been able to retire at increasingly lower ages.

For regular line employees in government jobs, the various public employee retirement systems that exist in the state – the largest, the California Public Employees Retirement System (CalPERS), which covers state employees and the employees of many cities and counties; the California State Teachers Retirement System (CalSTRS); the San Bernardino County Employees Retirement System (SBCERA), which covers San Bernardino County's employees and those of the region's cities and agencies; and 79 other public retirement systems – they receive a yearly pension based on a formula that provides them with

two percent of their highest annual income during the time they were employed times the number of years were employed. Thus, someone employed 20 years with a city or county or agency in a non-managerial capacity would receive a pension that was 40 percent of that person's highest annual salary, including overtime if the job in question provided overtime pay. A person employed 30 years with a city or county or agency in a non-managerial capacity would receive a pension that was 60 percent of that person's highest annual salary, including overtime if the job in question provided overtime pay. An individual employed 40 years with a city or county or agency in a non-managerial capacity would receive a pension that was 80

percent of that person's highest annual salary, including overtime if the job in question provided overtime pay. Those government employees who worked their way up into a managerial post or those who were employed in a public safety position such as a policeman or prison guard or firefighter are entitled upon retirement to a pension calculated according to a more generous pension. Depending upon which city, county or agency the employee works for, a government manager/department head, policeman, fireman or prison guard can pull a pension that is equal to either 2.5 percent, 2.75 percent or 3 percent times the employee's highest salary times the number of years employed by a governmental entity.

Government em-

ployees who start out as regular line employee but who promote into a management position see the formula applied for management employees applied to the entirety of their years of employment, such that the higher managerial multiplicand is used for all years they were employed, even those when they were working in a regular line employment capacity.

In San Bernardino County, in 1990, sheriff's deputies and higher-ranking officers were eligible to retire at the age of 60, at which time they would receive a pension equal to 2 percent times the deputy's/officer's highest annual salary times that employee's number of years working for a governmental entity. Subsequently, the retire-

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## Officeholders Wield The Power Of Incumbency Like A Sword

*from front page*

dents who are committed to the term limitation concept and are calling themselves by the rather predictable name of "Term Limiters" see Moran's willingness to give the idea a public airing as a significant step forward.

According to John Bruner, one of Term Limiters' ringleaders, a core set of residents who believe that City Hall has become set in its ways and needs an infusion – of new blood, said he and those he is networking with started with the assumption that reducing the number of years that Chino Hills' citizen legis-

lators can remain in office is not going to fly with the members of the city council. He said he and his colleagues are committed to engaging in the tedious, time-consuming and energy-demanding effort that will be required for a citizen-led effort to qualify a measure for the ballot. In order to force the placement of a measure to be voted on within any given jurisdiction, the California Government and California Elections codes require that proponents convince at least 8 percent of the number of voters in that bailiwick who voted in the last gubernatorial election to affix their signatures to a petition for such a referendum. Since 19,537 voters in Chino Hills turned out for the November 2022 election, Term Limiters would

need to collect at least 1,563 valid signatures of the city's electorate. With enough coordination and work, Bruner said he has confidence that goal can be met.

The city council, with a flick of its collective wrist, can spare the group's members from that chore in one of two ways. Under California Government Code Section 36502(b), the council can simply impose term limits on itself and its members. Or a city council in California can place a measure impacting its particular municipality on the ballot by means of a majority vote to ask the county's chief elections officer, in this case the San Bernardino County registrar of voters to do so. The city would have to pay a fee to the registrar's office to cover

the cost of preparing the presentation of the issue into the voter's handbook and sample ballot distributed prior to the election and the printing cost of including the measure on the ballot if it were to take that route.

In practical terms, however, as most politicians have ambition to remain in office, only rarely have California officeholders at any level subjected themselves to a limitation on their time in office. Only slightly more frequently have those officeholders cooperated with citizens in their effort to impose term limits.

Generally, in the United States, in California and locally, incumbent officeholders have an advantage over those who are vying against them.

Incumbents usually start out with greater name recognition and positive name identification than do their challengers. With all else being equal – meaning when an incumbent spends no more and no less on campaigning than a non-incumbent in an electoral contest – incumbents statistically hold an 8 percent advantage over their competitors. That advantage increases when the incumbent's superior ability to raise political donations is brought to bear. Since incumbents are in a position to approve or vote against any of a number of items that are considered by the city council, including development proposals, contracts for goods, contracts for services, franchises and the like, individuals and companies

which have a stake in the decision-making process often prove generous in handing out political donations to those with that power, i.e., incumbents. The incumbents are then able to wield the money in their political war chests into greater electioneering capability than is available to those who are not in office and have nothing yet to offer to those deep-pocketed donors. In this way, it is very difficult for a newcomer to unseat a sitting politician.

Chino Hills, in particular within San Bernardino County and indeed Southern California, has, depending on your perspective, either enjoyed or suffered tremendous political stability since its inception as a city in 1991. In that

*Continued on Page 5*

## Fontana Abandons Its Marijuana Ban

*from front page*

Last week's 4-to-1 vote, with Mayor Acquanetta Warren and councilmen John Roberts, Phil Cothran Jr. and Pete Garcia prevailing and Councilman Jesse Sandoval dissenting, was all the more remarkable, given the political affiliations of the council members. Warren, Roberts, Cothran and Garcia are all Republicans. San-

doval is the panel's lone Democrat.

Historically, and at least until quite recently and in many cases up to the present, it has been the Democrats who pushed for marijuana legalization and the Republicans who have consistently maintained that the drug is antithetical to a moral and decent existence and a productive, practical and meaningful way of life. As then-Senator and later U.S. Attorney

General Jeff Sessions, a committed Republican, stated, "Good people do not smoke marijuana." Closer to home, as recently as this week, some six days after the Fontana City Council opened the city's door to the pot shop, San Bernardino County Sheriff Shannon Dicus referred to the proliferation of marijuana that has inundated the county since the passage of Proposition 64 as a "plague." Dicus opined that the fashion in which

Proposition 64 allowed for the use and sale of recreational marijuana and the cultivation of the plant within registered operations and reduced the crime of illicitly producing marijuana from a felony to a misdemeanor has ushered in a "black" market and "cartel activity," which he said has triggered an upward spike in violence, including murders.

The approval of a proposal by an outfit calling

itself Fontana Responsible and Compliant will allow it to market marijuana of all types, both medical and recreational, as well as a multiplicity of cannabis-based products in a 4,865-square-foot building on a 37,026-square foot (.85 acre) lot at 9132 Sierra Avenue, within a commercial zone on the west side of the avenue south of Athol Street.

Fontana Responsible and Compliant's opera-

tion is the first actuation of the policy approved by the city council on July 12, 2022, when, by the same 4-to-1 margin with Sandoval dissenting, it ended Fontana's prohibition on the sale of the drug to become the sixth San Bernardino County city to legalize the sale of marijuana. The council's action approved a set of rules relating to commercial cannabis businesses, which included

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## In Effort To Stave Off Recall Effort Against Three Yucaipa Council Members, Intimidation Tactics, Including Threats Of Arrest & Prosecution, Were Used *from page 2*

ning for reelection in the following month's municipal election. In the November election, Matt Garner proved the top vote-getter in the race to replace David Avila in the First District and Chris Venable won in a two-person race to supplant Greg Bogh in the Second District. Unbeknownst to the electorate, prior to the election a discussion had taken place between then-candidate Garner and both Beaver and Duncan in which they had discussed removing Casey as city manager in the event that Garner's election bid was successful. At some point after Garner was elected but before he was sworn into office in December 2022, the trio had confirmed that commitment. On January 9, 2023, the first substantive meeting of the Yucaipa City Council with Garner and Venable as members, was held. Outside City Hall, Steven Graham, the city attorney with the City of Canyon Lake, and Chris Mann, the city manager with the City of Canyon Lake, a member of the Yucaipa Water District Board of Directors and the principal in Mann Communications, were lurking in the in the Civic Center parking lot. After adjourning with the other two council members into a closed session conducted outside the scrutiny of the public shortly after the meeting began, Beaver, Duncan and Garner pressured Casey into resigning and moved to conduct a vote to terminate City Attorney David Snow. The vote to accept Casey's resignation was 3-to-2, with Beaver, Duncan and Garner prevailing and Thorp and Venable dissenting. The council then voted 5-to-0 to fire Snow. At that point, Graham turned up in the council chamber and began functioning as Yucaipa's City Attorney. The council thereafter voted 4-to-1, to offer the

position of city manager to Mann. Yucaipa Water District Board of Directors, and the principal in Mann Communications. Nearly two score Yucaipa residents who had been alerted at the last minute that something was in the offing had shown up at the meeting, several of whom had hoped to be able to talk the council out of getting rid of Casey, a Princeton-educated civil engineer with extensive public works experience in governmental and municipal settings and construction experience in the private sector. He had served as Yucaipa's city engineer/director of public works for five years beginning in 2003 before he was promoted to the position of city manager in 2008. The crowd's efforts at intercession had been to no avail, and Casey ignominiously joined the ranks of the unemployed or retired or both. With Mann and Graham on hand for the meeting and Graham assuming the role of city attorney on the spot without any forewarning, there were immediate accusations that a violation of The Ralph M. Brown Act, California's open public meeting law, had taken place. The Brown Act prohibits a quorum of an elected governmental body or an appointed governmental body with decision-making authority from meeting, discussing any matter to be decided or voted upon or coming to a consensus in any way about a matter to be voted upon outside of a public forum. The Brown Act allows less than a quorum of an elected body – as in the case of the five-member Yucaipa City Council, two members – to meet and discuss some contemplated action to be voted upon, but it prohibits either of those two members from engaging in a "serial" meeting of a quorum, whereby one of those members then separately meets with another

member to discuss the upcoming action or vote. Residents who were opposed to what was tantamount to Casey's sacking reasoned that a Brown Act violation had to have taken place, as Graham was on hand for the meeting before he was hired as city attorney and, likewise, Mann was immediately present, in anticipation of the action the council ultimately took. The council majority would eventually form a response to the Brown Act violation accusation that held no such violation had occurred since the collusion with regard to Casey's forced exit and Snow's firing had taken place prior to Garner being sworn in as a member of the city council, such that when that plotting took place, the three did not constitute a quorum of the city council. For those upset at Casey's departure, that defense was one that relied on a distinction without a difference and constituted an admission of duplicity on the part of the three, given Beaver's and Duncan's October 23 vote to extend Casey's contract and Garner's failure to inform the community of his intention with regard to the city manager prior to his election. Moreover, many Yucaipa residents, acutely conscious that their 27.8-square mile, 55,495-population city at present is less densely populated than 13 of San Bernardino County's 24 incorporated municipalities, were concerned that the council majority is set on allowing aggressive development to occur, allowing the city's largely rural nature to be eradicated and replaced by "stack and pack" subdivision after subdivision that would make Yucaipa indistinguishable from scores of other cities in Southern California that are now composed, practically, of wall-to-wall houses. Mann owns Mann Communications, which touts itself as a mouthpiece for the development industry. Residents believed putting him in place as city manager presaged just such

a development frenzy. A recall committee formed, and some 193 city residents lent their names as sponsors of the effort, with 62 residents of District 4 signing the notice of the intention to circulate the recall petition against Justin A. Beaver, 67 residents of District 3 signing the notice of the intention to circulate the recall petition against Bobby Dean Duncan and 64 residents of District 1 signing the notice of the intention to circulate the recall petition against Councilmember Matthew Gabriel Garner. Reasons given for seeking the recall against each of the three were that they had acted to terminate Casey and had violated the Brown Act in doing so. In the aftermath of Casey's departure and the hiring of Mann, Mann replaced the city clerk who had been in place under Casey, Kimberly Metzler, with his own choice, that being Ana Saucedo, whom he had previously promoted to city clerk when she was employed at the City of Canyon Lake. To protect his political masters on the city council, Mann formulated a strategy of hiring the Los Angeles-based Sutton Law Firm, using city money, to represent Saucedo as plaintiff, acting in her capacity as the city's chief elections officer, in a lawsuit challenging the validity of the recall effort.

The opportunity to file such a lawsuit had come about only briefly prior to the issues at hand had taken place. In reaction to the 2021 effort to recall Governor Gavin Newsom, a Democrat, the California Legislature, which consisted of Democrat supermajorities in both the Assembly and State Senate, passed Assembly Bill 2584 in 2022. Assembly Bill 2584 became law on January 1, 2023. It permitted an elections official in a relevant jurisdiction to "seek a writ of mandate or an injunction requiring any or all of the statement of the proponents or the answer

of the officer included with the petition to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-day public examination period." Assembly Bill 2584 stated, "A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter."

According to the suit as authored by two of the Sutton Law Firm's attorneys, Bradley W. Hertz and Eli B. Love, the recall proponents could not prove their allegation that a Brown Act violation had occurred with the forced departure of Casey, and the recall proponents' separate accusations against Beaver, Duncan and Garner that each had acted to terminate Casey and Snow was not true since no single one of them had such authority and the actions to relieve Casey of his city manager's post and fire Snow were ones taken collectively by the entire city council body. The lawsuit was presented as adhering to recently passed law, AB 2584, allowing Saucedo to contest the accuracy of the stated grounds for a recall. Saucedo's suit, was filed against all 193 of the recall proponents. To augment that effort, Mann had Joseph Pradetto, whom he had hired to serve as Yucaipa's director of governmental affairs and official spokesperson, intensify the intimidation level against the recall proponents. Pradetto, in trumpeting to the Yucaipa community that the recall proponents were being sued by the city clerk, publicly stated, "In addition to the provisions of AB 2584, Saucedo also cautions recall proponents that, 'Per Elections Code section 18600, it is a misdemeanor offense to circulate or obtain signatures on a recall petition that intentionally misrepresent (sic) or make (sic) false statements.'" Faced with the distract-

tion of the lawsuit and stood off by Pradetto's threat to have them jailed for persisting with the recall effort, recall proponents fell far short of gathering, by the August 16, 2023 deadline, the minimal 1,826 valid signatures from among District 1's 7,303 registered voters to qualify a ballot item on recalling Garner, the minimal 1,478 valid signatures of the 5,912 registered voters in District 3 to qualify a ballot item on recalling Duncan and the minimal 1,623 valid signatures from among the 6,492 registered voters in District 4 to qualify a vote on recalling Beaver.

The ploy of having the Sutton Law Firm prepare the writ of mandate and getting Saucedo to serve as the plaintiff had succeeded in staving off the recall effort, preserved Mann, Graham, Saucedo, Pradetto and any other hirees Mann had brought in as city manager, city attorney, city clerk, city spokesman and whatever positions those hirees assumed and in dividing the recall proponents. Some of the recall proponents were so intimidated by having been dragged into court and by Pradetto's threat of having them prosecuted that they simply wanted to desist and bug out, so to avoid expense and potentially going to jail. Others were less intimidated than they were fed up with the complication the effort and the circumstance entailed, and they merely sought to move on with their lives. Others, however, were neither daunted nor dissuaded, and remained committed to redressing the miscarriage of governance growing out of what they saw as an illegal series of events that the council majority had engaged in with the assistance of Mann and Graham before and after the fact and Hertz, Love, Saucedo and Pradetto after the fact. A handful of them retained James Penman, who had been the San Bernardino City Attorney for more than a quarter of a century as their legal representative.

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## Nowhere In San Bernardino County Has A City's Political Leadership Been As Entrenched As In Chino Hills *from page 3*

time, it has had 13 city council members, a remarkably limited degree of turnover in its elected decision-makers over a period of three decades. At present, Councilman Peter Rogers, who lives in District 2, is the longest serving member on the council, having been elected in 2006 and re-elected in 2010, 2014, 2018, and 2022. He has served as appointed mayor four times, in 2009, 2013, and 2018, and 2023. Councilman Art Bennett, a resident of District 3, has served on the Chino Hills City Council since 2008, having been appointed and then facing no opposition in that year's election. He was re-elected in 2012, 2016, and 2020. He has served three terms as mayor in 2012, 2016, and in 2020. Mayor Cynthia Moran, who lives in District 5, was first elected to the Chino Hills City Council in 2012 and re-elected in 2016 and 2020. She is currently serving her third term as mayor, having served previously as Mayor in 2015 and 2019. Councilman Ray Marquez was elected to the city council in a special election in 2013 and re-elected in 2014, 2018, and 2022. He served as mayor in 2017 and 2022. Councilman Brian Johsz was appointed to the Chino Hills City Council in 2017 and was then elected to in 2018 and reelected in 2022. He served a single term as appointed mayor in 2021.

Supporters of the status quo who are opposed to term limits make various arguments against them.

One is that experience in the role of positions such as a member of a city council provides for informed leadership which understands the issues facing municipalities in general and the officeholder's city in particular. Positions of complexity such as those overseeing government, term limit opponents maintain, re-

quire knowledge that is patiently acquired, and having an individual or individuals in positions of power who are still progressing through a learning curve can result in ill-conceived and poorly considered judgment calls, mistakes of naivete or outright ignorance, indeed ones that can prove dangerous. Moreover, joint powers authorities or regional or statewide organizations of governmental entities invariably utilize seniority within those confabulations as requisite for moving into their respective leadership positions, and a city which constantly replaces its council members will deprive itself of having a position of especial power and influence on the boards of those organizations. It is also pointed out that there are at large among the population individuals who have an innate or acquired talent for leadership whose insight, drive, determination, inspirational ability and wisdom can prove an invaluable asset to their communities, such that imposing an arbitrary limit on how long they can contribute is wrong-headed and shortsighted.

Some point out that external forces have already imposed on Chino Hills, as indeed was imposed on many other cities in San Bernardino County, what has been referred to as "artificial limitations" on who can represent its citizenry on the city council.

By 2014, a group of lawyers from outside of San Bernardino County – Lancaster-based R. Rex Parris, Milton C. Grimes of Los Angeles, Malibu-based Kevin Shenkman and Matthew Barragan of Los Angeles – began assailing the lion's share of San Bernardino County's cities and incorporated towns which conducted at-large voting in selecting their city council members with demands that they move to by-district or by-ward voting. Parris, Grimes, Shenkman and Barragan based those demands on allegations that there was a pattern of racially-polarized or ethnically-polarized voting in those cities and towns which had resulted in fewer

members of certain ethnic or racial minorities – essentially Hispanics – being elected to those municipalities' councils percentagewise than the percentage of Hispanics within their various and respective populations. Since the terms of the California Voting Rights Act made it both expensive and difficult for cities to contest such claims of ethnically-polarized or racially-polarized voting even in circumstances in which the claims were invalid, most cities simply chose to convert their electoral processes to ones in which members of their councils were elected to represent the district in which they lived through elections in which voters were restricted to voting only with regard to the district in which they reside. The California Voting Rights Act contained a provision by which an attorney making such a by-district voting demand of a city would then be eligible to receive a \$30,000 to \$45,000 fee from the city for having written such a demand letter that was complied with. Consequently, in virtually every case where a city made a transition to by-district or by-ward voting, the attorney would collect that fee, and discontinue any further involvement in or monitoring of the election system transition.

Such was the case in Chino Hills. To the community's credit, however, the city council as it was composed then – involving four of the five current members of the council – did not, as occurred with well in excess of 90 percent of the cases – set up districts in which the incumbents serving at the time the transitions were made were provided with an advantage against any of their emerging competitors for office. One of the ways in which this manifested in other cities was the gerrymandering of the districts such that the district maps that were created put district boundaries between those who were in office, making it so incumbents did not need to run against incumbents. Moreover, the cities would engage in sequenc-

ing of the elections such that the terms for those seeking to be elected to represent the newly created districts were timed to begin just as the terms of the at-large council positions the council members who were eligible to run in the new districts ended. This was a baldly political and self-serving manipulation of the electoral process, and in city after city after city after city after city in San Bernardino County where the transition to district elections had occurred, those in office took advantage of the power and authority that had been entrusted to them to further advance their political careers.

Unlike virtually all of those cities and towns, however, Chino Hills had resisted the temptation to put into place a map in which the districts had been drawn to benefit those who were then in office. While the city did hire outside consultants and demographers to assist in the electoral map drawing effort, the map ultimately selected for Chino Hills in June 2017 for use beginning with the 2018 election was one that was drawn up by two citizens, those being Brian Johsz and Richard Austin. The city's consultant, the National Demographics Corporation, provided the city with four maps which divided the city into five districts, one of which included districts that kept all five council members in separated districts. That map was presented in keeping with National Demographics Corporation principal Douglas Johnson's recognition that most politicians want to remain in office and they have both the power and reach to provide themselves with an advantage in terms of how electoral districts get drawn. Accordingly the National Demographics Corporation gave the Chino Hills City Council the option of conferring just such an advantage on itself. Worth noting is that the council as it was then composed, consisting of Ray Marquez, Art Bennett, Cynthia Moran, Pe-

ter Rogers and Ed Graham, rejected the option of adopting the map that put all five of them in different districts. Instead, they adopted the Johsz/Austin map. That map created districts in which three of the council members were placed in a district by themselves, two of the incumbents resided in the same district and one district had no incumbent. Specifically, the map put Ray Marquez in District 1, Peter Rogers in District 2, Art Bennett in District 3 and Ed Graham and Cynthia Moran in District 5. As it turned out, not too long after the map was adopted, Graham, one of the original members of the city council when Chino Hills incorporated in 1991, resigned while he was yet serving in the capacity of a councilman elected at-large. He was replaced, notably, by Johsz, a resident of District 4, who was appointed to fill in for Graham until his term expired in 2018.

Despite the shake-up to the council that was represented in putting Graham and Moran, theoretically at least, in competition for the District 5 post, the Chino Hills City Council has remained consistently composed of the same five members for nearly seven years.

In 2021, when the city was due to reconfigure its districts consistent with the 2020 U.S. Census, the council's five members locked in for themselves advantages in the next several races they stood to run in so they could remain on the council. In setting the boundaries for the city council districts that were and are now in place in Chino Hills 2022, 2024, 2026, 2028 and 2030 election cycles, they tweaked the city's electoral map only slightly, leaving Marquez in District 1, Rogers in District 2, Bennett in District 3, Johsz in District 4 and Moran in District 5.

This, for many, is problematic in more than one sense. First, the California Voting Rights Act was intended to facilitate the election of minorities – protected minorities – to elective office. The way things worked

out in Chino Hills, where the intent of Parris, Grimes, Shenkman and Barragan was to make it easier for a Hispanic candidate to get elected, the actual overlooked so-called protected minority in Chino Hills was not Latinos, since Marquez was already in office, but rather Asians. More than eight years after Parris, Grimes, Shenkman and Barragan collected their money and have yet to set foot back into Chino Hills, no Asian has been elected to the city council or even come close to it. The political set-up in Chino Hills remains the same: Marquez, Rogers, Bennett, Johsz and Moran have a seeming lock on the city council offices. As someone pointed out, members of the Mafia don't refer to the Mafia as the Mafia. They call it "Cosa Nostra," which translates to "our thing." In Chino Hills, many residents, in reference to Marquez, Rogers, Bennett, Johsz and Moran, when discussing the city council, call it "their thing."

There are those, most certainly, who believe Marquez, Rogers, Bennett, Johsz and Moran deserve to have their thing, based on the competent job they have done while in office. Chino Hills is, after all, a democracy, and when the people have spoken, i.e., voted, they have voted in larger numbers for Marquez, Rogers, Bennett, Johsz and Moran, which entitles them under the rules that apply to be on the city council.

Bruner and other members of Term Limiters, who include Doug McCormick, Elaine Anderson, Sherry Anderson and Von Stiegel, would like to see those rules changed and they are asking the primary beneficiaries of the way the rules are now to assist them in making that change.

Councilman Marquez some two weeks ago had a sit-down with Bruner, McCormick, Anderson, Anderson and Stiegel, where he gave them a

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## Grand Jury Was Critical Of The City Council For “Fostering An Atmosphere Of Mistrust” from page 4

From the outset of the litigation, the clock was running on the Sutton Law Firm’s billing of the city for Hertz’s and Love’s legal work. Having achieved the goal of thwarting the recall, Beaver, Duncan, Garner, Mann, Graham, Sauseda, Hertz and Love were proposed to simply dismiss the lawsuit. However, with Penman representing some of the defendants, the city – in particular Sauseda, Graham and Mann – faced the unpleasant prospect of the city being in the position of having to pay not only for the Sutton Firm’s legal work but the lawyers’ fees the defendants in the case had sustained if the matter were to simply be dismissed on a motion by the plaintiff. Moreover, simply dismissing the case with the demise of the recall effort would be construed by virtually anyone looking at the totality of the circumstance that the lawsuit was merely a manipulation of the legal system to interrupt the recall effort. Consequently, Sauseda refrained from dismissing the suit, and for four months, from September through October, November December and to the end of January, the matter drug on, costing the taxpayers and the defendants money.

In the meantime, through Penman, several of the defendants pushed to contest the allegations in the lawsuit and to have it dismissed on its merits or lack thereof. Paralleling that was a so-called SLAPP motion by one of the defendants, Colleen Wang, who had been one of the 64 signatories of the intent to circulate a recall petition against Garner document. A SLAPP motion is a request by a defendant in a civil action for a finding that the cause of action cited in a lawsuit against him or her is activity that is a form of protected free speech or activity protected under the U.S.

or California Constitution which is therefore not actionable, i.e., subject to being legally contested. In Wang’s case, it was her assertion that in signing on to the recall effort, she was engaging in an effort to seek redress of grievance using a methodology preserved for her and other citizens under the law, namely recalling an elected official from office, the process for which is outlined in the California Government Code.

The recall proponents had also lodged a complaint with the San Bernardino County Civil Grand Jury based upon the issue that had sparked the recall effort, that being the termination of Casey with virtually no warning followed by the hiring of Mann without any sort of competitive recruitment process for the city manager post in a way that appeared to have been a violation of the Brown Act. Ultimately, in its end-of-calendar-year report, the Grand Jury, while avoiding delving into the issue of whether a Brown Act had occurred or not, delivered its findings with regard to the way the city council majority tolerated by the remainder of the city council had jettisoned Casey less than three months after having extended his contract 20 months. According to the Grand Jury, “[T]he council immediately replaced the city manager with its pre-selected choice. The council didn’t require applicant vetting; indeed, it didn’t require any applicants at all. The council didn’t interview other qualified applicants; there were no other applicants to be considered for such an important decision. Even before the city council vote, the soon-to-be appointed new city manager (and city attorney) waited in the parking lot outside the council chambers, to be called into the meeting and introduced to the council. These city council actions blindsided many residents; their outrage followed, soon to be fueled by additional questionable actions. Many Yucaipa citizens are incensed. They do not

believe the city council demonstrated adequate concern for their objections...[and] believe that the council acted with a lack of transparency when it replaced the former city manager and city attorney, with pre-selected people, without much notice to or input from the community.”

The grand jury observed that with the recall effort having failed, the judge hearing the lawsuit brought by Sauseda concluded that the matter being litigated “is deemed moot.” Despite that, the grand jury noted that Sauseda continued pursuing the lawsuit, which the grand jury said is perpetuating the community’s distrust of city government. “As of the writing of this report, the office of the city clerk had not agreed to dismiss the petition for writ of mandate, despite the fact that the judge deemed the matter moot,” the grand jury stated. “Nevertheless, the Office of the Yucaipa City Clerk, with retained counsel, decided to move forward with the lawsuit. If the city clerk’s office continues on this path, Yucaipa likely will spend thousands of dollars in attorney fees and the defendants, residents who had signed the recall petitions, may spend thousands more on their own attorney fees. These actions may further erode the public trust and the Yucaipa City Council itself must share some of the blame. Since the new council term began in 2023, the Yucaipa City Council has developed a reputation among many residents of ignoring the concerns of the public and of fostering an atmosphere of mistrust, disdain, anger, resentment, lack of transparency and appearances of conflicts of interest.”

In responding to the grand jury report, Mayor Justin Beaver seized upon that body stopping short of making any finding of criminal wrongdoing to state, “After nearly an entire year of public upset and scrutiny, the County Civil Grand Jury has confidently declared our city council violated no laws.” Mann and Pradetto insisted that the

same could not be said of the grand jury itself, which had violated the law in the way it went about investigating the city, they said.

Not only were the grand jury’s findings that the city council majority had engaged in action which alienated residents and resulted in a level of distrust that undercut the credibility of city governance in Yucaipa erroneous and unjustifiably critical of the city and the city council, they were “based on an incomplete investigation and understanding of the laws and standard practices applicable to local government,” which constituted either a civil or criminal violation on the part of the grand jury itself. “The grand jury report violates state law,” Mann and Pradetto said. “By not interviewing the city manager, the grand jury report not only contains antiquated and incorrect information, but it also violates provisions of the California Penal Code. As the chief executive officer of the public agency that is the subject of the report, the city manager must be interviewed. Under Penal Code Section 933.05(e), an opportunity to address the grand jury is mandatory unless the court determines that such an interview would be detrimental to the investigation. Interviewing the city manager is a basic step in completing a comprehensive and fair investigation. Failing to do so has resulted in a report rife with factual inaccuracies.”

Thus, 2013 closed out with City Hall seemingly having the last say over the controversy.

On Wednesday, however, Judge Michael Sachs, who was overseeing the lawsuit filed by Sauseda against 193 of the city’s residents, entered a tentative ruling in favor of the defendants and simultaneously granted Wang’s SLAPP motion against Sauseda and the City of Yucaipa, allowing attorney fees to be awarded, and finding that the grounds for the recall were truthful.

Judge Sachs stated from the bench, “In my humble opinion, she [Sauseda] could have

avoided this. The city could have avoided incurring costs. The respondents who are essentially exercising their constitutional rights, would not have had to incur costs. And this seems to me to be a waste of funds, both public funds and private funds. Frankly, we can’t afford to be doing that in this time of need.”

Wang had established that she, like the other recall proponent defendants, was acting in the capacity of a citizen seeking to apply her constitutional rights by trying to qualify a recall measure, in her case, against Garner, the judge said.

“First, I know that the respondent/defendant bears the burden of demonstrating and establishing the challenged cause of action is one arising from protected activity,” Judge Sachs stated. “I have already commented on the fact that I believe that is the case here. All this particular respondent did was sign the recall petition. If that’s not an expression of a constitutional right, I’m not sure what would be. That [signing the notice of intent to start the recall process] is an example of her exercise of free speech. And the purpose of the anti-SLAPP statute is to protect free speech. She [Colleen Wang] also states after reviewing the petition and agreeing the content matched her own impressions, she added a signature and authorized submission of the paperwork. On May 18, 2023, petitioner [City Clerk Sauseda] sent a letter informing the proponents she had approved and accepted the proposed petition in all but one respect. That one respect was as follows: ‘that the statements of the grounds for the recall contain false and or misleading information,’ closed quotes. At the end of that letter, the petitioner notified each of the proponents that she had commenced the lawsuit.”

Judge Sachs then delivered the coup de grace, stating, “Again, regarding the arguments, it’s pretty clear to the court the arguments being made by the respondents [recall proponents],

that they were exercising their civil rights, that they did not assert anything that was false or untrue. Here, I would note that the assertions on the recall petition by the petitioner are not false and are inherently political writings. Petitioner admitted that Councilmember Garner did vote to terminate the city attorney. So again, I’m going to find the petitioner has not met her burden. I would be granting the anti-SLAPP. As to the attorney’s fees, this is not an attorney fee hearing. I’m not here to make any findings regarding attorney’s fees [for the other 192 defendants]. However, I am noting that Ms. Wang would be entitled to attorney’s fees. Just so the record is clear, I have found that Wang has met her threshold showing that the complaint arises from a protected activity.”

The Sentinel sought Sauseda’s reaction to the ruling. She deferred all comment to Pradetto.

According to Pradetto, like the grand jury before him, Judge Sachs’ analysis of the situation in Yucaipa was faulty and error-prone.

“Regarding the January 31st ruling in favor of one of the recall proponents, we disagree with the way Judge Sachs analyzed the facts and the law, and we stand by the city clerk’s decision to challenge the recall proponents’ statements on the grounds that they were false and misleading. California Elections Code Section 11042.5 expressly authorizes the city clerk to ask the court to delete or amend false or misleading recall petition language.”

Pradetto, who last year had authored a letter intimating that the recall proponents could be prosecuted for engaging in what were characterized as false statements in the intent to circulate recall petitions documents, thereby persuading many of the proponents to give up on their effort, said, “The bottom line is that, after the lawsuit was filed, the recall proponents backed away from their statements.” He did not acknowledge

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**Using The Sleight-Of-Hand Tactic Of A Protest Process, San Bernardino County Officials Were Able To Get County Residents To Approve A Fire Tax With Only A Minority Of Them Knowing They Were Doing So**  
*from page 3*

ment age was reduced to 55. Then the multiplier was increased to 2.5 percent. Then it was increased to 3 percent. The retirement age was dropped to 50.

At present, there are 69 retired former San Bernardino County employees who are receiving annual pensions in excess of \$250,000.

Throughout California among the 422 of its total 482 cities that were incorporated prior to 1980, actuarials show that nearly one quarter of those will be paying their retired employees more than they will be paying their yet-working employees. By 2034, according to those actuarials, two thirds of those 422 cities will have ongoing payrolls that are less than the amount of money in their budgets devoted to paying those cities retirees. By 2037, according to actuarials, all 422 of those cities will be paying people no longer working for them more money than they will be paying those actually working for them.

Already, in example after example among California's cities and counties, the lion's share of spending goes to personnel. Over the last twenty years, salaries to current employees and pensions to former employees have eaten up more and more of the funding that would have been otherwise available for public works and capital improvements, the provision of new and maintenance of old infrastructure and the purchase of new equipment and vehicles.

This circumstance has come about as a direct result of the increasing political sophistication and accompanying sheer ruthlessness of those public employees and more particularly public employee unions, as government employees have united in the vectoring of electoral force when it comes to putting candidates favorable to

public employees and their collective bargaining units into political office. By pooling union dues and concentrating that money into the coffers of the public employees' unions' political action committees, those unions have made massive donations to elected officials, who then, with better than 97 percent frequency, vote to approve pay and benefit increases for public employees. Generally, with only a small sliver of exceptions, public employee unions support incumbent officeholders at election time. When those unions do not support incumbents, it is overwhelmingly the case that the opposition came about because those politicians opposed or resisted the terms sought by the unions in the collective bargaining process. Statistically, something slightly less than 3 percent of politicians in office throughout the state have made a consistent record of opposing the final union contracts approved with employee unions in their jurisdictions/agencies. Despite the consideration that such intransigence on the part of those elected decision-makers is ineffective because the balance of officials in their jurisdictions prove amenable to the unions' demands, the unions nevertheless target them for removal from office, running campaigns against them by means of television, radio and newspaper ads or mailers or by making donations to their opponents.

As a consequence, governmental entities up and down the Golden State, including San Bernardino County, have found themselves unable to make ends meet. A recurrent solution that counties and cities have forged in response to this has been to, as stealthily as is possible, engage themselves in a colossal paradox by which they opt out of paying for a

significant part of the provision of essential public services, a function that is at the core of government's reason for existence.

Indeed, the service that government has for years now been opting out of paying for directly and instead financing through double taxation of the citizenry is fire protection.

In California, cities and counties are allowed to create subsidiary financing districts, ones which create a revenue stream for any of a variety of purposes, from park maintenance to parkway landscaping to providing street lighting, making public improvements or constructing infrastructure. Over the last two decades, as revenues have tightened up and the demands on them, driven in large measure by higher and higher salaries and benefits paid to governmental employees, creative county and municipal finance managers turned to an option of reinventing/realigning their fire departments in a way that they were no longer departments, but districts, ones that had newly created financing mechanisms that were quasi-independent of the government agencies, such that the fire protection function traditionally carried out by the departments was still, to a point, under the umbrella of those cities and counties but at the same time separate. They were no longer fish exactly, nor were they quite fowl. Those called upon to augment the funding were the taxpayers. And government officials would cleverly get the consent of those taxpayers to foot the bill in such a way that they would not know what they were consenting to.

Under the California Constitution and voters' passage of Proposition 218 in 1996, any new tax or assessment to be imposed on California residents must be approved by a vote of those to pay the tax. To get around that constitutional requirement government officials devised a strategy which allows a so-called "protest process" to substitute and suffice as an

official election to thereby establish an assessment district. In a protest process, each landowner in the jurisdiction where the tax or assessment is to be applied is mailed notice of a one-month "protest period," during which the county or city will accept letters protesting the creation of the assessment district. Each such letter in protest that is mailed to the county or city is then tallied as a vote against the annexation and assessment imposition. Each landowner who does not deliver a letter of protest is deemed to be in support of the annexation and assessments being levied, and a vote ratifying the creation of the assessment district and imposing the tax is cast on the landowner's behalf. Under the rules applying to a protest process, if more than half, that is at least 50 percent plus one, of the landowners protest, then the creation of the assessment district is voided and the tax or assessment is not imposed. If more than 25 percent but less than 50 percent of those notified landowners offer a protest, then the governmental entity proposing the assessment district creation must hold a traditional election in which the vote would have been made at polling places or by mail, allowing landowners or residents at large to cast ballots containing a straightforward yes or no question as to whether the district should be formed and the tax collected. In virtually every case where a protest process has been used in California, the formation of the assessment district at issue and its accompanying tax has been approved. A significant percentage of those receiving the unsolicited notification perceive it as junk mail and discard it without reading it. The vast majority of citizens/parcel owners who do open the notification do not understand or appreciate its implication or feel motivated to respond.

In 2006, residents in the unincorporated desert communities of Silverlakes and Helendale, seeking a level of public

safety service beyond what the county was providing with its fire department, voted to approve what was initially designated as County Service Area 70, Improvement Zone Five to defray the added cost of providing enhanced fire and paramedic service to a 5.6-square mile area overlaying the two towns in which they lived by having a certified medical technician aboard the firetrucks in that neck of the desert. In 2008, County Service Area 70, Improvement Zone Five was renamed Fire Protection District 5, referred to as FP-5 for short.

Between 2014 and 2017, the cities of San Bernardino, Needles and Upland, as well as the Twentynine Palms Water District, put off by the rising costs of maintaining their cities' fire departments, sought to dissolve their departments and have the county fire department take on the responsibility for fire protection. In accommodating those requests, the county coordinated with the San Bernardino County Local Agency Formation Commission and arranged, in addition to having those cities hand over a part of the property tax they had historically been receiving to the county, for a protest process so that FP-5's borders could be extended to include those cities. As was expected, there was insufficient reaction against, i.e., protest of, the district expansion to prevent it from occurring. As a result, homeowners and parcel owners in the four cities found themselves paying what initially were, depending upon the date they were annexed into FP-5, \$147 to \$153 yearly assessments, subject to a 3 percent per year increase.

Seeing the ease with which four of the county's cities were subsumed by FP-5, prompted county officials to latch onto the concept taking the money-generating potential of a fire assessment district – namely FP-5 – to its logical conclusion. Why not, they asked, expand FP-5 to include all of San Bernardino County's unincorporated

areas, those areas outside the city limits of the county's 19 cities other than San Bernardino, Twentynine Palms, Needles and Upland? When the board of supervisors was briefed at just how much money would be generated to provide operating capital for the fire department and thus relieve the county's general fund of a corresponding monetary burden, they were all for it. In short order, again consulting with the San Bernardino County Local Agency Formation Commission, which is a creature of the county, the board scheduled a protest vote with regard to placing 19,078 of the county's 20,105 square miles – equal to 94.89 percent of the county's area within FP-5.

When some of those who were paying attention objected to what was about to happen by pointing out that those residents of the county's unincorporated areas already were paying property tax that was supposed to cover the cost of the governmental services they were receiving and that for more than a century or nearly so, the residents in all of the county's unincorporated areas had been provided with fire protection service as a consequence of the county government's normal function, then County Fire Chief Mark Hartwig asserted that the traditional methods of taxation and revenue generation for local government were no longer adequate to ensure the county fire department was sufficiently manned, outfitted and prepared to ensure the public safety. "Most of the sustainable districts that I'm aware of, and I do quite a bit of work throughout the state, don't solely rely on property tax revenue," Hartwig responded when some residents complained about the ploy to subject them to double taxation. "They rely on some other type of revenue." The use of such funding strategies was being implemented elsewhere, Hartwig said, and residents of San Bernardino County's unin-

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business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct.

FBN 2024000840

The following person is doing business as: MIHART'S, 285 W BASELINE ST SAN BERNARDINO, CA 92410

FBN 20240000641

The following person is doing business as: MOBILE LIVE SCAN SOLUTIONS & NOTARY, 18224 DAMIAN LN SAN BERNARDINO, CA 92407

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

FBN 20240000494

The following person is doing business as: G A MARBLE AND GRANITE INC. 950 W 2ND ST SAN BERNARDINO, CA 92410

FBN 20240000742

The following person is doing business as: I.M.D LOGISTICS, 11420 LEE AVE SPI8 AELANTO, CA 92301

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LIMITED LIABILITY COMPANY. The registrant commenced to transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct.

FBN 20240000720

The following person is doing business as: SANCHEZ MUFFLER INC. 15038 VALLEY BLVD FONTANA, CA 92335

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must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law

FBN 20240000743

The following person is doing business as: AMERICAN TRANSPORT, 18277 10TH ST BLOOMINGTON, CA 92316

FBN 20240000742

The following person is doing business as: L.M.D LOGISTICS, 11420 LEE AVE SPI8 AELANTO, CA 92301

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information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing.

FBN 20240000750

The following person is doing business as: ADVEX SIGN DESIGN, 10382 HOLLISTER ROAD OAK HILLS, CA 92344

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BB5202404MT FBN 20240000450 The following person is doing business as: EXPRESS FINGERPRINTS AND NOTARY, 1101 S MILLIKEN AVE STE E #10005 ONTARIO, CA 91761

FBN 20240000534

The following person is doing business as: LEO'S AUTO REPAIR, 16666 FOOTHILL BLVD FONTANA, CA 92335

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FBN 20240000451

The following person is doing business as: TROYSPRESS TRANSPORT, 13032 HIGH VISTA ST VICTORVILLE, CA 92395

Grand Jury Broke The Law In Criticizing Him & The City Council, Yucaipa City Manager Maintains from page 6

that Judge Sachs had entered his finding pursuant to his tentative ruling that the statements contained in the intent to circulated recall petitions documents were true.

"Since then," Pradetto said, "they have refiled their recall paperwork with very different statements. The city clerk did her job by challenging the earlier statements pursuant to the Elections Code, thereby protecting the city's voters from false and misleading information that would have tainted the recall process."

City officials, least of all Sauseda and Mann, can hardly be faulted for having latched onto the newly created Government Code Section 11042.5 (b) 1 & 2 created with the passage of

Assembly Bill 2584 in seeking to prevent Beaver, Duncan and Garner from the wrath of the city's residents over the cashing of Casey, Pradetto said.

"As the City Clerk's lawsuit was the very first one brought under a brand-new law, no-one was sure how the court would approach the case," Pradetto said.

Moreover, Pradetto suggested, it was the recall proponents who had lost their nerve and faith in a cause they had not fully thought through before initiating.

"We are disappointed that court proceedings never got to the point where a ruling was issued on the merits of the case, as recall proponents mooted the case by failing to circulate and file petitions within the prescribed timeline, thus effectively ending the original recall attempt," he said.

Chris Robles, the spokesman for Save Yucaipa, which is synony-

mous with the remaining members of the community seeking the recall of Beaver, Duncan and Garner, said, "Yucaipa recall proponents received full vindication in their fight against Yucaipa City Clerk Ana Sauseda when Judge Sachs said that arguments being made by the recall proponents while exercising their civil rights, 'did not assert anything that was false or untrue,' as she alleged in her May 17, 2023 lawsuit.

Wang said, "Today's verdict is a win for our right to recall, our First Amendment rights and our right to criticize our elected officials. It's a huge loss to the city council who chose to attack residents rather than do the right thing. Judge Sachs also ruled that we were honest and truthful in our recall statement."

The Yucaipa City Council yet faces issues growing out of the January 9, 2023 move to get rid of Casey and Snow, the recall effort that

spawned and Sauseda's suit to prevent the recall effort from proceeding.

A majority of the original sponsors of the recalls against Duncan and Garner have once more filed a declaration of their intention to circulate petitions to recall Duncan and Garner and are now in the process of gathering signatures on those petitions. In addition, the full council, which includes Jon Thorp and Chris Venable in addition to Beaver, Duncan and Garner, is confronted with Judge Sachs's findings that the statements in the intention to circulate petitions to recall Beaver, Duncan and Garner documents were true and that Sauseda had alleged in her suit that they were false and that the writ of mandate had the practical effect of preventing 193 Yucaipa residents from engaging in the exercise of their constitutionally protected rights. In the face of an anticipated request by some, most or even

all of those 193 Yucaipa residents that the city both address and redress the city's highest ranking election official – the city clerk – preventing citizens from engaging in the electoral process, the city council will need to determine whether it will countenance what Sauseda did or hold her responsible.

That, in itself is a question mired in complexity and contradiction. Last spring, when Sauseda, represented by Hertz and Love – whose services were being paid for with taxpayer money, the expenditure of which was approved during a closed session vote by Beaver, Duncan and Garner – filed for the writ of mandate, there were immediate accusations that the concept of the lawsuit had not originated with her but had instead been cooked up by Mann and Graham as part of an effort to insult Beaver, Duncan and Garner. That was met by denials that Mann and

Graham had put Sauseda up to the filing of the suit and eventual assertions from Sauseda that the lawsuit was her brainchild. There is intense speculation as to where Mann, Graham and Sauseda will go next with their statements about the genesis of the petition for a writ of mandate. While Graham will be able to dodge any such questions by making an assertion of attorney-client privilege, Mann and Sauseda will have no such luxury. In an effort to protect Sauseda from termination, Mann may indeed man up at that point and acknowledge that the lawsuit was his idea rather than Sauseda's, and that she merely proceeded with it upon his suggestion or order. Such an approach, nonetheless, carries with it the potential for equally problematic questions asserting themselves, not to mention undercutting the credibility of the current administration

## San Bernardino County's Firefighters, Realizing Their Salary & Benefit Packages That Approach Or Exceed \$200,000 Per Year Were On The Line, Bankrolled The Campaign To Prevent The Rescission Of The Fire District Assessment *from page 7*

corporated areas would simply need to adjust to that means of keeping government afloat being applied to them.

In October 2018, after the county had mailed notifications to all of the landowners in the county's unincorporated areas as well as to those in the areas already absorbed into FP-5 and the one-month response deadline had elapsed with just 3.2 percent of those eligible to provide letters of protest having done so, the expansion was officially effectuated by action of the board of supervisors. Just like that, \$157.26 per year assessment on all parcels in the unincorporated areas of the county were in place, calculated to add \$26.9 million dollars per year in revenue to the county's fire protection division. Overnight the San Bernardino County Fire Department became the San Bernardino County Fire District.

The transfer of the financial responsibility for what had historically been a primary function of government from the government to the taxpayers was in full swing. The following year, in 2019, Jim Grigoli, the president of the International Association of Firefighters Local 935, which represents the San Bernardino County Fire District's firefighters, made no bones about how the move to expand FP-5 to cover the entirety of the unincorporated areas of the county was intended as a major stride toward ending the traditional arrangement of having county government pay for fire service within the unincorporated county areas and those cities that had annexed into the fire district and switch that fiscal onus to residents, or more specifically landowners, of those areas.

"Last year, in 2018, we – the board – successfully passed a resolution to approve the expansion of

FP-5," Grigoli said. "That was a funding source that would make us a stable, funded organization. When I say stable, funded organization, it would continue to increase with the 3 percent [annually] and give us the funding necessary to eventually get off the general fund. That is what the goal was. We have to be independent and stand alone sometime."

In the meantime, however, the Red Brennan Group, a coalition of government reform activists, had, just before the county signed off on the annexation, sued the county in an effort the FP-5 expansion from going through. That attempted roadblock joined up with one that had been perpetuated by a group of landowners in San Antonio Heights, an unincorporated 2.619-square mile community that adjoins Upland. San Antonio Heights had been rolled into the 2017 FP-5 annexation of Upland, much against the San Antonio Heights residents' wishes. Approaching 90 percent of the landowners there had mailed in letters of protest. Nevertheless, the Local Agency Formation Commission had lumped San Antonio Heights together with Upland for the purposes of the protest process and when the total of protest letters from both San Antonio Heights and the much larger and heavily populated Upland was put into a ratio of the landowners in both jurisdictions overall, the percentage was not high enough to prevent that annexation from occurring or even to force the matter to be decided by a traditional ballot vote.

As it would turn out, the San Antonio Heights Homeowners Association prevailed in its lawsuit, which effectively threw the Upland/San Antonio Heights annexation into jeopardy. The county, however, maneuvered out of that path toward perdition by

pushing forward with the October 2018 FP-5 annexation, which redid the Helendale, Silverlakes, Twentynine Palms, San Bernardino, Needles, Upland and San Antonio Heights annexations and added in the annexations and added in the remaining unincorporated county areas to boot.

The Red Brennan Group's lawsuit against the county sputtered out as well. Still undaunted, the Red Brennan Group determinedly went out and gathered a sufficient number of signatures from registered voters living throughout the areas of the county that had been annexed into FP-5 to force the county to place on the November 2020 ballot a measure, designated by the county registrar of voters as Measure U, asking voters within the FP-5 Assessment Zone if they wanted to repeal the enlargement of FP-5 and end its taxing authority. In qualifying the measure for the ballot, the Red Brennan Group overcame a stumbling block county officials had set in its path. The office of county counsel, the stable of in-house county lawyers acting on behalf of the board of supervisors, insisted that the activists obtain 27,303 signatures from among the voters in the county's unincorporated communities, which was over 37 percent of the 73,526 Fire Protection Zone 5 voters who had taken part in the November 2018 gubernatorial election. Making a Herculean effort, the Red Brennan group obtained the number of signatures the county insisted upon, finding out later through legal action that the actual standard should have been ten percent of the voters in the assessment zone who had participated in the 2018 election – 7,353.

After surmounting that challenge, the Red Brennan Group in its campaign promoting Measure U asserted the protest process was a backhanded method of securing support for FP-5's expansion. The county's firefighters' collective bargaining unit, San Bernardino County Professional Firefight-

ers Union Local 935, together with some deep-pocketed supporters of members of the board of supervisors, funded and ran an energetic campaign against Measure U, one that emphasized the importance of keeping fire suppression capability throughout the far-flung county in a tip-top state of readiness. In support of that campaign to convince the FP-5 district's voters they should opt to stay within the district, 117 firefighters, and emergency medical technicians/paramedics with the San Bernardino County Fire Department, through the union, chipped in \$126.75 each to the No on U independent expenditure campaign as did 36 of their firefighting brethren employed with the Colton Fire Department and 33 firefighters with the Big Bear Fire Department, along with one from the Big Bear Fire Department who ponied up \$131.25 and one other who donated \$102.50. Another 22 firefighters or emergency medical technicians with the Loma Linda Fire Department put up \$139.50 each and eight firefighters from the Montclair Fire Department gave \$118.50 a piece. Functioning in an independent expenditure committee capacity, San Bernardino County Professional Firefighters Union Local 935 poured \$139,384.85 into the No on U campaign. Ultimately, in the November 2020 election, Measure U was defeated, with 109,483 votes or 47.97 percent in favor of it and 118,772 votes or 52.03 percent against it.

After licking their wounds, members of the Red Brennan Group regathered themselves and in 2021 again set to work, gathering enough signatures on petitions to again place the FP-5 ratification issue before the voters, qualifying a referendum for the June 2022 primary. That initiative, designated Measure Z, called for liberating all of the county other than Helendale and Silverlakes from inclusion in FP-5 and the imposition of its fire protection tax, which at that point had risen to \$161.98 per par-

cel per year.

Having submitted the petition for the measure through five of its citizen members in October 2021, the Red Brennan Group was heartened when in December 2021, the registrar of voters certified the number of signatures on the initiative petition as sufficient to qualify the initiative for the June 7, 2022 ballot. On January 11, 2022, the San Bernardino County Board of Supervisors, being bound by the California Government Code, voted to place the initiative on the ballot and to consolidate the election with the June 7, 2022 gubernatorial primary election.

Prior to doing that, however, the board of supervisors began casting about for a way in which the county could act procedurally or legally act to prevent the vote on the initiative from taking place. On February 8, 2022, the board of intentionally made false statements concerning the contents, purport or effect of the initiative petition supervisors had the Los Angeles-based Sutton Law Firm and three of its attorneys, Bradley Hertz, James Sutton and Nicholas Sanders, file a petition for a writ of mandate, asserting the measure should be withdrawn from the ballot because in circulating the petition, the Red Brennan Group and its members had violated the "full text doctrine" principle contained in California law regarding voter initiatives when they did not provide those signing the document copies of reports by then-County Fire Chief/Fire Warden Pat Dennen and San Bernardino County Fire Chief/Fire Warden Dan Munsey which would have provided background information about FP-5 and their recommendations that it remain in place. The writ further alleged the proponents of the measure had provided those who signed the petitions "materially false and/or misleading information" relating to FP-5. The matter was heard by San Bernardino County Superior Court Judge David Cohn.

Judge Cohn, while rejecting Hertz's, Sutton's and Sanders' contention that the petition circulated to county voters violated the "full text doctrine" principle, yet made a finding that the Red Brennan Group's claim that imposing the tax through a protest validation rather than a normal vote of the people to pay the tax was inconsistent with the California Constitution was inaccurate. Technically, according to Judge Cohn, the protest process, as was used in the expansion of FP-5, constitutes an opportunity of those to be impacted by the tax to vote, and is thus an election.

Despite Cohn's ruling, it came too late for the ballots for the June 2022 election, which had already been printed, to be changed out. Measure Z appeared on the ballot and was voted upon by the residents of the FP-5 zone who participated in the election. Prior to the election, Judge Cohn stated that the Measure Z would not apply if it passed. The tally of the vote from the June 2022 gubernatorial primary showed that Measure decisively passed, by a margin of 42,015 votes or 58.43 percent in favor to 29,888 or 41.57 percent opposed.

The Red Brennan Group appealed Judge Cohn's ruling that its contention that substituting a protest process in which it is incumbent upon the "voters" to write and post a letter in order to enter a vote against the tax for an actual vote involving ballots and polling places does not meet constitutional standards or the intent of Proposition 218 was factually false. With the matter yet tied up in the California Appellate Court, the Red Brennan Group decided that rather than wait for a decision regarding what had been voted upon in 2022, it would again gather a sufficient number of signatures and refile for another measure to be presented to voters this year. Enough signatures were gathered to satisfy the registrar of voters and what is now designated as Measure *Continued on Page 14*

## Council Reportedly Willing To Hear Citizens' Perspective On Term Limits *from page 3*

shot at convincing him that term limits represent a step forward for the city and he propounded his belief that term limits are already in place in that every four years the voters have an opportunity to turn incumbents out of office. It does not appear that either side succeeded in peeling the other off of its position.

If, as Moran has reportedly committed to doing, Term Limiters will get an opportunity to appeal not just to the

city council but the larger Chino Hills community, in making their case during a regular city council meeting, which is open to the public, or at least as many members of the public who can squeeze into the council chamber, and which is broadcast on the local cable network as a public service. It is also available for viewing on the city's website.

One selling point Term Limiters have is pointing out that if the council collectively outright resists the term limit concept and refuses to use its authority to order up from the registrar of voters placement of a measure asking the voters whether they are in favor of term

limits, it will make it appear that the council fears having the public at large having a say in the matter and that the council is imposing its will on the voters. If, indeed, the council believes that term limits is contrary to the best interests of the community and people of Chino Hills, Bruner is prepared to assert, then the council should have no problem with testing their belief in the crucible of democracy by letting the matter go to a vote. If the council will not facilitate putting the matter to a vote, Bruner vowed he and the other Term Limiters will suck it up and do the heavy lifting of gathering the required number

of signatures, putting the matter before the voters anyway and will then be able to use the council's refusal to embrace the democratic system as a campaign theme.

A second selling point is that the current council members, for all intents and purposes, will have nothing to personally fear from embracing the term limit concept for some time. If term limits are approved by Chino Hills' voters in the 2024 election, those limits would not be applicable to any terms past or current, but would go into effect going forward. So, assuming a two-term limit, Marquez, Rogers and Johsz would be eligible to run in 2026

and again in 2030 and remain, with the consent of the voters, in office until December 2034. A limit on terms approved in the 2024 election would be applicable only to elections occurring after the 2024 election, so Bennett and Moran would be at liberty to run in 2028 and 2032 and remain, with the consent of the voters,

in office until December 2036.

"It's their decision as to whether they will put it on the ballot," Bruner said.

Meanwhile, he said, in terms of getting sufficient signatures on petitions to place the measure before the voters, "I think we're about 65 percent there."

## Wilderness Misadventure Claims The Lives Of Two Men *from front page*

a in the San Bernardino National Forest not too far from Crestline, near Mormon Springs Road and State Highway 138.

The search team conducted an extraction of Petrie's remains from the remote and rough area in an effort to keep them intact for examination by the coroner's office. An autopsy will be carried out to determine the cause of death.

## Firefighter Total Pay Has Risen To A Quarter Of A Million Dollars Per Year *from page 13*

W is on the ballot for the March 5 California Primary Election.

According to the Red Brennan Group, "Voting yes on Measure W will repeal the FP-5 special tax. In 2018 the San Bernardino County Supervisors, acting in their role as Board of Directors of the San Bernardino County Fire District, voted 3-2 to impose the FP-5 Special Tax across all unincorporated of the fire district. This 'annexation' was done without a two-thirds vote of the electorate. Article XIII C Section 2.(d) of the California Constitution states: 'No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote.' Because the tax was imposed without a vote of the electorate it should be repealed. District voters agreed with this statement and voted to remove the tax in 2022. Because the county legally contested the matter it is now tied up in the courts. Instead of waiting for the outcome of that legal action, we are again taking the question of whether this tax should be imposed to the voters."

San Bernardino Coun-

ty Fire District Chief Dan Munsey warned those residents in the area subject to the FP-5 assessment that "It could be that with the repeal of this tax we will see a potential reduction in service and staffing. It means potential station closure and reorganization. If FP-5 is not repealed, we'll maintain the funding and the revenue to maintain the fire stations and maintain current staffing and resource levels. There is no identified revenue source that can replace this."

We believe in safety for our firefighters, but I'll make it clear:

Despite the consideration that We are not a Cadillac fire department. We are Ford or Chevy. We make sure that we buy reliability and that we're conservative. The fact is at the end of the day providing fire protection is increasingly getting expensive. FP-5 currently accounts for 18 percent of our total operating budget. This 18 percent directly is in relationship to our fire engines, our firefighters and our fire stations. The revenue from this fire tax must be spent in the zone where it's collected. I can't take the money from Upland and send it to the High Desert and I can't take High Desert money and send it to the mountains. It's got to be spent in the zone."

If the voters take the funding that FP-5 represents to the county fire district away by approving Measure W, Munsey

said, "There is no current revenue replacement."

While a substantial part of the county's effort to counteract the campaign the Red Brennan Group is running in favor of Measure W is relying on those the county fire district employs making the case for keeping FP-5 in place, elements in what they are presenting, the way they are presenting it and their own interests have, at times, inadvertently illustrated why the Red Brennan Group and such a large swathe of county residents are opposed to not just FP-5 in particular, but the concept of assessment zones altogether. It is through the creation of assessment zones that previously did not exist to have citizens pay for the delivery of services government took care of as a matter of course that has provoked the ire of so many citizens. The Red Brennan Group has taken a lead in expressing that citizen discontent. Many see the extension of FP-5 from the place it originated in – the Helendale/Silverlakes community of the High Desert – to the rest of the county's unincorporated areas as a grotesque example of government disengaging from its traditional responsibility of utilizing taxpayer money already entrusted to it to defray the total cost of providing basic services and instead using double taxation, by means of ploys such as proposing a second layer of government

in the form of assessment zones and then using sleight-of-hand such as protest processes to inveigle citizens into ratifying their creation.

This reality is a manifestation of the increasing cost of government, which has come about because of escalating pay and benefits provided to government employees.

A random survey of the pay and benefits provided to 26 captains, engineers and paramedics with the San Bernardino County Fire District in 2021 and 2022 indicates the total annual average compensation of firefighters with the agency tops a quarter of a million dollars – \$250,896.10.

Over the past eight years, meeting payroll has consumed more than 77 percent of the county fire district's budget. In its annual budget, the county references the fire district as a division of the county. For Fiscal Year 2023-24, according to the San Bernardino County Chief Financial Officer Matthew Erickson, \$440.85 million [\$440,851,052], which is 4.52 percent of the county's overall \$9.75 billion [\$9,752,920,353] budget, has been allotted to the fire safety division. The San Bernardino County Fire District employs a staff of 1,166, of whom 712 are fire suppression personnel.

The San Bernardino County Board of Supervisors, as it is currently composed and going back for two decades,

has demonstrated little or no will to engage in the level of fiscal discipline that would require holding county employee pay and benefit levels in line with what is provided in the private sector. While at the national level, Republican politicians enjoy a reputation as the representatives of corporations and entrepreneurs and Democrats are celebrated as advocating on behalf of labor and unions, that stark dichotomy is not upheld at the local and county level in San Bernardino County, which is considered to be one of the last bastions of the GOP in California. At present, despite the fact that registered Democrats outnumber registered Republicans in San Bernardino County 478,586 or 40.5 percent to 348,500 or 29.5 percent, four of the five members of the five members of the board of supervisors are Republicans and among the 24 city and town councils in San Bernardino County, Republicans outnumber Democrats on 17 of them. Nevertheless, all four Republican members of the current board of supervisors – Paul Cook, Jesse Armendarez, Dawn Rowe and Curt Hagman – have assiduously avoided crossing the unions representing the county's employees, most particularly the San Bernardino Public Employees Association, which is affiliated with Teamsters Local 932 and represents the coun-

ty's line employees; the Safety Employees Benefit Association, which represents the county's sheriff's deputies, district attorney's office investigators and probation staff; San Bernardino County Professional Firefighters Association, which is associated with the International Association of Firefighters Local 935 and represents the county fire district's firefighters and those of several of the municipal fire departments in the county; and the San Bernardino County Public Attorneys Association, which represents deputy district attorneys, deputy public defenders and attorneys in the county's child support division. This year, the San Bernardino County Professional Firefighters Association has endorsed one of Rowe's opponents in her race for reelection as Third District supervisor, Chris Carrillo, based not on any votes she has cast contrary to the interest of firefighters and their bargaining unit but because Carrillo as an attorney has represented the division's firefighters in legal actions against the county with regard to personnel issues. Hagman, in particular, has pioneered for himself reciprocally advantageous arrangements and trade-offs between the normally-Democratic Party-affiliated labor organizations in the county, most notably with those unions representing county em-

*Continued on Page 15*

## When Mayor Warren's Political Associate Postmus Turned To Advocating Marijuana Sales, She Changed Her Attitude Toward The Intoxicant *from page 3*

confining the number of those operations to three, one north of Baseline Avenue, another between Baseline and Valley Boulevard and another south of Valley Boulevard. Fontana Responsible and Compliant's 9132 Sierra Avenue store qualifies as the one that is to occupy the plum spot between Baseline and Valley Boulevard in the city's primary commercial district.

All commercial marijuana or cannabis-related businesses in Fontana are required to hold a state license to traffic in marijuana.

Fontana Responsible and Compliant is a limited liability company registered with the State of California, which gives a principal address of 1616½ Webster Street in Alameda, California 94501. It has a management structure that consists of a single individual, according to a document filed with the California Secretary of State's office on December 28, 2022 signed by Eric Lichtman.

For more than 15 years following the passage of Proposition 215, no municipalities in San Bernardino County nor the county itself consented to allowing medical marijuana dispensaries to operate. The City of Needles broke the ice in 2012, when it permitted five dispensaries to set

up shop in the county's easternmost city along the banks of the Colorado River and moved to allow the drug to be cultivated in indoor facilities as well. Three years later, Adelanto undertook to allow cultivation of the plant in enclosed warehouses within a specially zoned portion of its industrial district. With the passage of Proposition 64 in 2016, the city liberalized its approach to capitalizing on commercial cannabis activity subject to zoning limitations, permitting all order of cultivation with the single restriction that it take place indoors, and allowing medical marijuana and intoxicative marijuana to be sold along with cannabis products. The city also permitted and courted marijuana/cannabis product manufacturers, as well as researchers and marijuana product innovators to locate within its confines as a deliberate effort to transform what was then the county's eighth-smallest or 17th largest municipality in terms of population into, in the words of one city official, "the marijuana capital of California." Over time, two of Adelanto's elected officials at that time would be indicted, convicted and sent to prison for accepting bribes from the cannabis industry business applicants that flooded

## The Question As To Whether The Lawsuit Against The Yucaipa Recall Proponents Originated With The City Clerk Has Been Revived *from page 12*

at City Hall by confirming that Mann, Graham, Saucedo and Pradetto falsely claimed that Saucedo was the prime mover behind the petition for a writ of mandate.

If Mann continues to maintain that the petition for a writ of mandate ploy was Saucedo's

idea alone, leaving it up to the city council to direct him to terminate her as a means of placating resident outrage over the squandering of taxpayer funds and the cynical manipulation of state law to derail resident participation in the political process, he runs the risk of disgruntling Saucedo, who at this point is in possession of inside information she has gleaned during her now-11-month tenure at Yucaipa City Hall, information that, if exposed, could bring Mann's career as a public administrator to an end.

the city. A third narrowly avoided indictment. Thereafter, the cities of San Bernardino and Barstow moved to permit commercial marijuana and cannabis operations. Hesperia chose to allow businesses that delivery marijuana products to customers to function out of a limited portion of its industrial zone, without allowing direct sales to take place from any premises within the city.

The Adult Use of Marijuana Act permitted adults to grow marijuana for personal use, with a six-plant cultivation limit at any given time. Fontana burnished its reputation for being zealously anti-drug and anti-marijuana by overstepping its authority in both regulating and preventing its residents from growing marijuana on their residential property or within their homes. This effort was so draconian it resulted in legal action being taken against the city, which ultimately resulted in a court ruling preventing the city from enforcing those regulations.

For that reason, among others, the city council's July 2022 vote to allow marijuana sales within the Fontana City Limits was widely seen as extraordinary.

Following the passage of Proposition 64 in 2016, Mayor Warren and her ruling coalition on the city council were adamant: Fontana was not going to jump on the marijuana legalization bandwagon. One of the provisions of Proposition 64 was that local jurisdictions retained autonomy over questions of marijuana availability and commercial licensing, and she vowed that Fontana was not going to traffic in the human misery that marijuana represented. Selling marijuana in Fontana and growing it for commercial purposes was to remain illegal.

In 2021, former San Bernardino County Supervisor Bill Postmus, who in his time as an elected official was a strident opponent of the legalization of marijuana but who upon being convicted on political corruption charges

and being banned from again holding public office in California reinvented himself as a political consultant and marijuana entrepreneur, set his sights on Fontana. He began lobbying Warren, holding a fundraiser for her and Councilman Cothran in April of that year. By the spring of 2022, Fontana officials signaled that maybe marijuana use isn't all that bad of a thing after all. Warren was soon pointing out that when Proposition 64 passed, it had been approved by a higher margin in Fontana than everywhere else in the county.

Penultimately, city officials entrusted Assistant City Manager Phil Burum to come up with a program by which marijuana sales might take place in the city. Burum, in consultation with state officials as well as with those in cities where legalization/liberalization/permitting/licensing of marijuana sales has taken place, came up with the regulations that have now been layered into the Fontana City Code relating to making it so the products can be sold and the city can realize a modicum of tax revenue now that people are permitted to blow some grass if they feel like it.

Those seeking a permit must submit with the application a non-refundable \$25,000 filing fee. Burum said forcing an applicant to put up that kind of money would ensure that those competing for the permits were serious and willing to meet the criteria the city was specifying.

After Warren and her council colleagues had stridently asserted for more than five years that marijuana would not be made available commercially in the city, Burum said city leaders had at last come to the conclusion that cannabis liberalization entailed "community benefits in the form of income to the city generated by legally authorized cannabis retailers." Those benefits would include, Burum predicted "additional police officers... social services... [and] general community benefits," which he said would ex-

tend to funding "park maintenance and upgrades" and city "operational expenses."

Ironically, given that for so long Fontana officials had vowed not to allow marijuana legal entry into the city because of the threat the drug represents against youth, Burum said sales of the once-outlawed weed would generate tax revenue that would pay for "drug counseling [and] youth programs."

Burum simply called upon the city council to enact a "zone change to remove the current prohibition against cannabis sales." The council did so.

The process Burum designed for selecting who among the applicants for a commercial marijuana establishment operating permit in Fontana would get the nod calls for an evaluation of the requests to be carried out by the city manager or his designee, who is tasked with evaluating the integrity of the individuals seeking the permits, their ability to perform and the propriety of the operations they seek to license. The mayor and city council do not

directly participate in the selection process of the eventual licensees, other than to ratify the determinations once the city manager's selection of the three operators is made.

That is what occurred with one of the three available permits last week, when the council signed off on the approval of giving the mid-city location permit to Fontana Responsible and Compliant, which has agreed to provide the city with 5 percent of its annual gross sales – calculated at around \$700,000 each year – and another community benefit fee of one percent of gross sales on top of that, in addition to carrying out minor interior and exterior tenant improvements to the existing building at 9132 Sierra Avenue, including refurbishing the exterior façade, re-landscaping the property and repainting the lines for the stalls in the parking lot. The permit given to Fontana Responsible and Compliant sunsets in three years but can be renewed at the discretion of the city manager.

-Mark Gutglueck

## Public Employee Unions Have Become A Potent Political Force In San Bernardino County *from page 14*

employees. As the former chairman of the San Bernardino County Republican Central Committee, he has signaled to other local Republican candidates and officeholders, including his board colleagues, that it is acceptable and, more than that, politically viable, to associate closely with public employee unions to the point that that those unions have endorsed him over his Democratic opposition. The upshot is that the board of supervisors has no appetite for reducing employee wages and benefits, further driving the need for the county's governmental structure to find ways of generating fees to meet operating costs, such as the ploy of creating previously nonexistent assessment districts or expanding existing ones, as

was the case with FP-5.

Munsey acknowledged that the need for creative and expanding revenue sources is increasing and has been met changing departments that used to be part of government into standalone districts that hit taxpayers up for further operating capital.

"We are a California special district and not a department of San Bernardino County," Munsey said of the fire prevention entity he heads. "We have our own funding mechanisms. We are not a general fund of the County of San Bernardino. As such, we are bound by fire protection district law."

The need for the service the San Bernardino County Fire District provides is real, Munsey said, and the residents should not forget that.

"In 2023, we received almost 196,000 calls for service," he said. "We are [an] all risk [agency] that includes [responding to] emergency medi-

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## Even As Residents Are Paying An Added Premium For Fire Protection, Some Communities Lack Fire Stations

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cal, hazardous materials, rescues, aircraft, marine and all other emergencies, including ten feet of snow.”

Munsey further acknowledged that when the cities of San Bernardino, Needles, Upland and the Twentynine Palms Water District dissolved their fire departments and handed fire protection and emergency medical response responsibility over to the county district he now heads, those entities did so because they could no longer juggle the expense of maintaining fire departments using the available revenue in their various general funds, and in so doing transferred the cost of providing that service to the various cities’ residents.

Those cities’ decision to shutter their municipal or community fire departments, Munsey said “was that it was becoming a burden on their general funds. In annexing, they annexed not only the fire protection district but into FP-5, which brought with it an increase in property tax.”

In making its case against keeping the entirety of the county’s unincorporated areas other than Helendale and Silverlakes within Fire Protection District Five, the Red Brennan group cites California Constitution Article XIII C.2.(d), which states, “No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote.”

According to the Red Brennan group, “Over one million San Bernardino County residents are subject to a special tax that violates this clause in the state Constitution. The FP-5 special tax violates our foundational social contract and represents an existential threat to San Bernardino County residents. The 2018 decision by elected

supervisors to impose the FP5 tax on unincorporated residents without the people’s vote demonstrates a willingness by San Bernardino County’s ruling elite to violate our social contract. That is why a ‘small’ tax, intended to support public safety, is actually a threat to our very existence. If the government, as a party to the social contract, ignores the stipulations of that contract, both parties will increasingly ignore any and all stipulations of the contract. Eventually, the end result is a complete failure of the underlying social contract that governs and orders our society. Either we will disintegrate into a dystopian society where the weak can only survive by clinging to the strong or we will sell our individual freedoms to a dictator in exchange for stability and security.”

Residents in two unincorporated San Bernardino County communities have provided what they say is a compelling reason to vote in favor of Measure W. according to them, the fire district has failed to live up to its promises about what it would do with the funding from the expansion of FP-5.

Rosena Ranch is an unincorporated community southwest of Devore, west of the I-215 Freeway and the City of San Bernardino and north of Fontana and Rialto. First approved for development by the county in September 1985, the project was subject to numerous delays, during which time no clear mandate was given by the county that the developer, Lennar Homes, would need to include a fire station as part of what was originally a 2,000-lot subdivision. When construction began in the late 1990s and continued into the first decade of the Third Millennium, long-festering issues relating to the parallel construction of adequate infrastructure on the land located in an alluvial creek lying in the geographical gap between the San Gabriel Mountains and the San Bernardino Mountains to the west and the San Bernardino Mountains to the east lingered. Ultimately, storm drains

and regional flood control alleviences would be incorporated into the project to ensure that all of the houses to be constructed had foundations that were at least one foot above the 100-year flood plain so that the residences were immune to flooding, but planning for a fire station was somehow lost in the shuffle. County Fire Department officials gave multiple guarantees that the station would be in place shortly over the next two decades without fulfilling that commitment. In 2017, then-Fire Chief Hartwig informed those inquiring about it that the county’s assistant fire chief – Munsey – was awork on the issue and that property for station would soon be acquired and construction would commence shortly thereafter. The following year, during the run-up to the expansion of FP-5, Rosena Ranch residents were given assurance that once the countywide funding mechanism was in place, the station would be built and manned. Despite the consideration that in 2022, through the intercession of Assemblyman James Ramos, the County received \$7 million from the State of California to build the fire Rosena Ranch Fire Station, the county has yet to obtain land upon which to construct it.

Currently, the fire station assigned to Rosena Ranch is Station #2 located in Devore, which covers covers 49.6 square miles and handled 1,700 calls for service in 2022. If the firefighters, paramedics and emergency medical technicians at Station #2 are unavailable because they are involved with other calls, the Rialto Fire Department is tasked with responding to emergencies in Rosena Ranch. There is no local police/sheriff department in this area and on average it takes over 18 minutes for the sheriff’s department to respond to a call for service from the Fontana station. The fire department’s average response time is 10.22 minutes, almost three times the national average according to the National Fire Protection Association. According to the depart-

ment, the response time for roughly 50 percent of the calls in the East Valley Division, in which Rosena Ranch falls, is four minutes or less. Approaching 92 percent of the calls in the area have a response time of 8 minutes or less.

In September 2017, the San Bernardino County Fire Department made a decision to shut down Fire Station Number 45, located in Wonder Valley, an unincorporated community roughly 10 miles east of the City of Twentynine Palms and approximately 15 miles northeast of the east entrance to Joshua Tree National Park that lies south of the Sheep Hole Mountains and Bullion Mountains and north of the Pinto Mountains in the east Mojave Desert. The county said that action was taken after it was learned that the water in the well that supplied the station was contaminated with hexavalent chromium, fluoride and arsenic, along with at least ten other toxic chemicals or elements.

The closure brought protests from a fair cross section of Wonder Valley’s 565 residents.

There was skepticism about the real reason and intent behind the shuttering. The San Bernardino County Fire Department operated Station 45, located at 80526 Amboy Road, manned with both on-call firefighters and volunteers along with two professional, full-time firefighters, serving under the command of a county fire division commander. Earlier that year, there was some concern that the county, as part of its budget for 2017-18, was going to terminate operations at the Wonder Valley Fire Station, as the first version of the county budget released in May 2017 did not include funding for Station 45. But county supervisors elected to maintain funding for the station after it was demonstrated that the call volume there justified its continuing operation.

After the closure of Station 45, the County Fire Department continued to serve Wonder Valley from Twentynine Palms.

Between 2006 and 2018, Wonder Valley property owners paid a fire service assessment of roughly \$37 per parcel annually. The number of parcels in the city substantially out ran the population. In 2016, the San Bernardino County Fire Department proposed an increase of that assessment to \$321 to supply the community with an additional two-man crew or \$489 for a 3-man crew. Wonder Valley residents considered assessments of that magnitude pretty much out of their affordability range. There was conjecture and suspicion among Wonder Valley residents that because they had turned their noses up and their thumbs down at the increased assessments the county had closed Fire Station 45.

There were suggestions at the time the FP-5 district expansion was being discussed that a part of the revenue could be used for building a new station or redressing the water contamination issue at the well used by Fire Station 45 in one way or another and thereby reopen it. Upon the FP-5 district enlargement, like all property owners in the county’s unincorporated areas, Wonder Valley residents began paying the annual per parcel assessment of \$157.

Thusly, the residents of Wonder Valley saw the fire service assessment they agreed to pay to the county for fire protection in 2005 zoom from \$37 per year to \$157 annually, while the county closed out the town’s fire station.

According to the San Bernardino County Fire Department in 2017, with the closure of Fire Station 45, the average response time to a call for emergency service in Wonder Valley had increased by more than four minutes. Wonder Valley residents maintain that is a gross undercalculation and that the actual response time increase, in the best of circumstances, is around 8 minutes. The distance from Station 44 in Twentynine Palms to the central area of Wonder Valley is 8 miles, with roughly 6.8 of those miles

being a straight shot out Highway 62, also known as the 29 Palms Highway, less than two miles of which is encumbered by city traffic.

In 2019, the San Bernardino County Fire Department, which had transitioned to become the San Bernardino County Fire District, announced that Fire Station 45 was being permanently closed.

Grigoli, a captain with the San Bernardino County Fire District, who has been the president of the San Bernardino Professional Fire Fighters Association Local 935 for going on nine years, said the board of supervisors had made a wise and courageous decision in 2018 to expand FP-5 and that the county’s voters should stay the course.

Grigoli, who in 2022, the most recent year for which information is publicly available, earned \$119,411.60 in regular pay as a fire captain with the district, \$109,797.52 in overtime pay, \$15,289.18 in pay add-ons and perquisites along with \$116,876.38 in benefits for a total annual compensation of \$361,374.68, characterized the Red Brennan organization as a “radical group.”

He insisted that the protest processes that brought Upland, Needles, Twentynine Palms and San Bernardino and all of the county’s unincorporated areas into the assessment district were voting opportunities for the residents of those cities to accept or reject participating in FP-5.

Referencing the 2020 vote on Measure U without mention of the 2022 vote on Measure Z, he said, FP-5 had prevailed once more.

“It was successful again,” he said. “At that point it went to a public vote and not to just a parcel vote, and it was passed by the entire county with about a 14 percent margin. Today, we’re challenged again by the same group. I urge you to unanimously vote no on W. This is the most important thing we’ve had for county fire in a long time.”

*-Mark Gutglueck*