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The San Bernardino County Sentinel

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Former Paramour Files \$1.5 Million Claim Against Ramos, County



Mike Ramos

A former district attorney's office evidence technician has filed a \$1.538 million claim against San Bernardino County and district attorney Mike Ramos, alleging she was mistreated and subjected to a hostile work environment and then a pretext

firing in the aftermath of revelations that she had carried on an affair with Ramos that ended nearly five years ago.

Cheryl Ristow, who formerly worked with the district attorney's office under her former name, Cheryl Barnes, in the capacity of evidence

technician prior to Ramos' election as district attorney, embarked on a torrid affair with Ramos that terminated in February 2005.

On May 29, 2009, the *Sentinel* published an article that delineated in some detail womanizing on Ramos' part, includ-

ing affairs or alleged affairs involving seven of his employees, including Ristow [who was identified as Cheryl Barnes in the article], as well as San Bernardino County Public Defender Doreen Boxer and a California District Attorney's Association em- See P 4

Adams Throws In Sponge



Anthony Adams

59th District Assemblyman Anthony Adams, who joined with Democrats and two other Assembly Republicans on February 19, 2009 to approve Governor Arnold Schwarzenegger's budget package that included \$12.8 billion in tax increases, on January 5 announced he will not stand for reelection to a third term in the Assembly later this year.

At the time Adams cast that fateful vote, he remarked that his support of the imposition of new taxes would "probably be the end of a political career for me." And indeed, that vote prompted a recall attempt by conservative Republicans that ultimately failed but which inflicted tremendous damage on Adams and divided the California Republican Party. Faced with the prospect of a bruising fight against members of his own party in the June Primary for renomination, Adams elected to walk away from the political game, essentially fulfilling his pre-budget vote prediction.

Adams' announcement was made to his fellow Republicans during a lunchtime caucus meeting Tuesday. He said he would devote the lion's share of his remaining time in office to budget solutions.

Adams' assembly district straddles San Bernardino and Los Angeles counties, See P 3

Ontario Brown Act Violation Rumor Quashed

ONTARIO—Word of a Brown Act violation by city council members that raged through this city of 173,690 on the west side of the county early this week turned out to be an error, the *Sentinel* has learned.

There was, however, in the parlance of law

enforcement officials, probable cause for much of the populace to believe that just such a crime had been committed. It turns out, despite those appearances and logical suspicions, that the city council acted within the scope of the law.

The Ralph M. Brown

Act, California's open meeting law, requires that meetings of all public bodies must be "open and public," and that actions of the governing boards of governmental entities may not be taken in secret or without prior advertisement to the public. The act prohib-

its members of a public agency board, such as a city council, county board of supervisors or school board from deciding on how its members will collectively vote prior to the meeting where such a vote is held and it prevents a quorum of any such panel from

discussing an issue that will come before it for a vote outside of the public hearing for that issue.

On the morning of January 4, thousands of Ontario residents who logged onto the city's website were greeted with an indication that just such a vio- See P 4

Resident Challenging San Bernardino Annexations

SAN BERNARDINO—The city's exploitation of a legal loophole in ramrodding through the annexation of six areas at the periphery of its city limits in November has triggered widespread consternation at the action, as dozens of residents and landowners were adamantly opposed to the takeover.

Normally, annexations require a vote of those to be annexed, such that if a majority is opposed to the takeover,

it does not proceed.

In 2004 the state legislature altered the law to dispense with the need for a vote, if the area to be annexed encompasses less than 150 acres and other conditions are met.

The city of San Bernardino applied for, and on November 18 the county Local Agency Formation Commission processed and approved, the annexation of six unincorporated county islands lying along the county seat's See P 5

Moody's Investment Service Downgrades SCLA Bonds

As a warning to potential investors, the nation's leading bond rating company has downgraded over \$90 million worth of bonds issued by the Victor Valley Economic Development Authority to finance infrastructure and other improvements at Southern California Logistics Airport.

The airport, built on the grounds of the former George Air Force Base which was closed in 1992, is undergoing

conversion into a civilian use aerodrome, one that is intended primarily for the transport of cargo rather than passengers.

In order to make that conversion, the facilities there need to be augmented with roads, rail lines, warehouses, hangars, tarmac improvements and other refurbishments. To finance the provision of that infrastructure, Victorville, Apple Valley, Hesperia, Adelanto and

San Bernardino County, functioning under the aegis of the Victor Valley Economic Development Authority, which is known by its acronym VVEDA, issues bonds, which are then sold to investors. The proceeds from those sales are then used to pay for the improvements. Those improvements in turn boost the value of the property at and around the airport as well as making operations at the See P 6

Desert Residents Wary of Mitzelfelt's Off-Road Ordinance Adjustment

A collection of desert residents who have inveighed against unbridled off-road vehicle use in their region are militating against supervisor Brad Mitzelfelt's current effort to rescind what they consider to be one

of the more important elements of the county's three-and-a-half-year-old off-road use ordinance.

In August 2006, the board of supervisors passed County Ordinance 3973 at the im-

portuning of a group of desert residents who had banded together under the aegis of a group known as COW, which stands for the Community ORV [off-road vehicle] Watch.

County Ordinance

3973 was framed to codify off-road use regulations, prevent riders from trespassing on private property, and restrict riders from creating what many desert residents considered harassment and intimidat-

ion and unacceptable levels of noise, dust, and fumes.

The ordinance spelled out where off road riding was permitted, provided educational outreach to riders through the county's See P 6

The San Bernardino County

Sentinel

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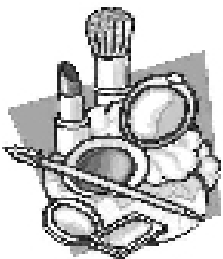
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Governments Using Contracts to Co-op Chambers

The city of Loma Linda is subsidizing the Loma Linda Chamber of Commerce with annual payments of \$59,500.

This week the Loma Linda City Council authorized the release, as of January 5, a quarterly payment in the amount of \$14,875. That payment was not made from the city's general fund but rather came out of its redevelopment agency's operating budget.

In requesting the money, Richard Schaefer, the president of the Loma Linda Chamber of Commerce, said that the \$14,875 was due to the chamber "pursuant to the chamber's ongoing promotional agreements. Those [quarterly] payments represent compensation for completion of work during October, November, and December 2009."

According to Schaefer, "We continue to serve the general public and the business community, with total response to request and inquiries and general communications at 18,800 [exchanges] for the months of October, November and December.

Other services the chamber provided, according to Schaefer, include the distribution of the chamber's publication, the Loma Linda Report; its sponsorship of the 16th Annual Community Parade on October 18; its coordination of the 18th Annual State of the Community Luncheon on December 9; its cosponsoring of the Holiday Classic on December 6 and the perpetuation of the Loma Linda Farmers Market.

Moreover in 2010,

Schaefer told the city council, which also acts as the governing board for the city redevelopment agency, the chamber plans to reopen the Farmers Market in March, hold the annual Loma Linda Business Showcase, host its annual golf tournament and coordinate grand openings and ribbon cuttings for new businesses and local institutions' expansions.

The city of Loma Linda's subsidization of its city's chamber of commerce brings to public attention a controversy that has dogged chambers of commerce throughout San Bernardino County and elsewhere: their co-opting by government.

Traditionally, chambers of commerce are a form of business network in which businesses in a certain locale band together with the goal of furthering the interests of commercial entities. Business owners in towns and cities form chambers to advocate on behalf of the local business community. The proprietors of such local businesses as well as their employees are eligible to become members, who elect a board of directors or executive council to set policy for the chamber. The board or council then elects a president, and hires a CEO or executive director, and in larger chambers staff members to run the organization.

Typically, a chamber of commerce serves as a bulwark against excessive government regulation of businesses as well as the enactment of laws or the imposition of policies that are antithetical to the interests of business. As such, chambers of commerce, because they typically are composed of individuals and entities who have substantial economic means, represent a serious counterbalance to the unbridled authority of local government.

As a consequence, local governmental officials often cast about for some means of controlling chambers of commerce or otherwise compromising their mission and effectiveness.

A common method in this regard is for municipalities to offer subsidization to their local chambers. In some cases, a city will provide the physical quarters where the chamber of commerce is located, quite often in these cases, right within the civic center itself. Also, as in the case of Twentynine Palms, the city will provide a substantial amount of money to the chamber to defray its cost of operation.

Elsewhere in San Bernardino County, this coziness between a city and its chamber has led to the bastardization of the chamber's function, in some cases to the point where the chamber can become an advocate of regulation that its constituent business members actually oppose.

In the city of Colton in the 1990s, for example, the relationship between the Colton Chamber of Commerce and the city grew so close that the chamber was widely seen as an arm of city government or a city department. The chamber headquarters were located in an annex of Colton City Hall. The city council, on an annual basis, provided over \$100,000 in city money to the chamber. The Colton chamber's executive director, Dick Dawson, was commonly mistaken for a city employee by business people and citizens around town. Dawson was known to lobby entrepreneurs for their support of city initiatives, even when those initiatives had a negative impact on business. He was also known to report back to city officials about intransigent business owners who were resisting those ini-

tiatives or who were refusing to comply with the city's plans. Eventually, a revolt among the city's chamber members occurred, with scores of businesses withdrawing their chamber memberships to the point that the chamber became a virtual non-entity. It was only after Dawson, whose salary was picked up nearly in total by the city, made his exodus that the Colton Chamber of Commerce made a comeback as an advocate for the business community.

In Twentynine Palms, the city in 2009 provided \$110,000 to the Twentynine Palms Chamber of Commerce.

The city of Rancho Cucamonga pays the Rancho Cucamonga Chamber of Commerce \$57,000 for a host of services it renders the community, doled out at a rate of \$4,750 per month.

In Fontana the chamber receives \$20,000 annually paid out in \$5,000 quarterly instalments for economic development related services, business retention and enhancement, community enhancement and the provision of information to new residents and visitors. In addition, to the \$20,000 the city pays for those services, it also provides the chamber with in-kind remuneration in the form of housing for the chamber office in a city-owned facility.

The city of Hesperia pays the Hesperia Chamber of Commerce \$50,000 per year to host mixers, workshops and other functions.

The city of Ontario pays the Ontario Chamber of Commerce \$10,000 per year to provide business retention services.

Nor are cities the only governmental entities that seek to compromise the function of the various chambers of commerce. The county of San Bernardino has apportioned a chunk of

Continued on Page 7

Adams

from front page

covering the cities of Apple Valley, Hesperia, Lake Arrowhead, Crestline, San Bernardino, Highland, Mentone, Claremont, LaVerne, Glendora, San Dimas, Monrovia, Bradbury, Arcadia and LaCrescenta.

Adams first successfully and ultimately disastrously misrepresented himself as a conservative Republican, seeing his career implode as increasingly large numbers of his constituents became knowledgeable about his motives, associations and politics.

Based in large part upon his close association with former county supervisor Bill Postmus, Adams sought the Republican nomination for 59th District Assemblyman in 2006, utilizing money provided by Postmus, who was then the chairman of the county Republican Party, to defeat three fellow Republicans in that year's primary. That assistance to Adams was based in no small part on Adams' fierce loyalty to Postmus, a closeted homosexual who had hired Adams as a field representative in his supervisor's office, at that point a hotbed of young men engaged in an alternative lifestyle that involved not only same sex relationships but the illicit use of drugs popular in the gay community, including methamphetamine, ecstasy, amyl nitrate and inhalants.

While Postmus was supporting Adams in the latter's race for the Assembly, he was himself seeking the position of county assessor in the same election. Ultimately both were successful in their elective quests, Adams trouncing his Democratic opposition in the November election in the lopsidedly Republican 59th District and Postmus eking out a close victory over incumbent assessor Don Williamson after he used his position of county GOP chairman to pump nearly \$4 million of party controlled money into his campaign.

Within eighteen

months after taking office as assessor, Postmus and his career as a politician had begun to unravel amid revelations of his drug use and homosexuality, attributes which undid him as a darling of the county's Republican establishment. Following his arrest for possession of methamphetamine and ecstasy in January 2009, Postmus resigned as assessor.

By that point, Adams had been damaged but not mortally wounded by his association with his mentor. In 2008 he was elected to a second Assembly term, but drew only 51 percent of the vote.

As 2009 and the post-Postmus era dawned in San Bernardino County with the Republican lead in voter registration over Democrats eroding, Adams sought to gamely keep on going, ascending to the chairmanship of the county party as his second term in the Assembly was beginning. But his time on the top of the Republican political heap in San Bernardino County would not be long lived.

In January 2009, the state was facing a projected budget deficit exceeding \$42 billion. Democrats and Schwarzenegger were pushing for increased taxes and moderate cuts to education and social programs to even out the income and spending ledgers. Republican legislators favored deeper spending cuts and no increase in taxes. With a deadlock looming, Schwarzenegger appealed to Adams and a dozen other GOP assemblymen to come across the aisle and support what he considered a reasonable compromise that included \$12.5

billion in tax increases.

When Adams, along with his Republican Assembly colleagues Mike Villines and Roger NIELLO, joined with the Democrats to accept the budget containing the tax hikes, he was instantaneously perceived by the conservative Republicans who had formerly embraced him as a pariah. Tom McClintock, a member of Congress considered one of the leading conservative Republicans in the state called for a recall effort against him. Congressman Dana Rohrbacher was equally incensed. Death threats against Adams were made and the Highway Patrol for a time was tasked to escort both Adams and his wife back and forth from their home to their various destinations. Even Adams' mother-in-law, Bonnie Ebright, began referring to him as a traitor to his party and the good people of his district who had elected him.

Edwin Snell of Apple Valley initiated a recall effort against him. Snell's undertaking was soon subsumed by another recall effort sponsored by former California Republican chairman Mike Schroeder, who had run successful recalls against two GOP state legislators more than a decade before. Utilizing a campaign that charged Adams with betraying conservative and Republican values, Schroeder and his cohorts conducted a signature gathering effort that netted more than 58,000 petition endorsements, more than enough in sheer numbers to qualify the recall election against Adams. Ultimately, the effort to remove Adams from

"The greatest evil is not now done in those sordid "dens of crime" that Dickens loved to paint. It is not done even in concentration camps and labour camps. In those we see its final result. But it is conceived and ordered (moved, seconded, carried, and minuted) in clean, carpeted, warmed, and well-lighted offices, by quiet men with white collars and cut fingernails and smooth-shaven cheeks who do not need to raise their voice."

—C.S. Lewis

office by a special vote failed when election officials' survey of a portion of petitions found too many signatures deemed invalid.

In the meantime, Adams appeared to reap some small - or major - measure of benefit from the effort to remove him. An independent campaign committee formed to defend him from the recall collected \$558,000 between April and August 1. A committee Adams himself created to fight the recall brought in \$46,000. And Adams raised \$224,000 for his 2010 reelection effort.

With this week's announcement, Adams appears to have given up the political ghost.

He has sidestepped a nasty fight for the Republican renomination in June. Two Republicans, Ken Hunter, of Lake Arrowhead, and Michael Rogers of San Dimas, had filed to run for the 59th Assembly Republican primary this year, vowing to take Adams to task for his abandonment

of the GOP. Many of the party stalwarts who had supported him in years past see him now as the poster child of the dissolution of the California Republican Party, which has descended into chaos and malaise, as its number of registered voters has dropped to 31 percent, the lowest registration level for the Party of Lincoln in the state's history.

Adams, 38, said he is now looking into career options beyond holding elected office.

He still has control over the campaign funds he and others have collected on his behalf. And while state law prevents him from liquidating those funds and taking possession of the money for his own use, he will be able to dole it out to causes political and otherwise of his own choosing. That may pave the way for obtaining lucrative employment. So too might the favor he did for Arnold Schwarzenegger last year.

Perhaps he will take up

his long forsaken dream of becoming a lawyer, which he abandoned years after he failed the California Bar Exam for the fourth time.

"The decision to leave the legislature was a difficult one as I have enjoyed and been honored to represent the people of San Bernardino and Los Angeles Counties," Adams said. "But, I'm at a time in my life where I'd like to move on to new challenges and new opportunities. Announcing my decision not to run for re-election at this time will give ample notice to potential candidates in AD 59 and it will give voters plenty of time to sort out who will best represent them in 2011 and beyond. I want to thank all who stood beside me during the failed effort to recall me. I appreciate the words of encouragement, endorsement and financial support and wish I had time to thank everyone in person who voiced support."

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Claim Filed

from front page

ployee, Suzanne Hunter.

On December 29, 2009, Ristow, of Redlands, filed a claim with the county by certified mail. In that claim, Ristow stated, "Claimant and district attorney Michael A. Ramos were involved in an intimate relationship for approximately 3.5 years and ending in 2005. On numerous occasions Ramos attempted to continue the relationship beyond 2005. Until the instant issue the claimant and Ramos continued a distant working relationship. In late May 2009, Ramos contacted claimant through supervising deputy district attorney Mike Fermin. Fermin asked claimant to call Ramos. During the call Ramos told claimant revelation of their relationship was about to be published in a local newspaper. Ramos told claimant 'We just don't talk about it.'"

In her claim, Ristow further stated, "The information regarding the relationship was published. How Ramos knew of the pending publication is unknown. In June 2009, claimant became upset and attempted to contact Ramos by leaving three messages on Ramos' cell phone voice mail. The next day Ramos changed his cell phone

number. Ramos routinely changes his cell phone numbers when his relationships with woman go astray. In June 2009, claimant asked chief investigator [Michael] Smith for some advice on the situation. After the meeting with Smith claimant was subjected to disciplinary write-ups for things that in the past were trivial. In June / July 2009, senior Investigator M. Williams from the public integrity unit told claimant if she came forward it would tank the Erwin case. Williams told claimant she didn't have to testify in any civil proceeding."

Ristow's reference to the Erwin case pertains to a criminal filing made against Jim Erwin, a former sheriff's deputy and head of the sheriff's deputies union, who also served in the capacity of assistant assessor under Bill Postmus and subsequently was chief of staff to supervisor Neil Derry.

Ristow's claim continues, "On July 6, 2009, claimant went on stress leave and has not returned to work since, except to gather a few items from her desk. In August 2009, claimant came forward to the office of county supervisor Neil Derry and lodged a complaint of sexual harassment, hostile work environment, and workplace retaliation against the district attorney.

"When the news of claimant's complaint was made public, Ramos accused claimant of lying and issued a categorical denial," the claim continues. "Ramos also said claimant's allegations were politically motivated. In October 2009, when claimant went to her workstation at the district attorney's office, claimant found her desk cleaned off and her workstation nameplate was removed. A supervisor and another employee were required to observe claimant and helped claimant pack all of her property."

The claim continues, "The county of San Bernardino contracted with the Santa Monica, California law firm of Curiale, Hirschfeld, and Kraemer to investigate claimant's allegations. The now completed investigative report is incorporated in this claim by reference. In addition to monetary damages, claimant has also suffered physical and emotional trauma due to the manner in which the office of the district attorney has treated her."

In her claim, Ristow said she was seeking \$1,530,000 in compensatory and other damages for the "negligence, constructive discharge, intentional infliction of emotional distress, personal injury, defamation, slander, creating a hostile work environment, sexual harassment and workplace retaliation

tion" she suffered.

Those named in the claim as having perpetrated the misdeeds Ristow alleged were the county of San Bernardino, Mike Ramos, supervising district attorney Michael Fermin and chief district attorney investigator Michael Smith.

The notation of Fernin in the claim is of significance in that it implicates him as an alleged accessory in the womanizing scandal besetting Ramos. Rumors have been circulating that Fermin is being considered as the named replacement for Ramos in the event that Ramos tenders his resignation or, variously, as a candidate to run with whatever monetary support Ramos can muster for him if he elects not to seek reelection in 2010. Ramos currently has more than \$500,000 in his campaign fund.

A claim is a precursor to a lawsuit. The county has a statutory period to consider the claim and either award the amount sought, enter into negotiations to settle it for a different amount of money or reject it outright. Once the claim is rejected, Ristow will have legal authority to proceed with a civil suit against the parties she deems responsible for her injuries.

County officials had no comment on the claim.

Brown Act

from front page

lation of the Brown Act had been committed by at least three if not all of the city council's members.

In an abrupt change from what the city's website had previously posted, councilman Alan Wapner was represented as mayor pro tem, which is also sometimes referred to as vice mayor.

Mayor pro tem is a largely ceremonial post conferred upon one of the city's four council members by the city council itself. The mayor pro tem serves in the capacity of mayor during the mayor's absence, presiding over the city council meetings and officiating at ribbon cuttings and other municipal functions when the mayor is traveling or otherwise indisposed.

Former councilman Jason Anderson had been mayor pro tem in 2008 when he was defeated in his run for reelection by Debra Dorst-Porada. It had been anticipated that Anderson would serve as mayor pro tem through 2009, but his defeat by Dorst-Porada and his consequent removal from the council created a vacancy in the mayor pro tem post. In December 2008, the council voted to name councilman Jim Bowman as mayor pro tem to replace Anderson. Traditionally, in December or early January, the mayor and council make a choice as to which council member will serve as mayor pro tem for the next 11 to 12 months.

Last month, the council made no such decision and took no such vote. Many of Ontario's residents, based upon the city's previous practice, assumed that the choice of who would serve as mayor pro tem would come during an open meeting of the council this month.

No such item, however, was put on the January 5 council agenda. Instead, with the advent of the new year, the city's website listed Alan Wapner as the mayor pro tem. Bowman was listed as

"council member."

It appeared that the city council had either taken action without prior advertisement and in secret to elevate Wapner to the mayor pro tem spot or had, short of actually casting a vote, decided on how its members would vote when the issue of succession to the mayor pro tem position was finally to be scheduled for an open session vote. Either circumstance would constitute a violation of the Brown Act. And a smoking gun seemed to exist in the consideration that the city's own website documented Wapner's selection as mayor pro tem without any indication that proper procedure had been followed.

A contributing factor to the perception of wrongdoing was that some believed Wapner was being rotated into the mayor pro tem position out of sequence. That is, an informal, though unofficial custom of rotating the mayor pro tem position among the council members has, at least to a limited degree, been observed in the past. Prior to Anderson being mayor pro tem, Wapner had held the post. After Anderson's one-year as vice mayor, Bowman had been so honored. Next in the line of succession, it seemed to many, was councilwoman Sheila Mautz, who had been appointed to the city council in July 2005 and then won election to the council in 2008.

Since Dorst-Porada succeeded Anderson, a ruling coalition has formed on the council consisting of Wapner, Bowman and Dorst-Porada, which has politically outmuscled the two votes of Mayor Paul Leon and Mautz. Thus, the elevation of Wapner, who must stand for reelection later this year and can make a more impressive presentation of himself as mayor pro tem rather than as councilman, appeared to be a political maneuver by the council to help him ensure his reelection.

Before noon on January 5, Bowman was listed as

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San Bernardino from front page borders.

San Bernardino officials maintained, and LAFCO officials concurred, that the annexations provided for more efficiency in the provision of services.

The annexations approved by LAFCO totaled 344 acres. One property is two acres north of Pacific Street in the city's eastern sphere of influence.

Another property is 130 acres generally north of Pacific Street, the existing boundary for the city of Highland, and east of Del Rosa Drive, south of Highland Avenue and west of Sterling Avenue.

A third annexation took place on 61 acres

of land generally located north of Pacific Street and west of Del Rosa Avenue and bordered by a combination of Monte Vista Drive on the west and Del Rosa on the east.

A fourth property annexed is six acres located north of Lynwood Drive and west, south and east of parcel lines which comprise the city's boundaries, east and west of Stanton Avenue.

Another chunk of land absorbed by the city is ten acres located north of Lynwood Drive and west, south and east of parcel lines which comprise the city's boundaries east and west of McKinley Avenue, Newcomb Street and Hudson Avenue.

The other spread an-

problem with it." Karen Morrison, an employee in the city clerk's office, researched the record and confirmed that Bowman was appointed to replace Anderson as mayor pro tem on December 2, 2008.

"The council minutes show that on December 2, 2008, the council actually selected the mayor pro tem for the next two years, Jim Bowman for 2009 and Alan Wapner for 2010," Morrison said. "Councilwoman Porada made the motion for both of those appointments after there was discussion about specific rotation of the pro tem position so the responsibility would be shared. She also suggested that Sheila Mautz be appointed mayor pro tem after 2010, but it was decided that they did not want to tie the hands of future councils. Councilwoman Porada stated that she preferred or hoped the future coun-

nexed is 135 acres located north of Marshall Boulevard, east of Sterling Avenue south of a combination of Foothill and Piedmont Drives and parcel lines on the west abutting the San Manuel Casino parcel.

Susan Hulse, who lives in one of those now annexed areas, maintains LAFCO abused its discretion and authority in approving the annexations without taking into consideration the expectations and input of the residents directly affected by the annexations.

Hulse feels so strongly about the matter that she put up \$6,600 to force the matter to be reexamined.

According to Hulse, all of the residents and landowners in the six

cil will follow the lead of the present council and rotate the position among the members of the council."

The council's action was taken, Morrison said, with the proviso that the mayor pro tem issue could be revisited prior to Wapner succeeding Bowman, so that Wapner's appointment could be rescinded if the council collectively changed its intention. The arrangement was that Wapner's appointment would proceed unless the council took action to actually nominate and vote on someone else. Since no such action was taken, Morrison said, Wapner's term as mayor pro tem went into effect on January 1.

With regard to the manner in which Mautz was temporarily skipped over in the rotation, Moore said, "You'd have to ask the council members. There really is not any set rule on who is

annexed areas should have been surveyed for their opinions and they should have ultimately been given the power of decision over the matter by means of a vote.

LAFCO maintains that it complied with the letter of the law in allowing the takeover to proceed.

The LAFCO board, consisting of county supervisor Paul Biane, county supervisor Brad Mitzelfelt, Mojave Water Agency board member Kimberly Cox, Cucamonga Valley Water District board member James Curatalo, Highland city councilman Larry McCallon, Fontana mayor Mark Nuaimi, public member Richard Pearson and alternate members county super-

chosen. Rotating the appointment or giving the position to whoever has the most seniority is not in the municipal code. It's the mayor or a committee of the council that decides on these appointments."

Wapner said the council had made the decision to project the mayor pro tem appointments over a two year period to streamline function and economize.

"There is an expense each year when we have staff change the city's stationary, name plates, cards and equipment," he said. "Doing it this way allowed staff to know what change would occur ahead of time."

The mayor pro tem said the council was acting entirely within its purview by designating whoever it deemed fit for the vice mayor's position.

"There is no and has never been an ordinance regarding who serves as

advisor Neil Derry, Yermo Community Services District board member Robert Smith and Rancho Cucamonga councilwoman Diane Williams, will meet on January February 17 to reconsider the annexations, this time with the benefit of input from Hulse and several other area residents who have concerns about being taken over by San Bernardino. Prior to that, on January 20, the LAFCO board will be asked to consider whether it should waive and refund the \$6,600 fee Hulse was required to pay to resurrect the annexation issue.

Whether San Bernardino and LAFCO indeed met legal requirements under the less-than-150-acre-ex-

mayor pro tem," Wapner said. "There is no mandate that the position be rotated. It is entirely up to the council as to who will be appointed."

Nor is there a set length to the term one individual can serve in the post, he said. "Someone could serve as pro tem for one year, or two years or three years. I was previously pro tem for three straight years," Wapner said.

While Wapner said there was no requirement that seniority on the council be a consideration in the appointment, he said it could be a factor in the council's decision.

The council decided against appointing Mautz to the mayor pro tem post, Wapner said,

emption is an open question.

The 130 acres generally north of Pacific Street, the existing boundary for the city of Highland, and east of Del Rosa Drive, south of Highland Avenue and west of Sterling Avenue annexed on November 18 lie side-by-side with the 61 acres of land generally located north of Pacific Street and west of Del Rosa Avenue and bordered by a combination of Monte Vista Drive on the west and Del Rosa on the east.

LAFCO considered the two areas to be separate when the annexations were approved. An examination of the areas, both physically and on a map, demonstrate that they could have been

Continued on Page 7 because "she had no experience. At that time she had just been elected. Prior to that she had been appointed and had been on the council, I believe three-and-a-half years. She didn't have enough experience to fill in as mayor. For that appointment we went back to seniority."

Wapner said the issue of who would get the title of mayor pro tem was not the most critical one facing the city council.

"In the last year, I don't recall Jim Bowman presiding over a single meeting," Wapner said. "The mayor was present for every council meeting we had, if I am not mistaken. So this appointment is really not that pressing or important."

Brown Act

from page 4

ary 4, the *Sentinel* had received three phone calls from Ontario residents and/or business owners reporting that the city council - or at least three of its members - had engaged in a violation of the Brown Act. The evidence was glaring and damning, the callers alleged, consisting of the posting on the city's website.

A series of inquiries by the *Sentinel*, however, ascertained that there was no actual violation of California's open meeting law.

What is now known is this: In a break with tradition, the Ontario City Council after Anderson's departure voted in December 2008 to make two years' worth of appointments to the mayor pro tem's post rather than just one year.

Eileen Moore, the secretary to the mayor and the city council, told the *Sentinel*, "That appointment was actually done more than a year ago. The council made the 2009 and 2010 mayor pro tem appointments at the same time. It's not usually done that way or at least I don't recall that it was done that way before. But the city attorney looked it over and the council would not have done it that way if the city attorney believed there was any

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Moody's Report from front page

airport viable. A portion of the revenue generated from airport operations together with the increased property tax yields triggered by the increased property valuation is then utilized to service VVEDA's bonded indebtedness, i.e. make annual payments of a set percent, specified in the bonds, of each bondholder's investment over a period of years, also specified in the bonds.

The percentage paid to the bond holders is determined in large measure by the rating of the bonds. The riskier the bonds are deemed, the higher the yield for the bond holder and the higher the debt service for the issuing agency.

Recently, Moody's Investors Services downgraded over \$90 million in Southern California Logistics Airport Authority bonds that have yet to be purchased to near-junk status, meaning future purchasers of those bonds will receive, and VVEDA will pay, a higher annual percentage to retire that bonded indebtedness. That assumes that bond buyers will elect to purchase the Southern California Logistics Airport Authority Bonds altogether.

The lower bond rating means that the bonds are deemed a far riskier security than other bonds, meaning the prospect that VVEDA might default on the payments it will owe to investors is greater than with higher rated bonds.

Moody's, based upon a filing Victorville made

last month with the Municipal Securities Rule-making Board, cited concern that the city of Victorville, which is the entity that has operational authority at the airport through its municipal sub-agency, the Southern California Logistics Airport Authority, will be able to continue to pay the mounting accumulation of debts it has taken on, bonded and otherwise, at and around the airport, including the 90,000-acre redevelopment area encompassing the aerodrome.

There have been a total of nine bond issuances by the Southern California Logistics Airport Authority with an accumulated balance of over \$336 million.

The city's ability to cover that debt is being compromised by the downturn in the economy, which has driven down property values throughout the county as well as around the airport.

Increases in the value of the airport district property - together with increases in property tax levied on that property - is a key assumption in the formula for paying back those holders of bonds intended to finance airport infrastructure construction and acquisition. For the last two years that assumption has not been fulfilled.

According to Moody's Investors Services, property values in the airport's redevelopment area have presently slipped to just over 40 percent of what they were in 2007 and dipped more than \$1.6 billion in 2009 from what they had been in 2008.

Ordinance from front page

code enforcement division. People riding on property not their own are required under the ordinance to have written permission on their person from the owner of that property. Moreover, the ordinance put restrictions on the so-called staging elements of mass off-road rides, meaning that large numbers of off-road vehicles were not allowed to congregate in one area without first obtaining a permit from the county to do so. A permit is required if 10 or more are gathered anywhere for the purpose of riding.

The ordinance set noise standards for off-road vehicles matching those of the California Vehicle Code.

The policy accompanying the ordinance called for non-enforcement by the sheriff's department or county code enforcement until a complaint is lodged. Penalties began with a warning and escalated with repeated violations up to a \$1,000 fine and/or imprisonment for up to 90 days.

Supervisor Brad Mitzelfelt was not First District supervisor in 2006 when Ordinance 3973 was passed. He was, however, the chief of staff to then-supervisor Bill Postmus. The county's First District is the jurisdiction in which most, but not all, of the county's desert region lies.

The *Sentinel* has learned that as early as the January 19 meeting of the board of supervisors, Mitzelfelt is calling

for discussion of, and perhaps action with regard to, rescinding that portion of Ordinance 3973 pertaining to staging restrictions.

The staging provision of Ordinance 3973 reads as follows:

"No person shall organize, conduct, or participate in staging, as defined herein, involving ten (10) or more persons, without first obtaining and maintaining on the property where such staging is occurring, a temporary special event permit for a minor event pursuant to section 84.0745 of the County Code, even though, pursuant to sub-section 84.0745(a)(2), such a minor event, involving less than two hundred (200) persons, would not normally be subject to the temporary special event permit process."

Staging is defined in the ordinance as follows: "'Staging' shall mean a formal or informal assembly or gathering of off-highway vehicles, or other vehicles and equipment accessory thereto, including any related camping or establishment of temporary accommodations, on private or public property for purposes of coordinating the use and operation of such off-highway vehicles on such property or the surrounding areas."

What Mitzelfelt is proposing is altering Ordinance 3973 by removing the staging provision. Thus, the only limitation on staging for off-road use purposes would be the remaining elements of the county code which allows as many as 199 people to congregate on property of 2.5 acres.

Brahm Elmendorp, who has lived in Morongo Valley for ten years and was instrumental in pushing county officials

to adopt Ordinance 3973, said, "I retired to the desert on 10 acres with a nice house and a beautiful view. Then the motorcycle situation started and it became horrible, a nightmare. At that point, I decided to sell and move out but then I decided to stay and fight it."

The problem was, Elmendorp said, "People believe it is their right to do that, to ride irresponsibly. These rides degrade totally into something very destructive. There is a lot of drinking. The parks are desecrated and destroyed. You have to see it to believe it. It is totally insane. There's mayhem. You wouldn't believe the accidents and mayhem that comes with it. It's idiotic. People retire and when you get hundreds of motorcyclists running around here, it destroys what they have."

With the advent of Ordinance 3973, Elmendorp said, "It was 95 percent better than it was before."

Another desert resident, Jack Fuller of Joshua Tree, said that Ordinance 3973 represented a major civilizing stride forward.

"Before the ordinance, law enforcement came out here and there wasn't much they could do unless the riders were trespassing on private property. There would be problems with noise, which can be unbearable from one let alone 199 motorcycles. Then there's the dust, of course. If they could figure out a way to run those things on electricity and then water down the desert so they are not raising dust, I could live with it."

After the ordinance went into effect, Fuller said, "They stopped staging at once in this area.

It is a little better here because we have nearby neighbors and a nearby sheriff's station. Further out in more remote areas the riders disband before code enforcement or the sheriff gets out there."

Fuller said that staging was not banned altogether with the ordinance, noting that large parties of motorcyclists can still ride together, but they need to first apply for a permit. The issuance of such a permit, Fuller said, "is a judgment call by code enforcement. The application goes in and code enforcement comes out and decides whether it will be a problem for neighbors. If the closest houses are several miles away, they are granted the permit but if the neighbors' yards are right up against where they are going to be staging and riding, then the permit will be denied."

Fuller said if the county repeals the provision of the ordinance requiring the permit, thus allowing between 11 and 199 people to congregate for riding purposes, an unacceptable situation will be visited upon the desert once more.

"This will permit up to 199 people on property with off road vehicles going every which way," Fuller said. "If this is repealed, we will have nothing more than the ordinance that applies everywhere in the county which restricts more than 200 people from gathering on one spot at once. That restricts people from having wedding parties and that sort of thing of more than 200 people without a permit. A wedding party is nothing compared to even one off road vehicle. You don't get too many off road vehicles driving around the urban areas of the county. We should have

Continued on Page 7



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Victorville Using Eminent Domain to Acquire Interchange Property

The city of Victorville has resolved to use its power of eminent domain to acquire three pieces of property needed for the Nisqualli interchange which it has been unable to obtain through negotiation with the landowners.

Growth in population has caused the Bear Valley Road interchange with the 1-15, currently the primary exit to the regional mall in the High Desert and services Hesperia, Victorville and portions of Apple Valley, to become a traffic bottleneck. Accordingly, Victorville has assumed the role of lead agency for the construction of the La Mesa Road/Nisqualli Road Project, a planned new interchange with the 1-15 as an alternative to Bear Valley Road.

Presently, Amargosa Road runs parallel and adjacent on the west to

Chambers

from page 2

change to be given to the chambers of commerce that function within its borders to dull the edges of their anti-regulatory swords.

The San Bernardino County Board of Supervisors this fiscal year is diverting \$260,000 in bed taxes the county collected at various hotels and motels in the unincorporated areas of the county to 22 chambers of commerce or like organizations. The majority of those chambers are in unincorporated county areas. Three of them, however - the

Ordinance

from page 6

the same rights as people living in the urban areas. People living in the urban areas wouldn't put up with dozens or scores of motorcyclists gunning their engines, and riding like crazy and kicking up all kinds of dust next to their properties. We should be entitled to no less of a quality of life."

Both Fuller and Elmendorp said it was unclear as to when a vote on rescinding the staging provision would take place.

the southbound 1-15 at La Mesa Road. Nisqualli Road runs along the same east/west tangent as Mesa Road on the east side of the freeway. The project will require an off-ramp/deceleration lane and an on-ramp/acceleration lane to the southbound I-15 from La Mesa. Amargosa Road must therefore be rerouted several hundred feet to the west to, first, accommodate the two ramps at the I-15; second, intersect with La Mesa west of the new freeway bridge; and third, remain a viable north-south thoroughfare for local traffic.

The rerouted Amargosa Road will cut across the eastern boundaries of three parcels owned by Irving Lee and Catherine Lee totaling 1.18 acres. Amargosa Road will take 6,635 square feet Big Bear Chamber of Commerce, the Colton Chamber of Commerce and the Fontana Chamber of Commerce - lie within and serve incorporated cities.

According to Mark Dowling, the agency administrator for the county department of economic development, the county is distributing the bed tax, which the county refers to as transient occupancy tax, "to designated chambers of commerce and/or organizations to promote tourism and recreation within the county of San Bernardino."

In Bloomington, "Maybe this is just a proposal or maybe it will be voted on," Elmendorp said. "They say they are going to discuss this but it is very vague. Is there going to be a vote? I fear they are trying to do this before we can do anything about it. People have to stand up before it is too late."

Fuller said he wanted "there to be a full public hearing for this."

If the staging prohibition provision is rescinded and problems ensue, Elmendorp said those who have acted irresponsibly, including the riders

from the three parcels and require a temporary construction easement of 4,705 square feet. It will leave a usable remnant area of 1.03 acres. An acre covers 43,560 square feet.

The city's engineering division has studied the proposed project and determined that rerouting the existing Amargosa Road is the only suitable solution to accommodate the need for on and off ramps to the 1-15 with sufficient length to allow vehicles to accelerate and decelerate safely, and in consideration of the present design of the La Mesa-Nisqualli connector bridge, surrounding land uses, environmental concerns, and the general plan.

The three parcels are located west of the I-15 between La Mesa and Luna Road, north of the project, APNs which has no chamber of commerce, the money was provided to the park and recreation district.

The county allocated the Baker Chamber of Commerce \$13,925; the Big Bear Chamber of Commerce \$47,907; the Bloomington Park and Recreation District \$4,088; the Colton Chamber of Commerce \$1,301; the Crestline Chamber of Commerce \$9,879; the Daggett Chamber of Commerce \$1,000; El Mirage Chamber of Commerce \$1,000; the Fawnskin Chamber of Commerce \$2,567; the Fontana Chamber of Commerce and those who have enabled them, should bear the burden.

"If accidents happen, Mitzelfelt should be held personally responsible," he said.

A reasonable solution to the entire problem of the clash between motorcyclists and desert residents exists, Elmendorp said. "If they want to ride like that in the desert, they should go where there aren't any homes or residents to disturb and where they won't be bothering anyone," he said. "They should go out to Johnson Valley."

3092-291-09, 3092-291-10 and 3092-291-11. The parcels are presently vacant and undeveloped. The rerouting of Amargosa will remove narrow, triangular portions of the northern two parcels, and a triangle of land approximately 170 feet at its longest point from the southernmost parcel.

The city will pay \$70,000 to take permanent possession of the .15 acres and for use of the 4,705 square foot construction easement.

Epic Land Solutions was retained as the city's negotiator to acquire the necessary properties and easements for the project. Epic obtained an appraisal for the sale and use of the properties in September 2008, followed with an updated appraisal in December, 2008 at \$70,000. This was communicated to \$7,067; the Helendale Chamber of Commerce \$1,000; and the Joshua Tree Chamber of Commerce \$12,164.

The Lake Arrowhead Resorts Chamber of Commerce was given a whopping \$133,062.

The Lucerne Valley Chamber of Com-

San Bernardino

from front page

grouped together as 191 acres, thus triggering the requirement for a vote.

While the city of San Bernardino represented that it was interested in annexing the properties for the purposes of consolidating and improving services to those areas, insiders acknowl-

the owners as a fair market value offer to the owners of record in compliance with Government Code §7267.2 on or about December 19, 2008. The city previously provided the owners with a notice of intent to adopt a resolution of necessity on July 30, 2009.

The owners provided the city with written notice that the owners intended to appear at the hearing to adopt the resolution of necessity. In accordance with California Department of Transportation policy, the city postponed the hearing in order to hold a conference with the owners. As of this week the owners were awaiting the results of an independent appraisal and had not yet submitted a counteroffer to the city.

Accordingly, the city council adopted the resolution of necessity, merce has been allotted \$1,000, as was the Mentone Chamber of Commerce. The Morongo Valley Chamber of Commerce was granted \$1,149; the Newberry Springs Chamber of Commerce \$2,078; the Parker Chamber of Commerce \$1,775;

edge that the annexations were in actuality pursued to facilitate the annexation of the Arrowhead Springs area, north of the city limits and east of Highway 18, to San Bernardino. City officials have grand designs for the Arrowhead Springs district, which is intended as an affluent residential and commercial subdivision.

thereby granting the city authority to file an eminent domain action and seek an order of immediate possession to expedite the project, passing by the necessary 2/3 vote of the council.

"We're still putting property together for Nisqualli Interchange," city manager Jim Cox told the *Sentinel* prior to the vote on Tuesday. "We've been involved in negotiations and eminent domain was our last option in getting that property, which we are trying to acquire so we can move ahead. There is always a dispute over what landowners think their property is worth, especially when you have a declining economy and declining property values. The owners always want to get top dollar for their assets, but we'll get it worked out."

the Phelan Chamber of Commerce \$2,040, the Pinon Hills Chamber of Commerce \$2,040; the Running Springs Chamber of Commerce \$4,269; the Wrightwood Chamber of Commerce \$5,580; and the Yermo Chamber of Commerce \$4,109.

LAFCO supported the annexation of the six areas as pieces of a consistent and coordinated effort by San Bernardino to absorb those neighborhoods at the city's periphery, which like Arrowhead Springs, falls under the jurisdiction of San Bernardino County as unincorporated land.

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Wind Joins Sun as Renewable Desert Energy Source

While more than fifty solar energy projects are in various stages of conception, application or construction in San Bernardino County's portion of the Mojave Desert, the utilization of another desert resource for power is now being considered.

Wind, which is only slightly less plentiful than sunlight in the Mojave during the day, has the advantage of perpetuating itself into the evening and early morning hours. Several enterprising individuals and entities have now taken up the cause of matching the Apollonian effort of harvesting the sun with the Aeolian approach of reaping the wind.

Local public officials

have not been wholeheartedly in favor of the devices. Apple Valley officials went on record in 2008 as being opposed to the erection of 27 of the 415-foot-tall wind turbines on 72 acres along the ridgeline of the Granite Mountain range, northeast of the Cahuilla and Chicago roads intersection. That project was proposed at a site 11 miles east of Apple Valley. Despite the relative distance, the site was at the very far reach of the town's sphere of influence, giving it a say in the approval process.

A few years previously, there was considerable controversy and resistance in the city of Hesperia when a resident there pro-

posed putting up a single 80-foot high windmill on his property.

Even further out in the more remote regions of San Bernardino County's desert, there has been opposition to the erection of the wind power systems.

With the advent of the Obama administration, an emphasis on the facilitation of renewable energy projects has become the watchword in San Bernardino County, part of the trend toward reducing green-house emissions believed to contribute to global warming. In point of fact, the federal government has now selected three large-scale wind developments in Southern California to serve as a model for the wind energy concept. Accordingly each has been granted a truncated approval process. Those three projects include the previous referenced Granite Mountain project, undertaken by RENEWergy LLC, which is a proposal for 27 windmills between Lucerne and Apple valleys; another 30 turbines with blades that would reach 429 feet in the air proposed by the AES Corporation that

would cover 1,577 acres of public and 380 acres of private land on Daggett Ridge, roughly 10 miles southeast of Barstow, to produce 82.6-megawatts of electricity; and a third in eastern San Diego County near Mexico.

In addition to speeding up the permitting process, the federal government has agreed to subsidize 30 percent of the construction costs with economic stimulus money if those projects have been met with local and California Energy Commission approval by December 1, 2010. Two of those three projects are in San Bernardino County.

The wind farm near Barstow would generate enough power for 50,000 homes. The wind farm at Granite Mountain would power 45,000 homes.

By locating the turbines at heights and places where they face prevailing winds that gust at greater velocities and are thus capable of locomoting taller turbines, more energy can be produced.

Taller blades present the advantage of reaching higher to reach stronger winds, producing greater megawattage.

As is demonstrated by the town of Apple Valley's opposition to the Granite Mountain project, opposition and potential opposi-

tion to the projects exist.

While the Obama administration is seeking to encourage the development of renewable energy projects, there are yet elements of the federal government that represent roadblocks to the projects. The Bureau of Land Management is mandated to look at the environmental impacts the wind projects will represent, including destruction of the habitat of identified endangered species, direct threats to birds who might fly into the windmills, the danger churning up the property to install the windmills might have on Native American or other anthropological artifacts, as well as impacts on the area's aesthetics and scenic views.

The Apple Valley council raised an objection to the Granite Mountain's potential for "visual blight" and asserted the energy project would deleteriously impact property values. The windmills will be decorated white per Federal Aviation Administration regulations, and will be visible from a portion of the town. They will also likely be outfitted with red lights which will be illuminated at night to ensure that pilots will not navigate into them.

AES will provide ground access to its 30 windmills by means of a

yet-to-be-laid ten mile network of gravel roads. The project will also entail the construction of an electrical substation and power lines to connect the wind field to the existing Edison transmission lines.

Daggett Ridge has been identified by the U.S. Fish and Wildlife Service as a critical habitat for the desert tortoise. Moreover, that habitat is being used by U.S. Geological Survey biologists for a survey on the natural phenomena that represent a threat to the tortoises.

Environmentalists, including those with the Tucson-based Center for Biological Diversity, maintain that the Daggett project represents an unacceptable destruction of irreplaceable habitat for the reptiles.

Eagles and other birds that transit over the desert are in danger of flying into the turbine blades. This presents a concern for biologists.

Those seeking to develop property in the Mojave Desert, such as AES, are, under the West Mojave Plan, allowed to utilize land upon which endangered species have critical habitat, provided the developers acquire and set aside four acres of habitat for every acre used, including ones upon which roads are constructed.

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