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The San Bernardino County Sentinel

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Criminal Complaint Alleges Bribery & Extortion Scheme in Colonies Settlement

More than three years after a controversial 3-2 vote of the board of supervisors as it was then composed to confer a \$102 million settlement on the Colonies Partners to bring to an end a lawsuit filed by that company against the county over flood control issues at the Colonies at San Antonio subdivision in

northeastern Upland, the California Attorney General's Office and the San Bernardino County District Attorney's Office this week charged former board chairman Bill Postmus and his one-time political associate, Jim Erwin, with participation in a conspiracy, bribery and extortion scheme through which



that settlement was allegedly engineered.

Of note, neither of the Colonies Partners' managing partners, who profited most by

the events outlined in the indictments, nor the other two members of the board of supervisors who joined with Postmus in the November 2006 vote favoring the Colonies Partners were themselves criminally charged.

Rather, in the complaint against Postmus and Erwin lodged by

California Attorney General Edmund Brown, chief assistant attorney general Dane Gillette, senior assistant attorney general Gary Schons, supervising deputy attorney general James Dutton, deputy attorney general Melissa Mandel, San Bernardino County District Attorney Mike Ramos, deputy See P 4

County Tightening Restrictions on Solar, Wind Projects

The county board of supervisors this week adjusted the county code pertaining to renewable energy projects, imposing stricter standards and regulations on all such future proposals, but exempting existing ones and sixteen projects that are currently under submission to the coun-

ty's land use services division.

The heightened regulations were approved on a 3-1 vote, with supervisor Josie Gonzales in opposition and supervisor Paul Biane absent.

The board heard nearly two hours of public comment on the issue, generally from individu-



als in favor of maintaining or lessening the existing regulations on both wind and solar projects. They were mostly residents who have already established such uses or were officials with companies that install them for domestic use or are intent on establishing solar See P 6

County Seeking Plans for Amboy Fire Station

The county board of supervisors this week took the first of two major financial steps toward establishing a fire station in the remote desert community of Amboy.

On Tuesday, February 9, the board unanimously approved earmarking \$300,000 for architectural design and engineering services for the facility to be constructed on a 2.5 acre parcel on Amboy

Road - Historic Route 66. The property has been donated to the county by Albert Okura for the purpose of establishing the facility.

It is now anticipated that at the board's next meeting, on February 23, the board will consider the next step in the process, i.e., calling for proposals to construct the facility.

According to county fire chief Pat Dennen, "On January See P 2

AIDS Program Funding Upped

The county is increasing the amount of money it will make available to three agencies that provided medical care to AIDS patients.

Approximately 4,000 persons living with HIV/AIDS in San Bernardino and Riverside counties are currently receiving assistance from the San Bernardino County Department of Public Health.

Previously, the

county had earmarked \$1,557,081 for such programs for the period June 1, 2008 through February 28, 2010:

Pursuant to action the board of supervisors took this week, the amount of money in that operational fund will be increased to \$1,649,081.

The public health department has been receiving funds under the Ryan White HIV/AIDS Treatment Extension Act (Ryan White Act),

formerly known as Title I, since 1994. Part A funds are awarded by the United States Department of Health and Human Services, Health Resources and Services Administration, through competitive grant applications. The Inland Empire HIV Planning Council (IEHPC) determines funding priorities and service categories for San Bernardino and Riverside Counties.

On January See P 7

County Hires Firm to Assess Operations

By Joe Delgado

SAN BERNARDINO—The county board of supervisors on Tuesday approved a consulting contract with Los Angeles-based Performance Works, LLC to assess and evaluate the county's governance.

County officials said they hope to use the data

Performance Works will collect to provide the county with recommendations on ways to improve the county's functionality as a government entity.

The decision to contract out to a firm whose main function is to evaluate government practices is a response to the

start of a new fiscal year, a change in leadership, and the current economic climate, according to Dean Arabatzis, assistant county administrative officer.

The county feels the audits by Performance Works, LLC, will provide information needed to conduct county busi-

ness using limited available resources. The consultant will compare San Bernardino's model of governance with eight similar government models taken from various cities in the state of California and across the country. The purpose of using the eight models is to research various

topics related to county government, including: strategic planning, communication, collaboration efforts, and performance measurement. The consultant will then take the data collected from the initial eight cities and use three of those government models to focus on issues See P 2

DA Probing Rancho Council



RANCHO CUCAMONGA

The San Bernardino County District Attorney's Office is vectoring its focus on a potential bribery and kickback scheme involving members of the Rancho Cucamonga City Council and Rancho Cucamonga-based developer Jeff Burum, the *Sentinel* has learned.

At the root of the matter is an August 2007 vote by the council, acting as the city redevelopment agency board, to approve a \$42.5 million contract with National Community Renaissance for the extension and increased affordability covenants related to 558 units within four apartment complexes, Mountainside Apartments, Sycamore Springs, Monterey Village, and Rancho Verde Village, located in the city.

The redevelopment agency is an adjunct to the city intended to administer economic development, redevelopment, and housing-related programs for the purpose of eliminating blighted conditions, developing new public facilities and affordable housing projects, improving infrastructure, and spurring the local economy through business attraction/retention, See P 3

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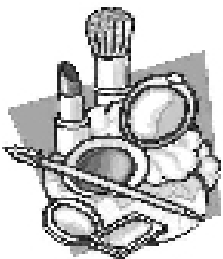
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Fire Station from front page

20, 2009 the county fire division commissioned a historical preservation architect to help develop a themed and historical concept design in order to maintain the Amboy Route 66 theme. County fire is also in the process of completing required preliminary environmental, water feasibility and geotechnical studies. County fire desires to release a request for proposal to solicit and select a qualified architect or architecture firm to design a cost and energy efficient new fire station on the property meeting the themed and historical concept design already completed."

According to Dennen, "The request for proposals has been prepared and proposals are due from architects on March 19, 2010. County fire will conduct the solicitation process and establish a selection committee that will meet to competitively review and evaluate all proposals received from architects. County fire will return to the board after the evaluation process has concluded and recommend a contract award to the design professional with the best qualified architect or firm. It is anticipated the contract award date will be the end of April 2010."

The San Bernardino County Fire Protection District maintains and operates fire stations throughout San Bernardino County. County fire identified the need for faster response times to the I-40 corridor between Newberry Springs and Needles and determined that a station in Amboy could help fulfill that need.

Emergency Roof Repair at West Valley Jail

By Joe Delgado

SAN BERNARDINO—The board of supervisors this week approved a contract with Gardena-based Best Contracting Services, Inc. to repair leaks and severe water damage to the roof of the West Valley Detention Center's inmate housing units. The board made a finding that the damage is extensive enough to threaten the health of the center's inmates and employees and cause further harm to the property. Because the roof has lost its integrity, the board authorized the immediate repair and signed off on the hasty procurement of formal bids from contractors that was already done.

The West Valley Detention Center's current roofing system was built twenty years ago and was made up of a rubber compound called Elastomeric-Hypalon. Over the years the roof has undergone expected deterioration due to normal wear-and-tear and environmental factors. In 2008, the board

awarded a construction contract for the gradual repair of the roof as funding became available, but according to the county's Architecture and Engineering Department, the damage caused by the recent heavy rain requires an immediate response.

On February 2 of this year the county's architecture and engineering department received three bids from qualified roofing contractors. The lowest of the three bids was given by Letner Roofing Co., a firm out of the city of Orange, but the company failed to fill out the necessary paperwork to provide what the board considers a complete bid proposal. At Tuesday's meeting the board deemed Letner's bid as non-responsive and award the contract to the next lowest bidder, Best Contracting Services, Inc., which said it could do the job for \$395,480.

The total cost of the emergency repair is \$512,900, around half the amount approved for the initial, gradual replace-

ment of the Rancho Cucamonga detention center's roofing system.

The project budget of \$512,900 is comprised of the following components: design costs of \$35,450; project management and inspection costs of \$20,000; construction costs of \$395,480; and a construction contingency of \$61,970.

Any surplus from the emergency fund will be used for continued repair and replacement of the detention center's housing units' roofing system.

A county resident, E.T. Snell questioned why jail inmates could not be used to carry out the roof repair. Carl Alban, the county's head of architecture and engineering responded, saying, "This is a professional contractor using trained labor. We don't have that many trained professional roofers housed in one of the sheriff's facilities these days. For a lot of reasons I don't think using inmate labor makes a lot of sense."

Equestrian Center Slated for Glen Helen

San Bernardino County will establish an equestrian center in Glen Helen Regional Park in Devore as early as next year.

The proposal, while not fully fleshed out in terms of overall design, calls for a covered arena, an outdoor arena, seating arrangements, horse paddocks, and a pasture, all to be included on the 25 acres at the northeast end of the park which is currently used for camping.

The camping element of the park would not

be entirely eliminated. It is anticipated that the inclusion of the horse-friendly facilities will increase camping use at the regional park, which also features picnicking, camping, fishing and swimming activities.

The county is now seeking firms willing to do the work and is asking that they submit their proposals by March. The county could select a project and contractor for the project by June and have it open by next year.

The county wants riding lessons offered at the equestrian facility.

The addition of the equestrian center would complement the Devore Rural Protection Association's efforts to add horse trails to the area surrounding the park.

The applicant chosen by the county must be willing to lease the property from the county, construct the structures and then maintain and operate the center at a profit.

County

and details more relevant to San Bernardino County, Arabatzis from front page said.

The issues taken from the closer examination of the three government models will include: the relationship between county management and the board of supervisors, span of authority, and decision making policies.

In addition to providing the county with tactics borrowed from other models to make the government in San Bernardino a more efficient entity, the firm will also be conducting an audit on county government performance. The audit consists of four components:

- Establishing key performance objectives for the government structure
- Reviewing and evaluating the current structure to understand its effectiveness
- Presenting alternative structures for the county managers and the board.
- Establishing performance metrics to evaluate performance and effectiveness of future work efforts

The board authorized spending \$87,500 to attain the services of Performance Works, LLC. The firm claims to have been performing such audits for fifteen years for both public and private entities, including: Los Angeles County, Los Angeles Unified School District, and Disney. The contract will remain in effect a mere 80 days, from February 9, 2010 to April 30, 2010, when the final report is to be submitted.

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Rancho Cucamonga from front page
work force development, and tourism efforts.

For the last several years, Linda Daniels, Rancho Cucamonga's deputy city manager for economic and community development, has served as the executive director of the redevelopment agency. While Daniels has traditionally been given wide latitude in the running of the agency, she is ultimately answerable to the members of the city council, who serve in the capacity of the redevelopment agency's board of directors.

In June 2005 the Rancho Cucamonga Redevelopment Agency entered into an affordable housing agreement with National Communities Renaissance, which was formerly known as Southern California Housing, providing \$6.5 million for land acquisition and construction of a 40-unit expansion to the existing Rancho Verde Village Apartments.

In April 2007, Daniels and other members of the redevelopment agency staff were tasked with extending the low income housing contract that National Communities Renaissance had with the city. Under the terms of the deal Daniels presented to the city council, the city was to subsidize low income housing through an arrangement with National Communities Renaissance by \$3.9 million.

National Communities Renaissance's chairman and founder is Jeffrey Burum, who in addition to running National Communities and Renaissance, has a controlling interest in other development companies, including Rancho Cucamonga-based Colonies Partners and Rancho Cucamonga-based Diversified Pacific.

In May 2007, district attorney's investigators have confirmed, Burum approached at least two members of the Rancho Cucamonga City Council and began pressuring them to up the city redevelopment agency's

subsidization of the low income housing program offered by National Communities Renaissance nearly nine-fold, to \$35 million.

The district attorney's office investigators have confirmed that councilmen Rex Gutierrez and Dennis Michael, members of the city council's housing subcommittee, were approached in this regard. Investigators have grounds to believe that Burum, or those working on his behalf, also made contact with the remaining members of the city council - councilwoman Diane Williams, councilman Sam Spagnolo and mayor Don Kurth.

Over the next three months the lobbying effort to push National Communities Renaissance's agenda intensified. Daniels and other city staff members, however, were reluctant to commit the level of redevelopment agency funding requested toward the program in question. Consequently, a move to fire Daniels was initiated, led by Gutierrez.

A battle royal at City Hall ensued, behind closed doors and outside the scrutiny and earshot of the public.

Despite the reservations of staff, as the dog days of Summer 2007 wore on, Daniels and her staff progressively lost whatever leverage they once possessed in resisting the Burum juggernaut, as the remainder of the city council - which ultimately as the redevelopment agency's board of directors possessed final authority over the action of the redevelopment agency - gradually lined up with Gutierrez.

On August 15, 2007, with Mayor Don Kurth

absent, the council, acting as the redevelopment agency board, voted 4-0 to free up \$42.5 million in redevelopment agency funding to underwrite National Communities Renaissance's low income housing activity.

On November 7, 2007 the Rancho Cucamonga City Council, again acting in the capacity of the redevelopment agency's board of directors, voted to issue \$65 million in tax-exempt bonds and \$95 million in taxable bonds. National Communities Renaissance's \$42.5 million program was funded from those bond issuances.

That appeared to be that. For nearly two years the program remained in place, with National Communities Renaissance and Burum profiting by virtue of the taxpayer subsidized low income program.

In Spring 2009, however, events were to overtake Gutierrez. And now, by extension, events are progressing on a track to overtake, perhaps, Burum and the rest of Gutierrez's council colleagues.

Last May 27, Gutierrez was arrested by district attorney's office investigators and charged with grand theft and misappropriation of public funds. The case the district attorney had put together against Gutierrez stemmed from the 19 months he was employed as the intergovernmental liaison with the assessor's office under former assessor Bill Postmus.

In the declaration supporting the warrant for his arrest signed by district attorney's office investigator Gary Barnes, Gutierrez was alleged to have engaged in work unrelated to the asses-

sor's office or the county while on the county clock and often did not show up for work at all. He nevertheless consistently billed the county for and received a full 40 hours worth of pay a week. Also, according to Barnes, Gutierrez often traveled away from the assessor's office in San Bernardino during workdays to attend matters pertaining to the city of Rancho Cucamonga, and sought reimbursement from both that city and the county, according to the affidavit for the arrest warrant. Barnes further asserted that Gutierrez abused county sick time so he could conduct Rancho Cucamonga city business and on multiple occasions when he submitted time cards claiming he was in the county assessor's office all day, his cell phone records, which tracked his whereabouts, showed Gutierrez was elsewhere, according to Barnes.

At the behest of the county board of supervisors, attorney John Hueston conducted an investigation into the workings of the assessor's office under former county assessor Bill Postmus. Several of Hueston's findings have been incorporated into the case that has been constructed by the district attorney's office

against Gutierrez. The Hueston Report, as does Barnes' affidavit, dwells on the degree to which Jeff Burum, who was a major campaign donor to Postmus and supervisor Paul Biane, acted to influence Postmus to hire Gutierrez. The report further underscores how Biane successfully interceded to keep Gutierrez on the county payroll after a grand jury report in 2008 prompted the county to discontinue funding for several non-productive positions in the assessor's office, including that of Gutierrez.

"Supervisor Paul Biane, at Burum's behest, extended funding for the position until another job could be arranged for Gutierrez at the San Bernardino County Economic Development Agency," Barnes wrote.

Burum is one of two principals in the Colonies Partners, a development company that received a \$102 million legal settlement from the county in November 2006 upon a 3-2 decision of the board of supervisors in which Postmus, who was then a county supervisor, Biane, and supervisor Gary Ovitt cast the deciding votes.

Barnes also detailed in his affidavit that Gutierrez engaged in political work on behalf

of Mitt Romney during the California Republican presidential primary campaign in 2008 while he was supposed to be working for the county.

The intense focus on Gutierrez, together with the focus on Burum, has now brought the remainder of the Rancho Cucamonga city council under the district attorney's microscope.

The episode involving National Communities Renaissance and the manner in which the city council, acting in its capacity as the redevelopment agency board, overrode the professional judgment of Daniels and the remainder of the Rancho Cucamonga redevelopment agency staff to confer upon Burum's company the \$42.5 million subsidy has piqued investigators' and prosecutors' interest.

According to knowledgeable sources, the district attorney's office has obtained search warrants for documents in various files at Rancho Cucamonga City Hall which potentially trace an untoward relationship between several of the council members and Burum.

Among those documents are the minutes of the the city council's housing subcommittee, which is composed of

Continued on Page 6

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Bribery

from front page

district attorney Lewis Cope and deputy district attorney John Goritz 45 overt criminal acts were listed involving Postmus, Erwin, Colonies general partners Jeff Burum and Dan Richards, Colonies media consultant Patrick O'Reilly, county Fourth District chief of staff Mark Kirk, and county Second District supervisor Paul Biane or a combination thereof. Burum, Richards, O'Reilly, Kirk and Burum are not identified by name but rather as John Does one through five respectively.

Also named as players in the massive scheme, and identified by name, are Fourth District supervisor Gary Ovitt, Biane's chief of staff Matt Brown, Adam Aleman, who worked for Postmus in the assessor's office and in his supervisor's office, Postmus' business partner Dino DeFazio, and political consultant Mike Richman.

At a press conference announcing the charges against Erwin and Postmus, attorney general Brown called the circumstances surrounding the charges "the most appalling corruption case in decades, certainly in the history of San Bernardino County and maybe California itself. Individuals corrupted public office and were able to grab more than \$100 million of the taxpayers' money through this scheme."

According to the criminal complaint, Burum and Richards and their company became embroiled in a legal dispute over a 67-acre flood control basin lying within the 464 acres the Colonies Partners had purchased in Upland from the San Antonio Liquidation Trust and which the company was determined to develop. The county flood control division asserted easement rights to that flood control basin, rights which were challenged in a lawsuit filed by the Colonies Partners in 2002. In its suit the company claimed its right to develop the property was damaged and limited by the county's easement claim and use of the property for flood control purposes. Penultimately, an appeals court ruled that the county's easement to 30 of the acres was clear.

According to the criminal complaint, "At an unknown time after the lawsuit was filed, John Doe #1 [Burum] and John Doe #2 [Richards] concocted a scheme to obtain a monetary settlement from the county through corrupt means. On or between January 1, 2005, and November 29, 2006, John Doe #1 and John Doe #2 attempted to corruptly influence members of the board of supervisors through a combination of threats, extortion, inducements, and bribery in order to secure their vote in favor of a settlement. De-

fendant Erwin and John Doe #3 [O'Reilly] joined the conspiracy and both conveyed various threats and/or inducements from John Doe #1 and John Doe #2 to Defendant Postmus, John Doe #4 [Kirk] and John Doe #5 [Biane]. John Doe #4 agreed to accept a bribe to deliver the vote of Ovitt. Defendant Postmus and John Doe #5 joined the conspiracy by agreeing to accept a bribe to vote to approve the Colonies settlement."

The complaint continues, "On November 28, 2006, Defendant Postmus and John Doe #5 [Biane], along with Ovitt, voted, as members of the Board of Supervisors, to approve a \$102 million settlement with Colonies to be paid by the county. No member of the county counsel's staff, nor any private attorney retained by the county, endorsed the settlement amount. Defendant Postmus and John Doe #5 [Biane] voted knowing that they had a financial interest in the outcome. After Colonies received substantial sums of money from the settlement with the County, John Doe #1 [Burum] and John Doe #2 [Richards] distributed from Colonies the agreed upon bribes and payments to Defendant Postmus, Defendant Erwin, John Doe #4 [Kirk], and John Doe #5 Biane."

Postmus was first elected to the board of supervisors in 2000 and was reelected to that position in 2004, becoming

chairman of the board of supervisors in 2005. He ran successfully for county assessor in 2006, taking office as assessor in January of 2007. He resigned as assessor on February 6, 2009.

Erwin was the president of the Sheriff's Employees Benefit Association (SEBA) from 1997 until February of 2005 and became executive director of that association in April, 2005. In 2006 Erwin, according to the complaint, served as an agent for Burum. In January of 2007, Erwin was appointed assistant assessor of San Bernardino County by Postmus, a position from which he resigned in November of 2007. In 2008, Erwin joined the supervisory campaign of Neil Derry, and after Derry's election, was chosen by Derry to serve as his chief of staff.

The criminal complaint's description of overt acts includes the assertion that during a discovery and trade mission to China between September 8, 2005 and September 20, 2005, Burum traveled with Postmus and while in China "provided meals, entertainment, and the services of a prostitute to defendant Postmus and promised to take care of defendant Postmus for the rest of his political career if he would support a settlement of the Colonies lawsuit."

The complaint says that "upon return from the mission, defendant

Postmus immediately went to county administrative officer Mark Uffer and stated, 'We've got to settle this Colonies thing.'"

The complaint says that "sometime between January 1, 2005, and November 28, 2006, John Doe #1 [Burum] offered to give John Doe #4 [Mark Kirk] \$100,000 if John Doe #4 would obtain Ovitt's vote for a settlement amount dictated by John Doe #1 in the Colonies lawsuit against the County."

The complaint states that between January 1, 2005, and November 28, 2006, "John Doe #1 [Burum] offered to give \$100,000 to Defendant Erwin if defendant Erwin would assist him in obtaining a settlement amount dictated by John Doe #1 in the Colonies lawsuit against the county."

The complaint says that in addition to offering positive incentives in terms of money to the members of the board of supervisors and their associates to obtain their cooperation, Burum and Richards also engaged in acts of extortion to intimidate the board of supervisors into complying with their goal of obtaining a favorable settlement of the lawsuit. That extortion entailed blackmailing Postmus with regard to his homosexuality and drug use, prosecutors allege.

"In 2006 County voters were presented with Measure P whose passage would raise the salaries of board of supervisors members from \$99,000 to \$152,000. John Doe #1 [Burum] and John Doe #2 [Richards] conducted a campaign against Measure P as a means to obtain influence over John Doe #5 [Biane] in order to obtain a settlement in the Colonies lawsuit against the county," the complaint states.

"On or between January 1, 2006, and November 28, 2006, John Doe #1 [Burum] hired private investigators to go through defendant Postmus' trash to find incriminating information that could be used to pressure defendant Postmus to vote in favor of a settlement in the Colonies lawsuit

against the county. On or between January 1, 2006, and November 7, 2006, at the request of John Doe #1, defendant Erwin created political mailers for the assessor's race depicting defendant Postmus' addiction to drugs and his homosexuality to be used to influence defendant Postmus to vote in favor of a settlement in the Colonies lawsuit against the county. On or between January 1, 2006, and November 7, 2006, defendant Erwin advised Aleman that if there were a settlement of the lawsuit that John Doe #1 found favorable, the mailers depicting defendant Postmus' addiction to drugs and his homosexuality would not go out. On or between January 1, 2006, and November 7, 2006, defendant Erwin created political mailers in opposition to Measure P that asserted that John Doe #5 [Biane] had excessive indebtedness and was unable to pay his bills. The mailers were to be used to influence John Doe #5 to vote in favor of a settlement in the Colonies lawsuit against county. On or between October 1, 2006, and November 28, 2006, Defendant Postmus and John Doe #1 engaged in negotiations concerning the settlement amount for the Colonies lawsuit at the Doubletree Hotel in Ontario with Defendant Erwin and John Doe #3 [O'Reilly] acting as intermediaries. On or between October 1, 2006, and November 28, 2006, during the negotiations concerning the settlement amount for the Colonies lawsuit at the Doubletree Hotel, defendant Erwin conveyed to defendant Postmus various threats from John Doe #1 [Burum] to defendant Postmus' that would be carried out if the terms dictated by John Doe #1 for the settlement of the Colonies lawsuit were not accepted."

The complaint delineates an effort to bribe Biane and Kirk, a strategy that dovetailed with a similar effort to influence Postmus, according to prosecutors.

"On or between January 1, 2006, and November 28, 2006, John Doe #1 [Burum] communicated to John Doe #5

Continued on Page 5

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Bribery

from page 4

[Biane] that John Doe #5 would receive \$100,000 if John Doe #5 voted for a settlement in the Colonies lawsuit against the county. On or between January 1, 2006, and November 1, 2006, John Doe #1 advised defendant Postmus that if there were a favorable settlement of the Colonies lawsuit, as dictated by John Doe #1, that John Doe #1 would give defendant Postmus \$100,000. On or between October 1, 2006, and November 28, 2006, defendant Postmus agreed to vote to approve a \$102 million settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to defendant Postmus. On or between December 7, 2004, and November 28, 2006, John Doe #4 [Kirk] agreed to obtain Ovitt's vote for a settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to John Doe #4. On or between October 1, 2006, and November 28, 2006, John Doe #5 agreed to vote to approve the \$102 million settlement of the Colonies lawsuit as dictated by John Doe #1 in exchange for \$100,000 to be given to John Doe #5. On or between October 1, 2006, and November 28, 2006, John Doe #4 successfully urged Ovitt to vote to approve the \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of County staff, County Counsel, and private attorneys retained by the county.

On or about November 28, 2006, John Doe #5 [Biane] voted to approve a \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of county staff, county counsel, and private attorneys retained by the county. On or about November 28, 2006, defendant Postmus voted to approve a \$102 million settlement of the Colonies lawsuit without the concurrence and against the recommendations of county staff, county counsel, and private attorneys retained by the county."

According to the complaint, after the Postmus, Biane and Ovitt made the settlement vote, Burum and Richards made good on their promises to provide money to them and/or their associates. That money was laundered to the recipients in the form of donations to political action committees the supervisors or their associates controlled, according to prosecutors.

"On or between October 1, 2006, and February 14, 2007, Defendant Postmus told Aleman that he was going to receive \$100,000 from John Doe #1 [Burum] for voting to approve the Colonies settlement," the complaint states. "Defendant Postmus requested Aleman's assistance in creating a PAC [political action committee] that defendant Postmus would secretly control to conceal the \$100,000 he received from John Doe #1. On or between October 1, 2006, and February 14, 2007, Defendant Postmus advised Richman that he was going to be receiving a sum of money and asked Richman's assistance in creating a PAC using the names of his friends but that defendant Postmus would secretly control. On or about February 14, 2007, defendant Postmus, Aleman, and Richman agreed to the creation of the Inland Empire PAC secretly controlled by defendant Postmus but publicly listing Dino DeFazio as chairman, Mike Gallagher-vice-chair, Jeff Bentow-community outreach director, and Mike Richman as executive director. On or about February 20, 2007, defendant Postmus directed that Aleman create an e-mail account using DeFazio's name and asked Aleman to use the e-mail account to direct the creation of the Inland

Empire PAC with DeFazio as the named chairman and to further direct expenditures through the e-mail account as if Aleman were DeFazio. On or between June 1, 2007, to July 12, 2007, defendant Postmus, Aleman, and Richman agreed to the creation of the "Conservatives for a Republican Majority" PAC secretly controlled by defendant Postmus but naming "Mike Richman" as the sole member of the board of directors and executive director. On or about June 29, 2007, John Doe #1 [Burum] signed check #4615 for \$50,000 from Colonies to the Inland Empire PAC secretly controlled by defendant Postmus. On or about June 29, 2007, John Doe #1 signed check #4616 for \$50,000 from Colonies to the "Republicans for a Conservative Majority" PAC. On or about July 5, 2007, defendant Postmus arranged that check #4615 for \$50,000 be deposited into the Inland Empire PAC secretly controlled by defendant Postmus. On or about July 12, 2007, defendant Postmus arranged the deposit of check #4616 for \$50,000 from Colonies to "Republicans for a Conservative Majority" into the "Conservatives for a Republican Majority" PAC secretly controlled by defendant Postmus. On or between July 5, 2007, and October 30, 2008, defendant Postmus directed Aleman and Richman to disperse approximately \$50,000 from the Inland Empire PAC to defendant Postmus' campaign account without any consultation with the board of directors of the PAC. On or about March 18, 2007, John Doe #4 [Kirk] contacted a campaign accountant about establishing a PAC named

the Alliance for Ethical Government. On or about May 16, 2007, John Doe #1 [Burum] wrote check #4533 for \$100,000 from Colonies to the Alliance for Ethical Government PAC. On or about May 25, 2007, John Doe #4 directed his campaign accountant to complete the establishment of the Alliance for Ethical Government PAC that he secretly controlled."

Some of the money that went into these political action committee funds was then diverted to the personal use of those that had been bribed, prosecutors allege.

"On or between March 1, 2007, and October 30, 2008, defendant Postmus used funds in his campaign account for personal meals and personal entertainment," the complaint alleges. "On or about May 29, 2007, John Doe #4 [Kirk] arranged that check #4533 for \$100,000 be deposited into the Alliance for Ethical Government PAC that he secretly controlled. On or about October 31, 2007, John Doe #4 submitted a campaign consulting contract valued at \$10,000 to the Alliance for Ethical Government PAC that he secretly controlled; payment was made to John Doe #4 on November 7, 2007. On or about April 16, 2008, John Doe #4 submitted a campaign consulting contract valued at \$10,000 to the Alliance for Ethical Government PAC that he secretly controlled; payment was made to John Doe #4 on April 23, 2008. On or between April 30, 2008, and May 16, 2008, the Alliance for Ethical Government PAC made non-monetary contributions in the amount of \$6,336.19 to John Doe #4's campaign for election to the Republican

Central Committee. On or about June 15, 2007, John Doe #1 [Burum] and John Doe #2 [Richards] signed check #4579 for \$100,000 from Colonies to the San Bernardino County Young Republicans PAC secretly controlled by John Doe #5 [Biane]. On or between June 15, 2007, and September 15, 2008, John Doe #5 directed that the San Bernardino County Young Republicans PAC pay campaign expenses for John Doe #5 and fund the campaign account of John Doe #5. On or about March 20, 2007, John Doe #1 wrote check #4417 for \$100,000 from Colonies to the Committee for Effective Government PAC, to be controlled by defendant Erwin, to compensate defendant Erwin for his role in obtaining the votes needed to approve the settlement of the Colonies lawsuit. On or about March 23, 2007, the Committee for Effective Government PAC was created by defendant Erwin with defendant Erwin as chairman, Clyde Boyd-vice-chairman, Elizabeth Sanchez-secretary, Betty Presley-treasurer, Gloria Affatati-Boyd-director, and Steven Hauer-director. On or about March 28, 2007, defendant Erwin arranged the deposit of check #4417 for \$100,000 into the Committee for Effective Government PAC controlled by defendant Erwin. On

or about September 15, 2008, defendant Erwin forged the signature of director Steven Hauer on a payment authorization from the Committee for Effective Government PAC that directed the payment of \$5,000 to defendant Erwin; payment was made to defendant Erwin on the same date."

Ramos said that no charges have been lodged against Burum, Richards, O'Reilly, Kirk or Biane because prosecutors have not assembled the requisite proof to establish a case against them beyond a reasonable doubt.

Postmus is charged with five felonies, including conspiracy, one count of accepting a bribe, one count of conflict of interest and one count of misappropriation of public funds. He was booked into the Victor Valley Sheriff's Station holding facility and was released after posting \$225,000 bail. He faces up to eight years in prison if convicted.

Erwin, who last year was charged with having failed to disclose receiving gifts and gratuities from Burum, is charged with conspiracy, two counts of corrupt influencing, two counts of offering a bribe to a supervisor, two counts of extortion, one count of misappropriation of public funds and one count of forgery. After he posted a \$380,000 bond and was released from

Continued on Page 7

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Rancho Cucamonga from page 3

Gutierrez and Michaels, along with the notes/minutes of the council's closed sessions going back to 2005.

A focus of the probe is whether some form of inducements were offered to the council members to persuade them to support the provision of the \$42.5 million to Burum's company.

An examination of the California Form 460 campaign financing disclosure documents filed by Rancho Cucamonga's council members show that Burum and one of his companies, Diversified Pacific, were major political contributors to the political campaigns of all five council members.

Diversified Pacific contributed \$5,000 to Gutierrez on April 4, 2008.

On May 22, 2008, councilman Sam Spagnola received \$5,000 from Jeff Burum/Diversified Pacific. On the same day, Spagnola received \$2,500 from Burum's business associate, Dan Richards and Richards' company, Kendrew Development.

On June 23, 2005, the same month the Rancho Cucamonga Redevelopment Agency first voted to enter into an agreement with Burum's company to subsidize low income housing with an infusion of \$6.5 million, Diversified Pacific provided \$5,000 to councilwoman Diane Williams' campaign fund.

In 2008, councilman Michael's campaign committee received \$5,000 from Diversified Pacific and \$2,500 from Kendrew Development.

In 2008, mayor Don Kurth received \$5,000 from the Colonies Partners and \$5,000 from Diversified Pacific.

Significantly, Kurth was not in attendance at the August 15, 2007 meeting when the approval of the \$42.5 million contract with National Communities Renaissance was made.

Kurth's wife is a beneficiary of the Matrayek Family Trust, which is one of Burum's partners in the Colonies Partners.

Burum spurned the *Sentinel's* request for comment.

Sam Spagnola told that the *Sentinel* the money Burum and his associates provided to his campaign fund had not influenced his vote with regard to National Community Renaissance.

"That wasn't a consideration for me," Spagnola said. "The issue that was brought before the housing subcommittee, which consisted of Rex Gutierrez and Dennis Michael, was a proposal to extend the arrangement the agency already had with National Community Renaissance, which is headed by Jeff Burum. The issue was a dollar amount to get those units he had - over 500 of them - locked into a low income rental agreement into perpetuity so we wouldn't have

to be constantly renegotiating to keep workforce housing in the city."

Noting that at the time of the vote he was relatively new to the city council, Spagnola said, "I asked people I trusted - the redevelopment agency staff, the other council people who were there before I was, the city attorney - for guidance. I was told this would keep affordable housing for a portion of our residents in the city. That was what my vote was based on. It had nothing to do with the contribution from Jeff Burum. It was simply based on getting workforce housing perpetuated in the city."

Spagnola said there were conditions built into the provision of the \$42.5 million that ensured it was not just a giveaway of taxpayer funds to Community Renaissance. "There were restrictions on what the money was to be used for and that made sure that it had to be related to projects in Rancho."

Spagnola said the council was told that the district attorney's office has interested itself in all action the council took with regard to Burum's company and other parallel issues relating to subsidized housing in the city.

"Our city attorney, Jim Markman, briefed us on what the district attorney is looking for," Spagnola said, adding that the council is not resisting the request even though it would have some legal

grounds to withhold material pertaining to the council's discussions in closed session.

"There aren't really minutes from the committee meetings," he said. "It's more like notes staff makes which are generally put together and then turned into a synopsis of what we agreed to do. They are pretty informal. None of them are recorded but the DA wants to look at the notes prepared by staff. The only stumbling block was information having to do with our closed sessions. By law a council doesn't have to release that, but Jim Markman said that if we don't turn it over it will look like we are hiding something. So, next week we have a vote scheduled to release the block of documents relat-

ing to the housing committee decisions, including any closed session documents involved, but just those closed session discussions relating to housing."

Spagnola said he was not kept informed as to what discussions took place with regard to the Community Renaissance subsidization proposal prior to it being presented to the full council in August 2007 "I wasn't privy to the previous meetings, as far as what was taking place with regard to the amount of money and time extension of the low income pricing agreement."

Spagnola said he was not aware of any threats made to Daniels, including ones to have her removed as the head of the redevelopment agency if she did not go along with

the move to increase the level of subsidization through Burum's company.

"I did not hear about that," he said, but added that it was brought to his attention that Gutierrez had instructed redevelopment agency staff to accommodate National Community Renaissance

"I did know that he told staff that they should just give Jeff Burum anything he wanted," Spagnola said.

The other members of the city council did not respond to a request for clarification or comment on the district attorney's office action.

Daniels, citing the ongoing investigation into the redevelopment agency and its board members, said she would have no comment.

Solar & Wind

from front page

or wind farms for industrial and commercial use. There were some residents, however, who maintained that the projects compromise the rural landscape's visual and existential quality.

Several of those who spoke took issue with the county's proposal to establish regulations "intended to ensure that renewable energy generation facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community."

They expressed the view that renewable energy facilities, particularly windmills, represent a new approach to life in the desert that should not be constrained by backward-looking aesthetic concepts.

Ross Johnston asked the board, "Why are you backstepping? Why are you concerned about this when there are more im-

portant things to be concerned about? Why are we spending time changing something that has been worked out?"

It would be better for the county to encourage the erection of windmills and solar troughs and panels than to be layering regulations upon their advocates, Johnston said. "People who were originally against them are changing their minds. Those who opposed them are now proud owners of the systems."

Johnston said the opposition to wind turbines was particularly wrong-headed.

"Wind energy works any time," he said, contrasting it to solar panels which work only in daylight hours. "Wind is a form of solar energy that comes from the heat creating the wind. If you raise the cost of building these systems, people can't afford them." He took issue with the standards that would

lower the height of the windmills, noting that the larger and higher reaching the blades are, the more efficiently the windmills function.

Les Hamasaki, the executive director of the Green Technology Institute, told the board it should take advantage of the vast expanses of the Mojave Desert to put San Bernardino County at the forefront of the green revolution.

"This is an opportunity to look at the Inland Empire as the center in the fight against climate change. Look at what happened at Kramer Junction and the HelioStation at Barstow," Hamasaki said in reference to the large scale and experimental solar fields that existed there. "Look at the leadership in terms of what the Inland Empire has been. This will be the epicenter for the solar revolution."

Rob Spinevis, who has

Continued on Page 7

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County in Symbiotic Lease with Crestline Chamber

The county has adjusted its lease agreement with the Crestline Resorts Chamber of Commerce to extend the term through January 31, 2014 for approximately 0.12 acres County owned land in Crestline for no consideration.

According to county real estate services director David H. Slaughter, "On February 7, 2006, the board of supervisors approved a four-year lease agreement, with two three-year options to extend for approximately 0.12 acres of county-owned land, acquired for use by the department of public works transportation division, located at 24385 Lake Drive in Crestline at no cost. The original term of the lease was from Feb-

ruary 1, 2006 through January 31, 2010."

The Crestline Resorts Chamber of Commerce has placed a modular building on the 0.12 acre site. Within that modular structure, 550 square feet is utilized by the Second District supervisor and the sheriff-coroner free to the county. The chamber has drafted plans to provide extensive improvements to the modular at its cost, which is estimated at \$50,000, in expectation that the facility will be used more often by community organizations to host charitable and educational events.

"In order to help amortize the estimated cost of the improvements over a longer period of time, the chamber requested the

county to extend the term of the lease four years rather than exercise either of its two three-year options to extend the lease, which will allow for a potential ten-year extended term."

The upgrades to the interior of the building are to include the construction of an Americans with Disabilities Act-compliant restroom and new carpet. The exterior improvements include an Americans with Disabilities Act-compliant ramp and deck, pitched roof, siding, four-foot high stone wainscot and new windows. The chamber also provides ongoing maintenance to the site, which includes the grounds and the parking lot.

Although the county

department of public works and its transportation division has no immediate plans for this 0.12 acre site on Lake Drive, the lease provides for termination by the county with 90-days notice.

According to Granville M. Bowman, the county's director of public works and the transportation division, the county is permitted to provide this site to the Chamber at no cost under the terms of Government Code Section 26227 because "the chamber provides a service that meets the social needs of the community, and because the chamber provides office space to the sheriff-coroner and to the Second District supervisor at no cost."

Solar & Wind

from page 6

founded his own academy providing training relating to renewable energy, suggested San Bernardino County would squander its natural advantage by engaging in overregulation of the renewable energy industry.

Brett Hughes called upon the board of supervisors to "streamline the process by not placing but instead removing restrictions." He said the regulations needed to be flexible, depending on location and proximity to existing development. "Judge each project on its own merit," he told

Bribery

from page 6

San Bernardino Central Jail, he told the *Sentinel*, "They are alleging that Bill Postmus and I were friends, that I blackmailed and extorted him and then I bribed him and a year later he gave me a job. Tell me if that makes sense. The complaint lacks credibility and consistency. The corpus isn't proven in their offering. The district attorney and the attorney general have staked their credibility on the word of one person, Adam Aleman. He has claimed that he came into the SEBA office in 2006 and that I showed him a

the board.

Linda Parker said the county's move to tighten restrictions on renewable energy projects runs counter to the current and historical trend.

"It is frustrating to have national priorities that don't match our local policies," she said.

Some who addressed the board had a different idea about the benefits of such projects, particularly windmills.

Terry Koztak said that the law with regard to such facilities was already too "lopsided" and liberal because advocates of the windmills had created rules and regulations in their favor by

mailer that I was preparing that would have absolutely trashed Bill Postmus. That flat out never happened. Adam Aleman is a liar. He will be proven to be a tarnished witness. At that time I was actually arranging through SEBA's PAC to make a \$40,000 contribution to Bill Postmus."

With regard to the allegation that the \$100,000 his PAC received in 2007 was a bribe, Erwin said. "They are saying that was some kind of quid pro quo but that was not the case. The offer to make a contribution to my PAC did not come up until February 2007, which was after

spending large amounts of money for lobbying.

She said the lack of regulation "leaves us unsuspecting property owners who are not windmill advocates who will be minimally protected affected daily. This is a land use issue." She said she was bothered by being "called unAmerican or almost a terrorist. A lot of us don't want to be affected by horrible placement [of windmills]. There is the other side. There are those who are negatively impacted."

James Doles of Newberry Springs, said that solar and wind farms have there place but that

the vote." When he was taken into custody the morning of February 10, Postmus was found in possession of methamphetamine. A single count of possession of a controlled substance was added to the charges against him at his booking.

Burum and Richards declined comment on the filing of criminal charges against Postmus and Erwin and the inclusion of their actions in the overt acts alleged in the complaint. Biane and Kirk were unavailable for comment at press time. O'Reilly did not respond to messages left for him.

AIDS

from front page

8, 2008, the San Bernardino County board of supervisors approved the release of a request for proposals (RFP) to solicit agencies to provide medical care and support services under the Ryan White HIV/AIDS Treatment Modernization Act.

On June 3, 2008, the board approved contracts with seven vendors - AIDS Healthcare Foundation, Bienestar Human Services, Desert AIDS Project, Foothill AIDS Project, Inland AIDS Project, County of Riverside, and Social Action Community Health Systems - to provide the required services, in a total contract amount of \$6,574,742 for the period of June 1, 2008 through February 28, 2009, for Part A

of the Ryan White Act. The county in 2009 renewed its contract with Binestar Human Services, Foothill Aids Project and Social Action Community Health Systems to continue to provide services to AIDs patients. This week the county board of supervisors made amendments to its current department contracts with the Binestar, Foothill and Social Action Community to increase the total contract amounts by \$92,000, from \$1,557,081 to \$1,649,081.

In this way Bienestar Human Services will receive a total of \$116,127 after the change; Foothill Aids Project will receive a total of \$1,065,417 after the change; and Social Action Community Health Systems will receive a total of \$467,537 after the change.

tors." He likened putting windmills into residential areas to placing livestock feeding yards next to homes.

An issue that came up was the requirement for a minimum lot size for property where windmills are to be erected.

Supervisor Brad Mitzelfelt, whose First District covers much of the Mojave Desert, said he did not want to rule out solar or wind projects on sites of fewer than 20 acres.

One of the provisions contained in the new regulations specified that renewable energy projects should be no smaller than 20 acres if they fall within a rural area zoned for residential use.

Dilip Sheth pleaded

with the board to eliminate the 20-acre minimum. He asked for an exception to be granted to the projects he is now seeking to have permitted.

The board responded by exempting those projects and others that are already under consideration for permitting.

Supervisor Gonzales requested that the board return the matter to the planning commission for further consideration. Her three present colleagues, however, confirmed the new regulations with a first vote this week and scheduled the matter to come back for a second and final confirmation vote at the next supervisors' meeting on February 23.

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Time Warner to Provide Library's Telecommunications

The county has awarded a \$75,600 per year contract with Time Warner Cable for the provision of telecommunications circuits connecting the library administration and the Chino, Grand Terrace, Montclair, Rialto, and Yucaipa, branch libraries to the county's computerized network.

Under the terms of the agreement approved by the board of supervisors this week, the contract will be in effect for the period of January 1, 2010, through December 31, 2014, for a total amount of \$378,000.

According to county librarian Ed Kieczkowski, "In cooperation with the county information service department, the county library sought to identify those telecommunication vendors that could best supply the level of internet service required at the lowest

cost. Information services solicited proposals from AT&T, Verizon and Time Warner Cable. Based on a combination of cost, ability to provide the combination of services required, and ability to provide service to all areas required, Time Warner Cable was selected for a five-year contract. In return for a five-year contract, Time Warner Cable waived construction/installation costs."

The county will utilize a creative approach in coming up with some of the funding for the program, Kieczkowski said. "The cost to the library for the internet service is expected to be \$75,600 per year," he said. "However, the library receives several reimbursements from two programs that will offset costs. One program is from the Federal Universal Service Fund; the annual e-rate telecom-

munication reimbursement. The e-rate telecommunication reimbursement is based on a discount rate taken from the corresponding school free lunch program percentage applicable to the school district the library is located in. The library receives Federal e-rate telecommunication fund reimbursements each year and currently realizes a 73% reimbursement rate received from the Federal Universal Service Fund. The listed libraries are eligible for the e-rate reimbursements. Additional reimbursements come from the State of California Teleconnect fund which reimburses at 50% of the remaining cost that the e-rate program does not cover. The net cost to the Library for the six listed branches will be approximately \$10,206 (\$75,600 x 27% x 50%) per year or a total of \$51,030 for 5 years. These are approximate costs, due to a slight early variation in the Federal e-rate discount.

The additional cost to the Library will be approximately \$5,000 per year; this is due to the increase in bandwidth from 1.5 mps to 10 mps. The increase in cost is due to the increase in applicable rates of the upgraded increase in bandwidth. This upgrade will allow patrons wireless access to the Internet.

Southern California Style It's Raining Boots

By Grace Bernal

Though we hardly get much rain in sunny California, when it rains it pours. It's expected to rain intermittently up until the end of April. I love rain, but not working or running errands in it. I have, however, learned that rain boots come in handy during this season. They allow me the freedom and flexibility I need to walk in the rain. Let's face it: lately it's been rain today sun tomorrow here in the Inland Empire. That being said, "The rain boot revolution is here."



Those bright yellow eyesores that adorned people's feet are a thing of the past. If you're an observer, you'll find they've become a neat and fun fashion accessory that prevent your feet from getting soaked in the puddles, the lawns, the streets, the parking lots and the sidewalks we must trudge across. I love having my boots readily available when challenged by the rain, and also in the early mornings when I go out to grab the paper or water the lawn. I'm also particularly fond of the idea that they are conveniently located in my entryway. I own 2 pair of boots and on a rainy day I slip a pair on, on my way out the door and slip them off before I come inside. This allows one pair to dry while I am wearing the other. What I love about the boots are the color and design choices they come in, and that I have something stylish to enjoy on a rainy day.

The design of a rain boot is a very basic one; which makes choosing a pair quite simple, unless of course, you're into the name brands. When shopping at a department store buy them when in season. This being California, they disappear quickly and won't reappear until the following season. The easiest way to find and choose a pair is online. By Googling rain boots, you'll find an array of choices and prices. Hunter has a wonderful selection of colors and styles starting from \$60 and it's my number one choice in a rain boot because the material is very sturdy and durable, I also love the Bass brand. They are great for the lake and snow but tend to run narrower in the leg area. A great choice for the wallet can be found at Target.com. They carry various patterns and colors starting as low as \$.19.99, and shipping is fast and inexpensive. Either way you go - be it expensive or inexpensive - the best part of this investment is that a rain boot can last up to 5 years here in sunny California.

"Rain today Sun tomorrow, show off your boots...."

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