

D.C. Venue For BlueTriton's Strawberry Creek H₂O Diversion Suit Shifted To Riverside

By Mark Gutglueck

BlueTriton Brands' lawsuit challenging the U.S. Forest Service's order that the company discontinue the diversion of water out of Strawberry Canyon in the San Bernardino Mountains, filed in the United States District Court for the District of Columbia in August, must be heard in Riverside Federal Court, a federal judge ruled this week.

For more than 90

years, BlueTriton and its corporate predecessors, including Nestlé Waters of North America, Inc., Nestlé, Perrier, BCI-Arrowhead Drinking Water Company, Beatrice Foods, Coca-Cola Bottling Company of Los Angeles, Rheem, Arrowhead® Mountain Spring Water Company, California Consolidated Water, Arrowhead Water Corporation, Arrowhead Springs Corporation and Arrowhead Hot Springs

Company, diverted water from Strawberry Creek and one of its tributaries located between the 5,200-foot and 5,600-foot elevation in the San Bernardino National Forest, using the water for their bottling operations. That diversion began in August 1930, originally involving water taken from a single "bedrock crevice" spring along Strawberry Creek at an elevation of 5,600 feet. Subsequently, in

1933 and 1934, California Consolidated Waters developed three springs using adits – horizontal borings – and then added 10 further horizontal borehole wells to tap spring water aquifers in the mountainside, thereupon transporting the forest spring water through a pipeline down the mountain, giving twenty percent to half of the water thus obtained to the Arrowhead Springs Hotel and then

bottling and selling the rest, marketing it under various names, including Arrowhead, Puritas, Arrowhead and Puritas, Arrowhead Puritas, Arrowhead® Spring Water and Arrowhead® Mountain Spring Water among them.

Because a private entity cannot claim water rights on federal forest land that did not exist prior to the dedication of the forest as a national asset, the com- See P 2

Post 2022 Election City Manager Firing Is A Factor In Yucaipa's 2024 Electoral Season

A major factor in Yucaipa's current political/governmental climate stems from what was unanticipated action by the city council majority barely two months after the last election.

On November 8, 2022 two newcomers were elected to the council. Matt Garner managed a narrow victory with 35.59 percent of the vote

over Sherilyn Long and her 33.96 percent of the vote in the four-person District 1 council race which also involved third-place finisher Mark Taylor and Erik Sahakian, who came in fourth. In the District 2 contest, Chris Venable, with 62.11 percent, convincingly outdistanced Nena Dragoo, with 37.89 percent of the vote, to cap-

ture a seat at the council dais.

Both Garner's and Venable's victories had been set up by the decision of two longtime council members – David Avila in District 1 and Greg Bogh in District 2 – not to seek reelection that year.

Garner and Venable were sworn in during a largely ceremonial

council meeting held on December 12, 2022. In Yucaipa, the mayor is not directly elected by the city's voters. One of the handful of matters taken up by the newly installed council at that December 12 meeting was the council's selection of which member would serve as mayor and which would be given the secondary honorific of mayor pro

tem, what is essentially the vice mayor.

Justin Beaver, who had been in office only since 2020, was selected mayor. Councilman Bobby Duncan, who had been mayor in the past, was made mayor pro tem. With the December holiday season coming thereafter, the second council meeting for December 2022, See P 2

Fair Political Practices Commission Signs Off On Near Record Local Fine Of Adelanto Councilman Ramos

After an interminable delay, the California Fair Political Practices Commission last month finalized the action it initiated against Adelanto City Councilman Daniel Ramos years ago, imposing on him one of the largest fines the watchdog agency has ever applied against a local politician.

In making its findings and assessing the

penalty, the officials noted the length of time Ramos had allowed the case against him to go unresolved and his intransigence and repeated misrepresentations, the latter of which it was noted had required the expenditure of hundreds of hours of investigative work to fathom.

The case the California Fair Political Prac-

tices Commission brought against Ramos relates to a litany of reporting violations that were committed not just by the Committee to Elect Daniel Ramos Adelanto City Council 2020, which funded at least in part a campaign in which he was successful, but his Ramos for City Council 2018 committee, a separate entity that See P 3

County Elections Office Allowing Early Voting At Five Locations

The elections office in San Bernardino County, known as the registrar of voters, is allowing early voting to take place at five locations around its far-flung 20,105-square mile jurisdiction.

At present, county residents can vote at the registrar's headquarters, located at 777 East Rialto Avenue in San Bernardino, Monday

through Friday through November 4, from 8 a.m. to 5 p.m. Voters can also cast ballots there on Saturday, November 2 from 8 a.m. to 5 p.m. On election day, November 5, the registrar's office will be open from 7 a.m. to 8 p.m.

There are to be four other early voting sites around the county beginning on Oc- See P 3

Ontario Council Raises Make Its Members SB County's Highest Paid Municipal Leaders

Nearly two years after Ontario residents approved Measure Q, raising sales tax in the city by one cent per dollar, and the same night that the Ontario City Council approved placing special assessments on 343 properties within the city limits, the mayor and three of the council's four members voted Tuesday to give themselves a pay raise.

Already the highest remunerated city council in San Bernardino County, the quintet's action taken October 22 was the second boost in pay the five have received in 18 months.

Prior to April 2023, four of the council members were receiving \$1,884.50 per month and Mayor Paul Leon was provided with \$4,761.08 per month. At that time,

the council together bestowed upon themselves an increase to \$2,405.13 monthly, equivalent to \$28,861.56 per year. Since Leon is considered to be a council member as well, he received that increase along with the others, in addition to the stipend he is provided for serving as mayor. That moved him up to a yearly salary of \$67,680.96, all told.

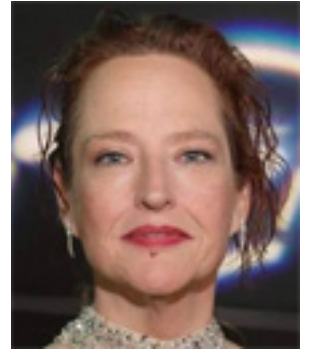
Recently, it was realized that under California's Senate Bill 329, which went into effect just before the close of fiscal year 2022-23, council members in cities with populations exceeding 150,000 but less than a quarter of a million are eligible for an annual salary of \$30,600 or \$2,550 per month.

The council thus took it a little further this

time around, granting themselves an annual pay increase of \$1,738.44 or a monthly increase of \$144.87, zooming them from \$28,61.56 annually to the legal limit of \$30,600 and from \$2,405.13 to \$2,550 each month. Leon, with other adjustments, will now make \$75,666.96 annually or \$6,305.58 monthly.

Ontario is the wealthiest municipality See P 6

Hanna Seeks Berth As Yucaipa 3rd District Solon



Gigi Hanna

Gigi Hanna is venturing into Yucaipa politics, she said, to spur the interest of the city's residents in civic affairs and ensure that their opinions and perspectives are taken into consideration by the city's leaders.

"I am committed to public participation in the government, and I have spent more than 30 years working to help link people to their elected leadership," Hanna said. She did this, she told the *Sentinel*, "first, as a newspaper reporter, then in public agency communications, and as a city clerk – the citizens' main connection to their government."

Part of her involvement in government evolved from her roots. Her father was a firefighter whose specialized skills in fire science were in demand with different agencies, including ones inside and outside California and inside and outside the United States.

"I come from a public service-oriented family," Hanna said. "The youngest of four children, I was born in Illinois, spent part of my childhood in Samoa and graduated from high school in Pasadena. I have an undergraduate degree in journalism and completed my master's studies in communications from Cal State Fullerton. I spent the first See P 3

For Nearly A Century, A Succession Of Companies Ending With BlueTriton Diverted Forest Water Based On A Casually Granted Forest Service Permit *from front page*

panies in question had to apply on a continuous basis for a water drafting permit to take the water, renewing it on an annual basis for a \$524 fee.

While the Arrowhead Puritas Water Bottling operation was yet under BCI's control in the mid-1980s, Arrowhead Puritas's U.S. Forest Service-issued water drafting permit in Strawberry Canyon expired, and the BCI-Arrowhead® Drinking Water Company applied to extend the permit. In 1987, while that application was yet being processed, Perrier purchased the BCI-Arrowhead® Drinking Water Company.

The then-pending water extraction permit renewal required a U.S. Forest Service review of the water drafting ar-

angement and its environmental/ecological impact, which the U.S. Forest Service then did not have the immediately available resources to carry out. In a gesture of compromise, Perrier was allowed, pending the eventual Forest Service review, to continue to operate in Strawberry Canyon by simply continuing to pay the \$524-per year fee to perpetuate the water extraction under the terms of the expired permit. In 1992, Nestlé acquired the Arrowhead brand from Perrier. Nestlé continued to pay the \$524 annual fee without renewing the Strawberry Canyon operation permit, which at that time existed under the name of the "Arrowhead Mountain Spring Water Co.," one that was never listed legally in corporate filings, but which operated under Nestlé and then what became Nestlé Waters of North America, Inc.

A statewide drought lasting more than five years manifested in 2011. As the drought advanced, the environmen-

tal groups Save Our Forest Association, Inc., the Story of Stuff Campaign, the Center for Biological Diversity and the Sierra Club began gearing up to file a lawsuit claiming the U.S. Forest Service had violated protocols and harmed the ecology of the mountain by allowing Nestlé Waters of North America to continue its operations in Strawberry Canyon for 28 years after its permit expired. At that point, the Forest Service initiated the long forestalled environmental review.

In April 2016, the United States Forest Service held a public scoping meeting, at which it proposed a 5-year National Environmental Policy Act study to determine the possible impacts of the water diversions. The California Water Resources Control Board became involved in the matter, at which point Nestlé made the claim that it was entitled to the forest water it was drafting based upon a right to water that had been passed along to it by its chain of corporate

predecessors stretching back to water use on the mountain prior to the formation of the San Bernardino National Forest.

The California Water Resources Control Board in 2017, based upon surveys of pump meters and other available data, found that Nestlé had been drafting 192 acre-feet (62.56 million gallons) of water from Strawberry Canyon on average per year over the previous decade. This was, the California Water Resources Control Board said, far in excess of the 26 acre-feet of water (8.47 million gallons) per year that was the historic use threshold and which would have been a prudent limit on the water to be taken. Thus, the California Water Resources Control Board, in a report released on December 21, 2017, officially declared that Nestlé should be limited to no more than slightly over 13.5 percent of the 192 acre-feet it had been diverting, issuing an order that the company help itself to no more

The San Bernardino County

Sentinel

Published in San Bernardino County.

The Sentinel's main office is located at 10788 Civic

Center Drive in Rancho Cucamonga, CA 91730

A Fortunado Publication in conjunction with

Countywide News Service

Mark Gutglueck, Publisher

Call (951) 567-1936

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

10808 Foothill Blvd., Suite 160-446

Rancho Cucamonga, CA 91730

SBCSentinel@yahoo.com

Legal Notice Department 951 567 1936

Message Line 951-567 1936

than 26 acre-feet of water from Strawberry Canyon per year.

Nestlé defied that order and continued to divert roughly the equivalent of the 192 acre-feet that had been its recent pattern.

Meanwhile, a San Bernardino County resident, Amanda Frye, carried out an exhaustive examination of the historical record, including documents that had lain in the county's archives untouched for more than five, six, seven and eight decades. What Frye

unearthed were the details of how and when Charles Anthony, who in 1929 and 1930 was the owner of the Arrowhead Springs Hotel and Arrowhead Hot Springs Resort and their affiliated water bottling operation, and Anthony's attorney, former California Assemblyman Byron Waters, substituted nonexistent rights to water at the 5,200-to-5,600 elevation for actually existing water rights closer to the 2,000-foot elevation. This was done

Continued on Page 4

A Secret Plan By Three Yucaipa Councilmen To Force The City Manager Out Was Hatched In January 2023 *from front page*

which would have been held on December 26, was canceled.

On January 9, 2023, at what was the second public meeting of the newly composed city council and the first council meeting of the year, the vast majority of the Yucaipa community was blindsided when Garner joined with Mayor Beaver and Duncan in confronting City Manager Ray Casey during the closed session that precedes the open public session of council meetings. Beaver and Duncan informed Casey, who had originally been hired as Yucaipa's city engineer in 2003 and was promoted to its top administrator in 2008, that if he did not tender his

resignation immediately, he would be fired on the spot, as they had Garner's vote to hand him a pink slip. With no better option available, Casey, reluctantly, resigned.

A vote was taken to accept Casey's resignation, which passed by a margin of 3-to-2, with Beaver, Duncan and Garner prevailing and Councilman Jon Thorp and Venable dissenting. The council then voted 5-to-0 to terminate City Attorney David Snow. At that point, Steven Graham, the city attorney with the City of Canyon Lake in Riverside County, materialized and began functioning as Yucaipa's city attorney. The council thereupon voted 4-to-1, to offer the position of city manager to Chris Mann, who at that time was the city manager of Canyon Lake, a member of the Yucaipa Water District Board of Directors and the principal in Mann Communications. Mann, like Graham, had been present on the civic

center grounds throughout the meeting.

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. The crowd's efforts at intercession had been to no avail, and Casey abruptly joined the ranks of the unemployed or retired or both.

There were multiple grounds for the public's discomfiture.

One of those was that just over two-and-a-half-months previously, a unanimous vote by the Yucaipa City Council as it was then composed had taken place on October 23, 2022 to extend Casey's contract until June 2024. In taking

that action, the council granted Casey a 3 percent salary increase that jumped his yearly salary to \$299,420, such that he was making \$422,901.50 in total annual compensation, putting him among the 25 highest-paid city managers in California. Comments by the council members that night memorialized their apparent collective belief that Casey's experience and standing within the municipal management profession justified the action. Casey had served on the League of California Cities' Inland Empire Executive Committee for three years running and had also been a board member with the League of California Cities' Housing, Community and Economic Development Committee for three years. More impressively still, he had recently served a two-year stint as the chairman of the City/San Bernardino County Manager Technical Advisory Committee.

The council that ex-

tended Casey's contract into 2024 consisted of Bogh, Avila, Beaver, Duncan and Thorp. Based on their long history of working with Casey, Bogh and Avila considered the October 23 vote to be one of their final significant acts while in office, since ensuring Casey would remain with the city for more than a year after what was to be the new council was in place would allow the two new members to familiarize themselves with his abilities and therefore be able to decide whether he should remain with the city to well beyond 2023. This, Bogh and Avila hoped, would be one of their legacies.

What was unknown to everyone but a small circle of people in Yucaipa in the fall and early winter of 2022 was that there was a hidden agenda, one that involved Beaver, Duncan, Garner and just a handful of others. Beaver and Duncan were displeased with

Casey's performance and had been for some time. They were aware, however, that Bogh and Avila sharply differed with them in their assessment of Casey, and that Thorp, who had been on the city council since 2020, would side with them. For that reason, at the October 23, 2022 meeting, they had gone along with the majority to extend Casey's contract, not wanting to prematurely reveal what they were planning.

While the Brown Act, California's open public meeting law, prohibits a quorum – meaning three or more of a five-member panel such as the Yucaipa City Council – from discussing any public issues to be decided by those members in their elected capacities outside the public forum of an agenda meeting, that law did not prevent Beaver and Duncan from talking over and coming to a consensus between themselves regarding

Continued on Page 5

Bankruptcy Or Not & Inflated Staff Salaries Or Not, Mann Says Yucaipa Needs Tax Increase

By Mark Gutglueck

Slightly more than four years after Yucaipa's voters soundly rejected Measure E, a one-cent sales tax override, city officials this year have returned with an identical proposal, once more calling upon the city's residents to consent to increasing the tax they will pay on all goods, with the exception of food and medicine, purchased within the 28.3-square mile confines of the city.

There have been a number of developments

in the city of 53,733 in the last four years, ones which compelled the current municipal leadership to press forth with the tax proposal, even though there is questionable prospect that the city's residents have changed their attitudes toward City Hall and the officials who run it sufficiently to give this year's initiative, which has been designated as Measure S, any significantly greater odds of passing than in the last go-round. Indeed, a good deal of what occurred,

particularly in the last two years, has deepened the distrust many city residents feel toward their civic leaders.

Among those events were the voluntary departures of two of the city council's long-serving members, Greg Bogh and David Avila, who both opted out of running for reelection in November 2022. That led to the voters installing two newcomers to the council, Matt Garner in the city's First District and Chris Venable in the

Second District. Thereupon, in short order, less than a month after the two newest city fathers were sworn in, a newly-formed ruling coalition on the council, consisting of Garner and Fourth and Third district council members Justin Beaver and Bobby Duncan, made its move. Beaver and Duncan, who had been selected by their colleagues in December 2022 to serve as mayor and mayor pro tem respectively, at the January 9, 2023 council meeting

used the threat of a vote to fire Ray Casey, who had been city manager for nearly 15 years, to get him to agree to resign his managerial post during a closed-door executive session of the council.

There ensued outrage among a wide cross section of the city's residents over Casey's forced departure, leading to an ultimately unsuccessful effort supported by 193 Yucaipa residents to remove Beaver, Duncan and Garner from office. With chaos and unrest

settling over City Hall, Chris Mann, the city manager with the City of Canyon Lake, whom the council had installed as Casey's replacement, at once began work on preparing Yucaipa's 2023-24 budget, which was to run from July 1, 2023 until June 30, 2024. Despite Mann's best efforts, he was not able to conform the city's planned spending for what was to be the upcoming fiscal year to an amount less than the projected revenue.

Continued on Page 7

Early Voting from front page

tober 29 and running until November 4 from 10 a.m. to 6 p.m., with the exception of Sunday, November 3.

The locations and ad-

resses for the additional early voting sites are:

- The Apple Valley Recreation Center, 14955 Dale Evans Parkway, Apple Valley
- The Joshua Tree Community Center, 6171 Sunburst Street, Joshua

Tree

- The Ontario Conference Center, 1947 East Convention Center Way, Ontario
- Victorville City Hall, 14343 Civic Drive, Victorville

"Early vote sites are

ideal for voters to request and vote a replacement mail ballot prior to Election Day and avoid the lines of voters that may occur at polling places on election day," said San Bernardino County Registrar of

Voters Stephenie Shea. "Choosing when to vote is up to you and we feel that it's important to give voters the opportunity to cast their ballot when it's most convenient for their schedules."

Further information,

including the locations where mail ballots can be dropped off, can be had by calling the registrar's office at (909) 387-8300.



Adelanto Councilman Ramos Rung Up By The FPPC from front page

was related to his unsuccessful run six years ago for the Victorville City Council.

After more than five years of trying to get Ramos to acknowledge the gaps and flaws in his campaign finance report filings from his Victorville campaign and three years of seeking a similar sign of recognition from Ramos with regard

to his Adelanto campaign, the Fair Political Practices Commission in May issued a default notice to Ramos and two individuals involved in his campaigns, Ricardo Ramos and Arley Arsineda, calling for the levying of a \$57,500 fine on the councilman and/or his various campaign operations.

All told, it is estimated that Ramos collected and then spent somewhere in the neighborhood of \$57,000 on both the 2018 and 2020

electoral efforts. An exact figure is not available because he has not filed the State Form 460 documents, the State Form 410 documents and other documents used to itemize donations to, expenditures from, loans to and from and non-monetary contributions to, or in-kind payments relating to his electioneering efforts. Nor has he accurately delineated the bank accounts into which donations were deposited and from which expenditures were

made.

According to the commission's May 2024 charge sheet, "Ramos for City Council 2018 and Committee to Elect Daniel Ramos Adelanto City Council 2020 are Daniel Ramos' candidate-controlled committees. Arsineda served as the Adelanto committee's treasurer. The committees, Daniel Ramos, and Arsineda failed to timely file a statement of organization, sixteen semi-annual campaign statements, and four

pre-election campaign statements, in violation of Government Code Sections 84103, 84200, 84200.5 (13 counts). Additionally, the Adelanto Committee, Daniel Ramos, and Arsineda failed to establish, maintain, and utilize a campaign bank account, in violation of Government Code Section 85201 (1 count). Total Proposed Penalty: \$57,500."

The original filing by the FPPC did not specify Ricardo Ramos's role in what had occurred, al-

though unverified information has it he was involved in the 2018 effort to get Ramos elected in Victorville.

Within a month after the Fair Political Practices Commission staff began what it represented as final preparations to impose the fine, Ramos initiated discussions with the agency over how he could cure the reporting violations he had amassed over the last six years. On June 11, the Fair Political Practices

Continued on Page 14

Hanna In Run For The Yucaipa City Council from front page

16 years of my professional life as a journalist, then transitioned into public agency publicity and government relations, working for the Metropolitan Water District of Southern California. I was appointed associate director of the Water Resources Institute at Cal State University San Bernardino, where I earned a master's degree in public administration."

At that point, she entered into the arena of elective office.

"I was the elected city

clerk for the City of San Bernardino, taking office in 2012, just three months before the city entered into what was to become the longest municipal bankruptcy in the nation's history," she said. "It was a challenging time, one that saw budget cuts that took my office staff from 17 to 3, at the same time there was a ten-fold increase in public records requests. Despite that, our on-time fulfillment rate was better than both my predecessor and successor."

From the vantage point of the elected city clerk in one of the most financially challenged cities in California, Hanna observed not only the

rough and tumble of vitriolic internal city politics but the very substantive practical issues that were vital to the community and the efforts to manage municipal operations and maintain vital services to a demanding population that included at the high end extremely functional successful business operators and impoverished residents struggling to stay in their homes at the low end and the multiple levels of citizenry in between. This gave her a deep understanding of the complexity of government and its role in sustaining for the common man and woman a quality of life.

"I retired in 2020, and moved to South Dakota

to be with family," Hanna said. "Habitat for Humanity San Bernardino lured me back in 2022 to be their executive director."

Habitat for Humanity is a non-governmental Christian philanthropic organization which engages in the repair and rehabilitation of existing homes and the building of new ones. Those homes are sold at cost to families making 80 percent or less of the area's median income, giving them an opportunity to own a home and build the stability in their lives that comes with that.

"As a long-time board member, and then a grant writer for the orga-

nization, I jumped at the chance to help out, and to get out of South Dakota winters," Hanna said.

In sizing up the general situation in Yucaipa and why she is leaping into the political fray, Hanna said, "My extensive experience with budget cuts in San Bernardino, as well as my experience overseeing a public agency department and non-profit budgets make me a good candidate to help Yucaipa work itself out of its current crisis. It can be done."

With regard to Measure S, the citywide sales tax override initiative in Yucaipa which will appear on the November 5 ballot along with her

candidacy, Hanna said, "I support the 1 percent sales tax increase for two reasons. First, after living in a city with inadequate public safety, I do not want to see that in Yucaipa. We are in a high fire and flood zone and need to be fully staffed for emergencies before they grow out of control. Secondly, I believe that the county is likely to raise its tax rate in 2026. If Yucaipa has not already apportioned part of the funds for Yucaipa, any tax increase would largely benefit non-Yucaipa residents, while Yucaipa residents would still be paying the tax."

Hanna said she was

Continued on Page 6

After Nestlé At Last Realized That The Rights It Was Relying Upon For Its Arrowhead Water Bottling Operation Were Dubious, It Engaged With Metropoulos To See If It Could Make A Sale *from front page*

when Anthony sold the water bottling enterprise near Arrowhead Springs Hotel and Arrowhead Hot Springs Resort to the California Consolidated Water Company/California Consumers Company.

Frye collated documentation to show that Nestlé's claim to holding water rights relating to water usage and bottling activity in the forest at the elevation higher than 5,000 feet in Strawberry Canyon was spurious, and that no such water rights there extended back to prior to the founding of the San Bernardino National Forest on February 25, 1893. Rather, the historic documentation Frye retrieved from the county's vaults showed that the rights Nestlé was referencing pertained to an area much more proximate to the Arrowhead Springs Hotel and Arrowhead Springs Resort in Coldwater Canyon at an elevation of 1,867 feet.

Frye went public with the information she had uncovered, providing it to the California Water Resources Control Board, the U.S. Forest Service and the press.

In relatively short order, corporate officers at the Nestlé Waters of North America headquarters in Greenwich, Connecticut and Nestlé, S.A. headquarters in Vevey, Switzerland grew acquainted with what Frye had uncovered and began casting about for a fix. Meanwhile, Nestlé continued to suck water out of the aquifer in the San Bernardino Mountains like never before.

Quietly, Nestlé initiated negotiations with potential investors and speculators in water resources to explore unloading those elements of its portfolio that represented potential liability going forward. Among those who demonstrated interest were Metropou-

los & Company. During preliminary discussions in 2020, Nestlé ascertained that the company, which was co-founded by C. Dean Metropoulos, a Greek-American billionaire investor and businessman and his two sons, Daren and Evan, was focused more on acquiring the entirety of its American/Canadian water portfolio than a few spin-offs. Metropoulos & Company specializes in acquiring classic or iconic American and European brands that are struggling or going into eclipse, particularly ones dealing in food products, and then transforming them through modernization and promotion to reestablish their viability and popularity with consumers, thus enhancing the value of the companies or corporations.

It appears that in its dialog with Metropoulos & Company, Nestlé, contrary to what had been documented by the contents of Frye's research compendium, represented that its corporate predecessors began accessing and diverting water from sources within Strawberry Canyon prior to the establishment of that area as the San Bernardino National Forest, assertions which Metropoulos & Company took at face value.

Metropoulos & Company, having partnered with One Rock Capital Partners, LLC, tendered a \$4.3 billion offer to Nestlé S.A. to acquire Nestlé Waters of North America, extending to Poland Spring® Brand 100% Natural Spring Water, Deer Park® Brand 100% Natural Spring Water, Ozarka® Brand 100% Natural Spring Water, Ice Mountain® Brand 100% Natural Spring Water, Zephyrhills® Brand 100% Natural Spring Water, Arrowhead® Brand Mountain Spring Water, Pure Life® and Splash. Not included in

the deal were Nestlé's North American marketing rights to Perrier®, S.Pellegrino® and Acqua Panna®. The offer was accepted in February 2021 and was finalized two months later, with the holdings having been consolidated under the name BlueTriton Brands.

The timing of the finalization of the Nestlé Waters of North America acquisition by One Rock and Metropoulos could not have been better for Nestlé, nor could it have been worse for One Rock and Metropoulos, at least insofar as the Arrowhead Spring Water division was concerned. Just days after the BlueTriton takeover, the California State Water Resources Control Board, responding to citizen complaints, issued a draft cease and desist order against Nestlé on April 23, 2021. On May 11, 2021, eighteen days after the issuance of the notice, Robert E. Donlan of Ellison Schneider Harris & Donlan, L.L.P., the law firm representing BlueTriton Brands, Inc., filed a request for a hearing on the matter and allegations in the draft cease-and-desist order notice, noting that BlueTriton is the "successor by name change" to Nestlé.

Donlan asserted that BlueTriton is "the owner of the water rights and obligations subject to the notice."

The record had to be corrected and the draft cease and desist order redrafted to reflect that it was BlueTriton Brands that had come under the board's authority, and which had to abide by the order.

BlueTriton contested the order, which resulted in the California State Water Resources Control Board commissioning Alan Lilly, an administrative hearing officer, to conduct an inquiry into the matter, consisting of a series of public hearings that took place between August 2021 and July 2023. Expert witnesses brought in by BlueTriton testified along with witnesses called by the attorneys representing the state water board.

After a consideration of all of the evidence and testimony, Lilly issued a tentative ruling on April 21, 2023 and postdated to April 23, 2023, stating that BlueTriton has no water rights in Strawberry Canyon and could not continue to draft water from the ten founts it had in the canyon's upper reaches but could continue to take water from three sources in the lower portion of the canyon.

According to the tentative ruling, Blue Triton henceforth was no longer entitled to any water from the top of the canyon, but was to be permitted for the time being to provide water drawn from lower down in the canyon to the San Manuel Indian Tribe for its use. The San Manuel Tribe of Mission Indians is the current owner of the historic Arrowhead Springs Hotel and its surrounding property.

On September 19, 2023, the California State Water Resources Control Board finalized the cease & desist order forcing BlueTriton to stop the removal of tens of millions of gallons of water annually from the Strawberry Canyon spring complex by November 1, 2023. The order reiterated the finding that BlueTriton has no water rights on U.S. Forest Service land.

Just a little over a month later, on October 24, BlueTriton, represented by John Kinsey and Nicholas Cardella

of the Fresno-based law firm Wanger Jones Helsey and Robert Donlan, Christopher Sanders and Shawnda Grady of the Sacramento-based law firm Ellison Schneider Harris & Donlan, filed a lawsuit against the State Water Resources Control Board in Fresno Superior Court, challenging the board's finalized cease and desist order.

The legal theory BlueTriton sought to pursue in the case is one that holds that there is a distinction in California water law between surface water and subsurface water and that the State Water Resources Control Board's authority extends only over

surface water and not to water drafted out of the water table or aquifer. Since the Arrowhead Spring Water operation consists of borings, tunnels and adits which tap into subsurface water, according to BlueTriton's legal team, the State Water Resources Control Board's cease-and-desist order was illegitimate and the ultimate conclusion that BlueTriton had not established water rights to the water it is drafting in Strawberry Canyon within the San Bernardino National Forest is moot and therefore inapplicable, as only the U.S. Forest Service has authority with regard to underground water within its jurisdiction. Thus, the U.S. Forest Service special use permit bought for a \$524-per year fee issued to Nestlé and subsequently to its corporate successor, BlueTriton, provides a fully proper, appropriate and both administratively and legally defensible basis to have allowed the drafting of that water in the past, at present and into the future, Kinsey, Cardella, Donlan, Sanders and Grady maintained.

The filing of the lawsuit brought with it a staying of the water use restrictions imposed by the cease-and-desist order, thus allowing BlueTriton to continue its diversion of water from Strawberry Canyon unabated.

BlueTriton's strategy, of course, was dependent upon the U.S. Forest Service continuing to permit the company to capture water as it and its corporate predecessors had done for decades. That stratagem failed, however, when, in a letter dated July 26, 2024, San Bernardino Mountain District Ranger Michael Nobles informed BlueTriton it must "cease operations" in the San Bernardino National Forest and remove all of the siphoning and drafting equipment along with its pipelines used to collect and transfer water from Strawberry Canyon, located above the 5,000-foot elevation, to a facility further down

the mountain.

In the letter to Louis Mixon III, who is BlueTriton's senior natural resource manager, Nobles wrote, "After careful consideration and review of the information provided by BlueTriton, I regret to inform you that your application dated February 21, 2023 for use and occupancy of lands and resources of the San Bernardino National Forest (SBNF), has been denied. As a consequence of this denial, BlueTriton's current permit terminates, and it must cease operations on SBNF lands. The Forest Service repeatedly requested BlueTriton provide additional information necessary to assure compliance with BlueTriton's existing permit, and evaluate BlueTriton's application for a new permit. Several of our requests, particularly those concerning the use of the water being taken from SBNF lands, were consistently left unanswered by BlueTriton. As we repeatedly explained, this information was necessary to evaluate compliance with your current permit, and to provide adequate information to consider your application. BlueTriton's refusal to provide the information provides us no alternative to denying your application. Pursuant to the terms of BlueTriton's prior special use permit (FCD728503), that permit is now terminated as a result of this denial."

Nobles said that based upon his analysis, "BlueTriton's application has not sufficiently demonstrated that all construction, reconstruction, operation and maintenance of tunnels on the National Forest use practices that minimize adverse effects on groundwater aquifers and their surface expressions [and] that the water extracted is excess to the current and reasonably foreseeable future needs of the forest resources."

In that letter Nobles requested that BlueTriton provide him with a plan/timetable for removing all its pipes and equipment.

Continued on Page 6

Council's Trio's Secret Plan To Axe City Manager Worked, But Resulted In Chaos That Has Yet To Fully Abate *from page 2*

what they felt about the city manager and whether he should remain with the city. Nor were they restricted from discussing their feelings or intentions with anyone else who was not on the council, and that included prospective members of the council such as Garner, Long, Taylor, Sahakian, Dragoo and Venable, the candidates seeking election that year. While it is not known whether Beaver and Duncan made any overtures to Long, Taylor, Sahakian, Dragoo or Venable, it is now common knowledge that the two councilmen were dialoguing with Garner prior to the election. Garner signaled to Beaver and Duncan that he was prepared to jettison Casey if he were to succeed in his race.

When Garner was elected, but before he was sworn in in December, he reiterated in his contact with Beaver and Duncan that he was on board with tossing Casey from Yucaipa's ship of state just as soon as he was in place to do so.

There was, however, a technicality that would prevent an early activation of the plan to remove Casey. A provision that had been placed into the Yucaipa Municipal Code was that "The city manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety days next succeeding any general municipal election." As such, the earliest the city council could have acted to fire Casey would have been 8:01 p.m. on February 5, 2023.

Beaver and Duncan, however, were determined to strike while the iron was hot and before Casey or anyone else would have an opportunity to dissuade Garner or compromise the resolve the trio had to move Casey out of the Yucaipa

City Hall executive suite.

Diane Smith, a pillar of the Yucaipa community who was a member of the planning commission and later the city council, is and has been extremely knowledgeable about issues within the city, often having in-depth information about events of significance at City Hall and elsewhere within the city's 28.3-square mile confines before they occur. On New Year's Eve 2022, Smith buttonholed Duncan, inquiring about rumors she had heard to the effect that Casey's days in Yucaipa were numbered. Duncan, recognizing that if he were to prevaricate with Smith his credibility thereafter would be forever damaged, told her that Beaver at the then-upcoming January 9, 2023 council meeting was going to ask Casey for his resignation or that he immediately retire. If Casey refused, Beaver was prepared to play his trump card, which consisted of his vote linked with Duncan's and Garner's to fire him.

It thus appears that Casey, who had previously expected to remain as city manager at least until 2024 and reportedly some three years beyond that, was aware before going into the January 9, 2023 meeting that his head was about to roll. Recognizing that his hand was being forced, he ultimately resigned, but not without a concession that the city would honor the commitment made in the October 23, 2022 contract extension to pay him his annual \$299,420 salary until the end of June 2024.

It has since been reported that during the closed session "one hell of an argument" broke out between, on one side, Beaver and Duncan, and, on the other, Thorp, while Garner remained silent but stood by the mayor and mayor pro tem, with Venable taken aback by the whole scene.

Among the roughly 40 Yucaipa residents who had come to the meeting were several who went on the record, after the closed session

was concluded, as supporting Casey. That had no appreciable impact in convincing the council to reverse course by rescinding its action. With Graham functioning as city attorney, the council thereafter voted 4-to-1, with Thorp dissenting, to offer the position of city manager to Mann.

For a substantial cross section of the Yucaipa community, including members of the traditional establishment and its old guard, the events of January 9 were upsetting and disillusioning. 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 Brown Act had taken place.

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, waiting in the wings at City Hall, before he was hired as city attorney and, likewise, Mann was immediately present, reportedly waiting in his car in the civic center parking lot, 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. Further, the council majority and their defenders rejected the claim that Casey's sacking violated the municipal code section that related to not firing the city manager during the 90-day period after an election. They pointed out that Casey had resigned and had not been terminated by council action.

For those upset at Casey's departure, those defenses were ones that

relied on distinctions without differences 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, had come to believe that installing Mann, whose company, Mann Communications, serves as a mouthpiece for the development industry, was a harbinger of a wave of aggressive development consisting of "stack and pack" subdivision after subdivision being approved by the newly-formed council majority that would make Yucaipa indistinguishable from scores of other cities in Southern California that are now composed, practically, of wall-to-wall houses.

Adding insult to injury, a band of Yucaipa residents maintained, was that in its haste to get rid of Casey and put Mann in place, the council troika had created a circumstance in which the city was double-paying for the services of a city manager. In addition to the \$220,130.80 in annual salary, \$8,181.81 in pay add-ons and perks, and \$44,134.19 in benefits for a total annual compensation of \$272,446.8 that the city was paying to Mann to serve as the city's top administrator, it was paying a \$299,420 salary to Casey. Those city residents were baffled at why, if Beaver, Duncan and Garner were so set on getting rid of Casey and hiring Mann, they didn't wait to make the transition at mid-year 2024, when the city's contractual obligation with Casey was set to draw to a close.

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 Sauseda, whom he had previously promoted to city clerk when she was employed at the City of Canyon Lake, from which he had departed to become Yucaipa's city manager.

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 Sauseda as a plaintiff, acting in her capacity as the city's chief elections officer, in a lawsuit challenging the validity of the recall effort.

Two of the Sutton Firm's attorneys, Bradley W. Hertz and Eli B. Love, filed a writ of mandate on Sauseda's behalf, asserting that the stated grounds for the recall of Garner, Duncan and Beaver were false and misleading, since 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 a recently passed law, AB 2584, allowing Sauseda to contest the accuracy

of the stated grounds for a recall. Sauseda'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, Sauseda 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 distraction 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 Sauseda to serve as the plaintiff had succeeded in staving off the recall effort. It also had the incidental effect of preserving Mann's, Graham's, Sauseda's and Pradetto's positions with the city, since the removal of Garner, Duncan and Beaver from the council would have very likely resulted in their replacement by three officeholders hostile to the new ruling coalition's agenda, which the recently brought-in city manager, city attorney, city clerk and city spokesman were

Continued on Page 15

Hanna Pledging An Open City Hall Door Policy In Yucaipa Council Campaign *from page 3*

nonetheless concerned that the proceeds from the sales tax increase might not be used responsibly or appropriately, and that making sure the tax money is not squandered, if Measure S passes, is part of her motivation for running for a position on the city council.

“The tax increase is not a get-out-of-fiscal-responsibility card,” she said. “With a \$7.3 million deficit, Yucaipa needs to eliminate excessive spending in every way possible. Moving forward, I believe the budget needs to be cut—government relations and communications are often the first to go. I know that because

I have run those departments, and there are ways to scale back programs when needed.”

She said that even if the city’s residents see their way clear to enhance the city’s revenue stream with the additional sales tax, city officials still need to consider and effectuate the streamlining of city operations in a way that will eliminate unnecessary expenditures.

“There needs to be staff and program cuts,” Hanna said. “There needs to be a salary survey – from the city manager down. This will help inform the coming employee contract negotiations, as well as any contract review of the city manager. Honestly, I would hate to see Yucaipa start cycling through city managers the way that San Bernardino has. It has affected the quality of life, property values and businesses in that

city. You cannot have chaos and progress at the same time.”

Still, Hanna averred, “I do believe that the new council should review the city manager’s contract, the list of priorities he was given, and decide if he is the manager to move forward with its goals. It is irresponsible not to, but I do not want to make any changes to the city manager until vigorous debate in closed and open session. Anything else is irresponsible.”

With regard to land use issues and the prospect that development in the 28.3-square mile, 53,733-population city will impact residents for better or worse, Hanna said, “I support thoughtful development that takes into account Yucaipa’s sense of place and rural feel. But some of that will change in order to continue to pay for public safety and the

other services that residents enjoy. Mixed use residential, retail and light industrial along the freeway makes sense. I support personal property rights but think that the freeway corridor plan should be imagined without warehouses. We can find a win-win in this. What it takes is a willingness to listen and talk to each other, something that you rarely see in Yucaipa.”

Hanna is competing with Lyle Vick and Judy Woolsey in the District 3 contest. While acknowledging her opponents’ sincerity, civic concern, qualities and value to the Yucaipa community, she said, “I am the superior candidate because I have dealt with many of the issues that face Yucaipa, and have successfully advocated for people at the local, state and federal level in the areas of water quality and supply and housing. I served as

communications director on Governor Schwarzenegger’s Alluvial Fan Task Force, which looked at sustainable development along foothills in the southwest, accounting for recreation, landowner, flood control, environmental and housing needs. We spent three years discussing, in depth, the very issues Yucaipa faces. The end result was a model ordinance and a list of best management practices for developers.”

Hanna emphasized that “District 3 needs a voice on the council, a strong, independent, experienced voice who has a heart for the public, and the experience to make sure they get the results they need. I am making several commitments to District 3 and its residents. I will decline the city stipend for council members. It’s not much, but we need to tighten our belts ev-

erywhere. I will listen and be respectful of your opinions and encourage you to participate in your government. Every week before a council meeting, I will review the agenda with District 3 constituents, answering questions where I can, and hearing about their concerns about any item on the agenda.”

Hanna said, “Yucaipa needs leaders with passion, knowledge, experience and skills to collaborate successfully with people on the local, regional, and state levels to accomplish that. And District Three needs a leader who understands budgets, general plans, transit overlays and taxing methods, is willing to listen to residents’ concerns, and work to find solutions. I am that candidate.”



BlueTriton Is Now Pursuing Litigation Against The Forest Service In An Effort To Redeem The Investment It Made In Arrowhead Water Rights It Learned Too Late Do Not Exist *from page 4*

In a quick turnaround, BlueTriton on August 6, 2024 sued Nobles, four of his U.S. Forest Service supervisors and the U.S. Forest Service in federal court in Washington D.C.

Previously, BlueTriton maintained in its dealings with the California Water Resources Control Board and before the California Superior Court that the U.S. Forest Service was its ally in that it had historically tolerated its water drafting in the San Bernardino National Forest, which, the company asserted,

undercut the state’s contention that the company had no water rights at the 5,000-plus elevation level in the San Bernardino Mountains. In its August 6 federal suit filed in the United States District Court for the District of Columbia, however, the lawyers for BlueTriton – George Sibley and Kevin Elliker of the Richmond, Virginia-based law firm of Hunton Andrews Kurth and attorney Todd Mikolop of Hunton Andrews Kurth’s Washington, D.C. office – took an opposite tack. Sibley, Elliker and Mikolop maintained that Nobles, in his role as the Front Country District Ranger in the San Bernardino National Forest, as well as Danelle Harrison, in her official capacity as the forest supervisor of the San Bernardino National Forest and Nobles’ immediate supervisor, along with Jennifer Eberlein, the regional forester for the Pacific Southwest Region of the U.S. Forest Service; Christopher

French, the deputy chief for the National Forest System of the U.S. Forest Service; Randy Moore, the Chief of the U.S. Forest Service and the United States Forest Service, had overstepped their authority in ordering the removal of BlueTriton suction pumps, siphoning devices and pipes from Strawberry Canyon. In doing so, Sibley, Elliker and Mikolop maintained, the U.S. Forest Service, Moore, French, Eberlein, Harrison and Nobles had taken “action [that] is unlawful” and which was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” as well as “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” The lawyers sought, on BlueTriton’s behalf, a declaration from the court that denying the permit renewal is a violation of the federal Administrative Procedures Act and further requested that the court vacate and set aside the U.S. Forest Service’s denial of the permit renewal by issuing “a preliminary and permanent injunction prohibiting the U.S. Forest

Service from denying or otherwise unreasonably restricting plaintiff’s access to Arrowhead Springs.”

The defendants, referred to as respondents, sought a change of venue to the federal court nearest San Bernardino County, that being the federal court in Riverside. BlueTriton’s legal team opposed that change of venue motion.

This week, on December 23, Federal Judge John Bates granted the change of venue request, stating in his decision that the two grounds that BlueTriton used for filing the suit in the United States District Court for the District of Columbia were insufficient to keep the case before the court on the other side of the continent from where events relative to the issue being litigated were taking place. BlueTriton filed suit in Washington, D.C. because French, as the deputy chief for the National Forest System of the U.S. Forest Service and Moore, as the chief of the U.S. Forest Service, live within or near Washington, D.C. Bates, however, noted, “BlueTriton does not allege that any of those

defendants participated in the decision-making process on BlueTriton’s permit, nor does BlueTriton posit that any action, even insignificant, occurred in the district.”

Furthermore, Bates, wrote, “BlueTriton’s attempt to frame this case as an issue of national importance is unpersuasive.”

Moreover, Bates reasoned, those involved in the actual decision to remove the BlueTriton water drafting operation from the San Bernardino Mountains are based in Southern California and in San Bernardino County in particular. “BlueTriton’s underlying claim centers on the use of land and water in California, which ‘is a localized interest because its management directly touches local citizens,’” Bates wrote in his decision. “The government [i.e., the U.S. Forest Service] contends that the public and private interest factors favor transfer because ‘[t]he land at issue, the decision-makers, third parties with a vested interest in the outcome of this case, and the parties to previous litigation concerning BlueTriton’s permits are all located

in the Central District of California,’ plus the case has ‘no meaningful ties to the District of Columbia.’ BlueTriton seeks relief that would permit its occupancy of California land and use of California water. That this directly touches California and her citizens is abundantly clear. To put it plainly, BlueTriton’s claim involves an application made in California for a permit to occupy federal land in California; how USFS officers in California adjudicated that application, including their consideration of a California state agency decision regarding California water rights; and a decision that will affect California’s environment—an issue on which Californians have expressed significant interest. Taken together, the public interest factors strongly favor transfer.”

In his conclusion, Bates wrote, “BlueTriton challenges a decision made by a USFS official in California about water rights and environmental regulation in California—an Administrative Procedures Act challenge with overwhelmingly local effects. As *Continued on Page 16*

Council Pay Hike *from front page*

in San Bernardino County, with over \$1 billion running through all of its various operating, enterprise and special funds. That puts it well beyond even the closest ranking city in the county financially, which on a yearly basis over the last decade has varied from Fontana *Continued on Page 16*

Having Been Hired As Yucaipa City Manager Under Inauspicious Circumstances, Mann Has Become A Lightning Rod Of Resentment & Distrust Radiating From A Multitude Of Residents *from page 3*

Ultimately, to cover what was to be expended for city operations, referred to in governmental parlance as the general fund, Mann had to utilize all of the money coming into the city from sales tax, property tax, other money passed along to the city in what are called subventions, along with available grants and he still had \$2 million less in revenue than he had in planned expenditures. To make the city's books balance, he had to dig into the city's reserves – the amount of money it had accumulated or saved since its 1989 founding – to plug that gap.

Earlier this year, during the budgeting process for what is now the current 2024-25 fiscal year, Mann and Yucaipa Finance Director Phil White found themselves faced with a situation even more acutely challenging than what had been the case the previous year. This time, the city's 2024-25 budget projection was that there would be \$40.1 million expended from the city's general fund and that approximately \$35.7 million in revenue would come into the city from all sources. That immediately apparent \$4.4 million deficit would be compounded by the consideration that within the general fund's public safety subfund, the city would suffer a \$2.9 million shortfall in covering its \$7.4 contract for the provision of fire protection and paramedic operations with the California Division of Forestry and Fire Protection, known by its acronym CalFire, which serves as the city's contract fire department. The city will have just \$4.5 million in its fire fund over the whole of 2024-25. To cover the \$2.9 million needed to shore up safety operations and the \$4.4 million to fill the gap with regard to basic municipal operations, the city would need to, White said, uti-

lize another \$7.3 million from its reserves.

After less than a year-and-a-half with Mann at the helm, the city council found itself gazing into a fiscal abyss. If the deficit spending that had become the norm under Mann were to persist and continue in the established pattern, in less than four years the city's reserves would be depleted and the next stop on the line would be bankruptcy.

To stave that off, at Mann's and White's prompting, the city council voted to request that the San Bernardino County Registrar of Voters Office place another one-cent sales tax measure on the November 5 ballot. The registrar of voters complied, whereupon Measure S was hatched.

As was the case in 2020 with Measure E, there is a sizeable contingent of Yucaipa's residents who are adamantly opposed to Measure S. While the sheer number of residents opposed to increasing the city's sales tax resulted in Measure E's defeat four years ago, there has been no coordinated effort to actively oppose Measure S, which has given those who are in favor of the sales tax increase some hope that things will go differently this year.

A significant number of those backing Measure S are supporters of the city council and Mann as city manager. Indeed, the city council, Mann and other city staff are in the thick of the organized program to promote Measure S. Of note, however, is that there are some vocal elements of the community who are supporting Measure S who are not favorably impressed with Mann or the council majority which put him in place by ousting Casey. In recent weeks, as the promoters of Measure S were seeking to convince voters that they had to pass Measure S or

the city would within the next three to four years have to seek Chapter Nine bankruptcy protection, the dismay with Mann became palpable.

A handful of those saying they were hopeful that Measure S would pass said the reason the city was in such dire straits was because it no longer had the steady hand of Casey to guide it. They cited the consideration that in the time corresponding to Mann's tenure as city manager, the city has engaged in deficit spending.

The upshot in multiple statements was that Casey had managed to operate with a surplus for two years running in the aftermath of the fiscal challenge of 2020, when the city last took in less money than it spent, which was an outgrowth of the COVID crisis/pandemic.

The back-and-forth that ensued among city residents revolved around what many unquestionably assumed was Casey's consummate skill as a municipal administrator, even despite his training as an engineer, and his ability to conform spending to revenues, even in very trying circumstances. This was contrasted with Mann's performance during his tenure, in which he oversaw the city during a relatively stable economic period, while he proved incapable of instilling the discipline in city staff to balance Yucaipa's budget. There was parallel discussion about city employees being overpaid and underworked, in which Mann's lack of will to get city staff to accept salary cuts and reform the city's pension arrangements was referenced as the primary factor in the city's deficit position.

The conclusion reached by that particular subset of Measure S supporters was indistinguishable from the position virtually universally held by those who are opposed to Measure S, that being that Mann is inadequate to the task of being Yucaipa city manager, given the seemingly insurmountable challenges the municipality

faces. Three individuals in favor of Measure S, including one who deals with Mann on a constant basis, opined that there is little hope for the city with Mann in charge, but that at least getting more money flowing into city coffers will leave City Hall better positioned when a future council gets around to terminating him.

Dick Riddell, who served on the Yucaipa City Council for a quarter century, including multiple stints as mayor, lambasted Beaver, Duncan and Garner for providing Mann with "a lucrative contract that includes a huge severance package," and he openly accused Mann of "hiring personal friends at inflated salaries."

With Measure S on a trajectory to be decided by those voting by mail and turning up at the city's 57 voting precincts on November 5, the *Sentinel* approached Mann to see why he felt it necessary, after the voters resoundingly turned back Measure E in 2020, to seek a do-over with Measure S this year. The *Sentinel* inquired as to whether he believed there will be a different outcome this time around and whether, from his experience in trying to tame the challenges facing the city over the last 21 months, he sees justification in the perception of many that the city council made a mistake in forcing Casey's resignation. The *Sentinel* asked Mann if he was prepared to acknowledge that his predecessor was better equipped than he is to deal with the managerial challenges in Yucaipa.

The *Sentinel* asked Mann what his response would be to someone who observed that over the course of the nearly decade-and-a-half that Casey was in place as city manager, the term bankruptcy was never mentioned with regard to City Hall but that after less than two years with him at the helm, it appeared that he was steering the Yucaipa ship of state toward the shoals of Chapter 9. The *Sentinel* asked if Mann

considered the loose talk in Yucaipa with regard to bankruptcy as a blot upon his record.

The *Sentinel* asked Mann about the estimate made by an accounting professional involved primarily in municipal finance that if the city were to impose an across-the-board 12.5 percent pay cut on those working directly for the city and under contract with the city that Yucaipa would be able to balance its books going forward.

The *Sentinel* asked Mann if he would be willing to force city employees to defray from their own paychecks 100 percent of the city's costs relating to the pension program Yucaipa municipal employees participate in.

The *Sentinel* asked Mann if in his estimation Yucaipa municipal employees are overpaid and underworked compared to their counterparts in the private sector. The *Sentinel* asked Mann if the salaries provided to Yucaipa municipal employees are overgenerous and whether the benefits and perquisites Yucaipa municipal employees receive are excessive. The *Sentinel* asked Mann, relative to his role as city manager, whether his first loyalty was due to the city council, the city's residents or municipal employees. The *Sentinel* asked Mann if it is reasonable for city officials to ask of the city's residents that they agree to a tax increase without first reforming the city's bloated and overpriced municipal workforce. The *Sentinel* asked Mann if he thought it a fair comparison when examining Yucaipa city employees' salaries and benefits to contrast them with municipal employees elsewhere rather than contrasting them with the salaries and benefits of Yucaipa residents. The *Sentinel* asked Mann why Yucaipa's residents should support Measure S if the employees at City Hall are not likewise willing to make financial sacrifices.

The *Sentinel* asked Mann what he would do if Yucaipa residents fail to pass Measure S.

In response to the *Sentinel's* inquiries, Mann said, "I have a lot respect for Mr. Casey. We knew each other just a little bit, as I would see him at conferences, meetings and around town from time to time. I always enjoyed the conversations. He was the city manager in Yucaipa for almost 15 years, which is a tremendous run when you consider that the average length of time for a city manager to stay in any one city nowadays is less than five years. During his time here, the Yucaipa grew in terms of population and organizational structure. Over the last 20 years the city experienced substantial growth, and he was instrumental in having the governmental structure keep pace with that, which included creating or expanding several parks, stormwater basins, the Performing Arts Center, etc."

Mann indicated that the financial challenges the city is facing are not a product of his management of the city, but a consequence of municipal fiscal reality, which was baying at Casey's heels as well.

"I believe that he [Casey] did recognize the financial challenges ahead, which we are now working through," Mann said. "He was pursuing projects like Costco, and due to the action of the property owner, that project went away and is now going to the City of Highland. That was a commercial use that would have enhanced city revenue. He recognized our need for revenue enhancement. He saw the issues we are now dealing with coming, and he attempted to address that in 2020 with Measure E, which failed."

Deficit spending in Yucaipa was postponed during the 2021-22 and 2022-23 budget cycles, Mann said, as a consequence of generosity from the federal government. That subsidization has now ended, and the fiscal dilemma chickens have come home to roost, he said, while pointing out that this would have occurred whether he or

Continued on Page 16

Public Notices

Public Notices

Public Notices

Public Notices

Public Notices

Public Notices

Public Notices

information on this statement becomes Public Record upon filing... JAMAL I THOMAS, OWNER... STATEMENT filed with the County Clerk of San Bernardino on: OCTOBER 15, 2024

FBN 20240009318 The following person is doing business as: THE PAINTED SPAW 6061 N RIVERSIDE AVE RIALTO, CA 92377

FBN 20240009382 The following person is doing business as: VANILLA CAFÉ 24797 REDLANDS BLVD LOMA LINDA, CA 92354

FBN 20240009288 The following person is doing business as: TIRE TECH. 528 TEXAS ST REDLANDS, CA 92374

AS ST REDLANDS, CA 92374; COUNTY OF SAN BERNARDINO PENNYLOOT ENTERPRISES, LLC. 690 TEAKWOOD AVE RIALTO, CA 92376

FBN 20240009264 The following person is doing business as: CANNY BEAUTY LASH-ES. 1651 WEST FOOTHILL BLVD SUITE D UPLAND, CA 91786

FBN 20240009689 The following person is doing business as: THE NORTH FREEZE DRY CO. 2664 PACIFIC ST HIGHLAND, CA 92346

FBN 20240009316 The following person is doing business as: ARV CLEANING SERVICES. 19005 DENNIS ST ADELANTO, CA 92301

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk.

FBN 20240009309 The following person is doing business as: VIANA'S TRUCKING. 814 S PRIMROSE AVE RIALTO, CA 92376

FBN 20240009288 The following person is doing business as: TIRE TECH. 528 TEXAS ST REDLANDS, CA 92374

FBN 20240009603 The following person is doing business as: SEÑOR CREPAS. 16150 OWEN ST LONG BEACH, CA 92335

FBN 20240009316 The following person is doing business as: ARV CLEANING SERVICES. 19005 DENNIS ST ADELANTO, CA 92301

By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130.)

FBN 20240009451 The following person is doing business as: RE/MAX COMMERCIAL. 10535 FOOTHILL BLVD STE #460 RANCHO CUCAMONGA, CA 91730

FBN 20240009603 The following person is doing business as: THE BAIL NETWORK. 165 W HOSPITALITY LN SUITE #19D SAN BERNARDINO, CA 92408

FBN 20240009683 The following person is doing business as: MANE PHASE. 11553 FOOTHILL BLVD SUITE #37 RANCHO CUCAMONGA, CA 91739

of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).

FBN 20240009601 The following person is doing business as: 1 PERCENT BAIL BONDS. 165 W HOSPITALITY LN SUITE #19D SAN BERNARDINO, CA 92408

FBN 20240009683 The following person is doing business as: MANE PHASE. 11553 FOOTHILL BLVD SUITE #37 RANCHO CUCAMONGA, CA 91739

3F-327 RIALTO, CA 92376; COUNTY OF SAN BERNARDINO MANE PHASE L.L.C. 1310 S RIVERSIDE AVE SUITE 3F-327 RIALTO, CA 92373

FBN 20240009000 The following person is doing business as: FIESTA MOTEL 410 W FOOTHILL BLVD RIALTO, CA 92376

FBN 20240006977 The following person is doing business as: SUGAR SUGAR IS CREATIVE. 1456 W 6TH ST #A SAN BERNARDINO, CA 92411

ardino County Clerk By:/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk.

FBN 20240007007 The following person is doing business as: LA MICHOACANA ICE CREAM SHOP. 12135 CENTRAL AVE CHINO, CA 91710

FBN 20240007020 The following person is doing business as: GENEROUS BRANDS. 7200 E. BRUNDAGE LANE BAKERSFIELD, CA 93307

Public Notices

FBN 20240007956
The following person is doing business as: H ST AUTO, 3293 N H ST SAN BERNARDINO, CA 92405;[MAILING ADDRESS 16467 ABEDUL ST MORENO VALLEY, CA 92551]; COUNTY OF SAN BERNARDINO SOOPARI LLC 401 RYLAND ST. STE 200-A RENO, NV 89502 STATE OF ORGANIZATION NV ARTICLES OF ORGANIZATION 202463616903 The business is conducted by: A LIMITED LIABILITY COMPANY. The registrant commenced to transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information

Public Notices

which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/ERIK EDGARTERRAZAS, CEO Statement filed with the County Clerk of San Bernardino on: AUGUST 30, 2024 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq.,

Public Notices

Business and Professions Code). Published in the San Bernardino County Sentinel 09/07/2024, 09/14/2024, 09/21/2024, 09/28/2024 CNBB36202402MT CORRECTED DATES 10/25/2024, 11/01/2024, 11/08/2024 & 11/15/2024
FBN 20240006136
The following person is doing business as: LAGUNA RESIDENTIAL CARE, 18246 LAGUNA PLACE FONTANA, CA 92336;[MAILING ADDRESS 18246 LAGUNA PLACE FONTANA, CA 92336]; COUNTY OF SAN BERNARDINO ROOTSON LLC 18246 LAGUNA PLACE FONTANA, CA 92336 STATE OF ORGANIZATION CA ARTICLES OF ORGANIZATION 202014010237 The business is conducted by: A LIMITED LIABILITY COMPANY. The registrant commenced to

Public Notices

transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/ DANIEL TOCHUKWU U M A H - M G B O R O G W U , MANAGING MEMBER Statement filed with the County Clerk of San Bernardino on: JULY 08, 2024 I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By:/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious

Public Notices

business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel 07/12/2024, 07/19/2024, 07/26/2024, 08/02/2024 CN-BB28202407MT CORRECTION DATES 08/09/2024, 08/16/2024, 08/23/2024 & 09/06/2024 CORRECTED DATES 10/25/2024, 11/01/2024, 11/08/2024 & 11/15/2024

FBN 20240004193
The following person is doing business as: ROBERTO'S CARPET & FLOOR COVERING 1405 W VESTA ST ONTARIO, CA 91762;[

Public Notices

MAILING ADDRESS 1405 W VESTA ST ONTARIO, CA 91762]; COUNTY OF SAN BERNARDINO ROBERTO CORONA TORREZ The business is conducted by: AN INDIVIDUAL The registrant commenced to transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 179130. I am also aware that all information on this statement becomes Public Record upon filing. s/ ROBERTO CORONA TORREZ, OWNER Statement filed with the County Clerk of San Bernardino on: MAY 02, 2024 I hereby certify that this copy is a correct copy of the original state-

Public Notices

ment on file in my office San Bernardino County Clerk By:/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code). Published in the San Bernardino County Sentinel 05/21/2024, 05/28/2024, 06/05/2024, 06/12/2024 CN-BB14202410MT CORRECTION DATES 07/05/2024, 07/12/2024, 07/19/2024, 07/26/2024 CORRECTON DATES 10/25/2024, 11/01/2024, 11/08/2024 & 11/15/2024

FPPC Excoriates Adelanto Councilman Over His "Deception" from page 3

Commission staff agreed to remove the ratification of the \$57,500 fine against Ramos from the board's June 13 meeting agenda, with the understanding that some order of acknowledgment of the violations that had taken place would be made and an arrangement involving a possible fine reduction could be worked out with Ramos.

Ramos appeared before the commission in August, making multiple assertions that he suggested mitigated or obviated the need for any corrective action. Based upon that show of cooperation and as a gesture to prompt Ramos into providing the back-up material to verify his claims, the commission agreed to reduce the fine to \$37,500.

The following month, at its September meeting, the Fair Political Practices commission revisited the case against Ramos, whereupon it was informed by the chief of its enforcement division, James Lindsay, that Ramos was not forthcoming with much of the documentation he had promised to provide. What documentation the agency received, Lindsay said, strengthened the case against Ramos.

Lindsay noted at the September 19, 2024 commission meeting that the agency in August held off on finalizing the fine against Ramos because the councilman said he had further information and documentation he

wanted the commission to consider.

Lindsay said the intervening month gave the enforcement division an opportunity to verify or disprove some of the assertions Ramos made, including a claim that all of the reports that were required to be filed were filed.

Chairman Adam Silver asked if Ramos's claim was accurate. Lindsay responded that Ramos did prepare some filings, but noted that most applied to the current electoral season and not the historic issues that were the focus of the commission's action against him. He noted as well, that Ramos's current filings from as late as mid-year 2024 were missing or incomplete.

"The statement that he has filed everything is not accurate," Lindsay said. "He has filed some other paperwork relating to his status as a candidate in the upcoming election. He did prepare some filings, two that had activity on them. He did provide some documentation. He indicated that he had previously provided significant documentation regarding his bank account. That was not accurate, and, in fact, he did ultimately give us some regarding the bank account. It was somewhat distressing, actually, what we did find, which is that the institution – the banking institution that he had placed on the 410 – was not the banking institution that he ultimately opened an account with. He ultimately opened an account with a different institution only a week before the election, after all of the expenditures

that he acknowledges were made and incurred. So, we didn't get cooperation from Mr. Ramos through the five years that this case has been around. Previously we had subpoenaed records through the institution that he had disclosed. It turned out that we couldn't get any documents because he didn't have a bank account at that particular institution. It was only a few weeks ago that we received some documents that showed that a bank account was opened eventually, but very late. And none of the account money really matches up with the expenditures taken out. Almost all of the money was taken out after the election."

In looking at information available through open sources, such as social media sites pertaining to Ramos's campaign or his position on the city council, Lindsay said, substantial discrepancies with the campaign spending reports Ramos has filed emerged.

"There is a significant amount of stuff that is available on Mr. Ramos's Facebook page that would indicate a lot more expenditures occurred than what was ultimately disclosed, but we don't have any invoices," Lindsay said. "He didn't provide anything."

Visible on the social media site, Lindsay said, were "very large signs in different languages, [signs of] different sizes, polo shirts, hats, events. There's just a lot of stuff here that's dubious. It's dubious that \$2,000 was received. It's dubious that \$1,800 was expended. The bank records aren't

particularly helpful. Almost all expenditures are occurring after the relevant election. Prohibited cash transactions are occurring in concert with a post-election trip to Las Vegas. There's a lot of concerns here. At this point we have a gentleman who is continuing to run for office and ultimately what was filed was not particularly complicated, truthful or not. There's no reason why this took three, four, five years to get reported, despite our consistent contacts, the local filing officers' consistent contacts. We've expended in the enforcement division hundreds of hours on this case. Just from pre-notice onward, it's probably been over a hundred hours. Our special investigator has had to expend considerable amounts of time even throughout the default process. Our attorney handling the case, our assistant chief over prosecutions and myself have spent considerable amounts of time on this case, trying to uncover what's going on, trying to get compliance."

Lindsay referenced the reduction in the fine, explaining, "In the enforcement division, we want to incentivize compliance, even if it's really late and probably not particularly helpful at this point, but we do want to incentivize that. So, we did look at the proposed penalty again and we have reduced what our recommendation was from the penalty. As you may recall, we asked initially \$57,500 as the aggregate penalty for all these non- and late filings and the bank account issues. We have, I think, confirmed what

we suspected before with respect to the Victorville committee that was used in the failed election in 2018. Those are up to date. There's no money attached to those filings. So, in an effort to be reasonable in our recommendation, we have lowered all of those counts relating to the Victorville committee from \$4,000 or \$4,500, depending on the type of filing it is, to \$1,000 apiece. He hasn't terminated the committee still, despite the fact that we've asked. So, there may continue to be and there are continuing to be, probably, filing obligations, but we do want to be reasonable about that. We have increased one penalty from \$2,000 to \$5,000."

Lindsay said that Ramos has not made a clean breast of things and is still seeking to hide information or simply is incapable of providing it.

"A number of things that Mr. Ramos has said has been inaccurate and this is particularly troubling because it indicates there is fairly significant concealment," Lindsay said.

Chairman Adam Silver said that in addition to what had been covered in Lindsay's statement, "There were other additional violations, serious violations."

Silver said Ramos's dissembling and withholding of information "made it difficult for us as the enforcement agency to track what this candidate is using the funds for. Additionally, we had the respondent appear before us at our last meeting and he indicated he had filed all of his paperwork. He has not filed all his paperwork.

There is no reason to assume he is not aware of that filing obligation. He has run in two different elections at least. He is a sitting public official. So, for me, that is certainly something I'm considering, the fact that he misled us."

With the \$37,500 fine being what had been specified in the September 19 meeting agenda, the commission turned its attention to confirming that and bringing the long-ongoing phase of the action against Ramos to a close.

Commissioner Catherine Baker told Lindsay, "I think you've been more than patient. I think it is disappointing that there is a sitting public official that has had this response. You've laid out the evidence very well for us. This commission has been more than patient and reasonable with the respondent. I think it's generous that the fines have been adjusted the way they have."

The remaining members of the commission present indicated their belief that Ramos did not meet the obligation on his part to comply with the state's rules requiring transparency from public officials.

Commissioner Elsa Ortiz said she was "reluctantly" supporting the fine reduction.

With Commissioner Abby Wood absent, the four commissioners present – Silver, Baker, Ortiz and E. Dotson Wilson – unanimously voted to impose the \$37,500 fine on Ramos.

Ramos did not respond to requests for comment.

-Mark Gutglueck

Grand Jury Opined Yucaipa Officials Had Violated The Trust Of The City's Residents *from page 5*

militating so energetically to implement.

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 what was in essence an empty threat that they would potentially be jailed. 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 what they saw as a miscarriage of governance growing out of an illegal series of events that the council majority had engaged in with the assistance of Mann and Graham before the fact and with the connivance of Hertz, Love, Sauseda 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.

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 purposed to simply dismiss the lawsuit. However, with Penman representing some of the defendants, city officials – 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 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, which argues that a given lawsuit is a strategic lawsuit against public participation, 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 action 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-the 2023-calendar-year report, the grand jury, while avoiding delving

into the issue of whether a Brown Act violation 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 ob-

served 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 was 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, 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."

On January 31, 2024, Judge Michael Sachs, who oversaw the lawsuit filed by Sauseda against the 193 Yucaipa residents, entered a 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."

According to Judge Sachs, 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.

"All this particular respondent did was sign the recall petition," Judge Sachs propounded, "She [Colleen Wang] also

Continued on Page 16

Robert E. Vaughn

U.S. Army Retired

Viewing was held: October 21 from 1 p.m. to 4 p.m. at Aaron Mortuary 1525 Waterman Avenue San Bernardino, California 92404

Funeral Services were held: October 22 from 12 Noon until 1 p.m. at Aaron Mortuary 1525 Waterman Avenue San Bernardino

Burial took place: at 2:15 p.m. October 22 at Riverside National Cemetery 22495 Van Buren Boulevard Riverside, California 92518

Residents' Stinginess On Measure S Will Entail "Deep" Cuts, Mann Maintains *from page 7*

Casey was the city manager.

"Like all cities, Yucaipa was a recipient of American Rescue Plan Act funds, which provided \$8 million over several years," Mann said. "Yucaipa used those funds to plug the holes in the budget. Had we not received ARPA funding, the city would have had the discussions we are having now four years ago."

With regard to having to approach the city's residents hat-in-hand and ask for more money in the form of an increase in sales tax, Mann said, "It is a difficult thing. We have an obligation to be conscientious in how we are spending public funds. If we want quality services, we have to be able to pay for those services and the people who will provide them."

Irrespective of whether residents who work in the private sector make less, on average, than

those in the public sector, Mann said, the reality is that public sector employees have come to expect and are, by virtue of the public sector marketplace, entitled to higher wages and benefits. "We have to be willing to compete with other jurisdictions to be able to employ quality people to do that work," Mann said. "If we are not able to retain quality people, our service will fall below standards."

Mann disputed that all employees in the public sector are overpaid, saying that there are those in the private sector who outearn those in the public sector. He conceded, though, that those working for the city, on average, are paid better than those who live in the city.

"You can find examples of people in the public sector who are overpaid" when you draw comparisons "to the type of jobs they are performing," he said, referencing county government and other cities, but added, "I don't believe that is the case in every organization. Some are more efficiently run than others." Mann included Yucaipa

among those where the taxpayers are getting their money's worth out of public employees. "There is no dead weight here," he said.

"When people say that public employees are paid better than those [doing essentially the same work] in the private sector, that may be true in some cases, but we have to be able to offer [government employees] a sufficient wage in order to get them to come here [i.e., Yucaipa] to work," Mann said.

Mann said the city is in the process of initiating a survey or soon will complete such data collection relating to pay levels of city employees in comparison to those in the private sector as well as those employed by other governmental jurisdictions.

Said Mann: "We are spending less on general government staff today than we were in 2003, when you adjust for inflation." He added, "The net cost of support staff is only 9 percent of the city's budget. That is dangerously lean. In most cities, if that number is 20 to 25 percent,

they are considered very efficient. I've never seen that number below 10 percent in any other jurisdiction."

The degree to which operations in Yucaipa have been pared back, Mann said, is "alarming. When I arrived, the city had no HR [human resources or personnel] department. At one time, Yucaipa had an HR professional, but that person left, and the duties were handed to an executive assistant. There was no risk manager, and there is still no procurement officer. We no longer have a community development director. When I got here there were just three employees in the streets division to take care of our 209 miles of public roads. We have gaping holes in our organization, with most employees wearing multiple hats. We are operating lean and efficiently. That is good, but if you get too lean it becomes a liability for the city. It is critical to have basic checks and balances in place. That is how, a few years ago, the city ran into a situation where we had an employee embezzle hundreds of

thousand dollars."

Mann said, "We need to be lean, but we also need to be able to perform and provide the services the citizens expect. That is not to say we have not tightened our belts already. We have frozen a number of vacant positions and left them unfilled. We have reviewed every contract and have made changes where we could. If Measure S does not pass, we will have to make much deeper cuts. We will have to inform the citizens that there will be significantly less of the services they want to see."

Come what may, Mann said, "One way or the other, we'll have a balanced budget next year."

To the *Sentinel's* query as to whether he believes the residents of Yucaipa will depart from their solid rejection of an increased sales tax in 2020 and pass Measure S in November, Mann said, "We will find out soon enough. It is not our job in government to advocate one way or the other. I intend to present [to the public an explanation] of what the choices are and

make clear to the citizens the implications of each option. The question is really quite simple: 'Do we [i.e., the residents] like the services being provided now, and at the levels they are currently being provided? If so, are we willing to pay a little bit more to keep those services?'"

If the voters reject Measure S, Mann said "then, that is okay." He said the city will deal with no further infusion of funding by further reducing services.

Mann said it is his personal belief that the solution to the city's financial circumstance should not be to reject revenue enhancements.

While he said, "If people want the problem solved with cuts, we will do that," he also said, "We can't cut our way out of this problem without dramatically impacting services. As public safety is 63 percent of the city's budget, there is no way to balance the budget through cuts alone without deeply impacting public safety services. There is simply not enough meat on the bone anywhere else."

Council Pay Hike *from page 6*

to Rancho Cucamonga to Victorville.

With the passage of Measure Q in 2022, as a city already outdistancing its local government

tal rivals, Ontario boosted its revenues by some \$96 million.

This has made Ontario the envy of other city officials, but many view its vaunted financial situation as a bane. As a consequence of its flush

circumstance, Ontario offers its employees salaries and benefits that are much higher than those provided to staff members in other cities. Those cities find themselves competing with Ontario for experienced person-

nel, and many employees who work in Rancho Cucamonga, Fontana, Upland and elsewhere, upon getting experience, opt to leave to take a position in Ontario, if they can land one. For cities that are less well-fixed

than others, this has created a crisis when it comes to keeping valued employees, as those cities become viewed as a training ground for other jurisdictions.

Councilman Ruben Valencia, observing that

it is unseemly and greedy of Leon and councilmen Jim Bowman and Alan Wapner and Councilwoman Debra Porada to up their already superior salaries even further, voted against the pay hike.

-M.G.

Judge Ruled Yucaipa City Clerk's Suit Was Invalid *from page 15*

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. [R]egarding 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."

In the spring of 2023, 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 insulate 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.

An individual close to Sauseda has said she has on multiple occasions privately acknowledged she was instructed to serve as the plaintiff in the writ of mandate.

In January of this year, a cadre of die-hards within the city's District 1 re-committed themselves to seeing Garner removed from office. Without in-

terference from City Hall, they were able to get 25 percent of the registered voters in the district to sign a recall petition against Garner. Thus, a vote to remove him will be on the ballot on November 5.

In July, when the filing period for the district 3, 4 and 5 positions on the Yucaipa City Council came around, Duncan

opted to not seek reelection in District 3. Beaver and Thorp filed to run again in districts 4 and 5. Thorp drew no opposition. Beaver, however, is seeing his bid to remain on the council contested by Kristine Mohler and Gordon Renshaw. In this way, the natural electoral cycle has now exposed Beaver to the judgment of the voters of District

4 with regard to the matters that prompted 62 of his constituents to sign a petition last year seeking to subject him to a recall question aimed at removing him from office. In this regard, the District 4 race and the Garner recall are seen as referendums on the January 2023 firing of Casey and hiring of Mann.

-Mark Gutglueck

Judge Rules Blue-Triton Suit Will Be Heard In Riverside *from page 6*

a result, California and her citizens have a substantial interest in the resolution of this case. Cases that involve water rights and environmen-

tal regulation 'should be resolved in the forum where the people whose rights and interests are in fact most vitally affected by the suit' are located. Because venue is proper in the transferee district and both the public interest and private convenience factors strongly favor transfer, the court

will grant defendants' motion to transfer the case."

In reaction to the lawsuit, the U.S. Forest Service has postponed until January 15, 2025 the date by which BlueTriton must begin removing its infrastructure from the San Bernardino National Forest.