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LOCAL NEWS

Will malicious prosecution claim by former Colonies defendant hold up?



Former Colonies trial defendant Jim Erwin, whose case was dismissed in September following a historic 8-month trial, filed a \$25 million claim against the state and San Bernardino County on Wednesday alleging, among other things, malicious prosecution.

By **JOE NELSON** | jnelson@scng.com | San Bernardino Sun

PUBLISHED: November 6, 2017 at 6:34 pm | UPDATED: November 7, 2017 at 12:53 am



Former Colonies case defendant Jim Erwin's [\\$25 million claim](#) accusing San Bernardino County and the state of malicious prosecution raises questions about whether such a legal challenge will hold up.

In his Nov. 1 claim, Erwin alleges that prosecutors manipulated the grand jury in the ill-fated bribery case with false testimony by Adam Aleman, a former assistant assessor; San Bernardino County Supervisor Josie Gonzales; and district attorney investigator Hollis "Bud" Randles.

Prosecutors dismissed all charges against Erwin in September after his jury announced it was "hopelessly deadlocked." In August, a separate jury acquitted the other three defendants: Rancho Cucamonga developer Jeff Burum, former county Supervisor Paul Biane, and Mark Kirk, former chief of staff to former county Supervisor Gary Ovitt.

Erwin also accuses the prosecution of manipulating the testimony of former county assessor Bill Postmus, a defendant-turned key witness whose testimony changed from the time of his grand jury testimony in 2011 to his testimony at trial.

Los Angeles lawyer David B. Parker, an expert in malicious prosecution cases, said that prosecutors and witnesses typically have immunity from malicious prosecution claims, according to case law. He said the U.S. Supreme Court looked at the long history of common law immunity for public prosecutor and held that prosecutors enjoy "absolute immunity" against malicious prosecution claims.

But in some cases, vindicated defendants, given the amount of evidence they possess, can bring forth malicious prosecution cases if they meet specific elements.

Malicious intent?

Attorney John P. Blumberg, who also specializes in malicious prosecution cases, said those elements include a "favorable termination" of his/her case, preferably via a judge's dismissal or an acquittal. Second, the former defendant must prove there was a lack of probable cause to have brought the criminal case forward.

"That means that no reasonable prosecutor would have considered the case to have had merit," Blumberg said in a telephone interview.

Additionally, the plaintiff of a malicious prosecution complaint must be able to prove that the prosecution had malicious intent when it brought its case, Blumberg said.

“From the very beginning, we said this was politically motivated,” said Erwin’s attorney, Rajan Maline.

Maline said the Colonies case was politically motivated because former county Supervisor Neil Derry, whose chief of staff was Erwin, supported budget cuts at the District Attorney’s Office in 2009. Derry and Erwin were subsequently charged with crimes.

And in February 2010, an election year, San Bernardino County District Attorney Mike Ramos and then state Attorney General Jerry Brown held a press conference at the District Attorney’s Office, where Brown called Colonies the “biggest corruption scandal in San Bernardino County history, if not the state of California.”

Maline agreed that prosecutors are typically immune from malicious prosecution cases, but in Erwin’s case, as well as the other former defendants in the bungled Colonies corruption case, specific elements are in place to hold the state and county accountable, including malice.

“Our position is that the conduct, if you engage in intentional conduct, knowing that what you do is going to harm somebody through arrest and prosecution and imprisonment ... the immunity does not apply in those situations,” Maline said in a telephone interview.

District Attorney spokesman Christopher Lee said in an email Monday that his office has yet to review Erwin’s claim, and therefore would not comment. Prosecutors at the state Attorney General’s Office did not respond to a request for comment for this story.

Allegations

After the cases against them folded, the former defendants began demanding that prosecutors be held accountable and that the laws and grand jury process that allowed them to be indicted be reformed.

Prosecutors alleged bribery was behind a \$102 million settlement the county paid to Rancho Cucamonga developer Colonies Partners, of which Burum is a co-managing partner, in November 2006. The settlement ended longstanding land-rights litigation involving flood control improvements at Colonies’ 434-acre residential and commercial development in Upland — Colonies at San Antonio and Colonies Crossroads, respectively.

The allegations were never proven true, and the former defendants claim prosecutors manipulated the grand jury and relied on false witness testimony, including that of Aleman and Gonzales, to get an indictment.

According to Erwin's claim, Aleman, facing felony criminal charges of his own in connection with crimes that occurred at the Assessor's Office in 2007 and 2008, "initiated the proceeding by knowingly making a false report to (district attorney) investigators" during a November 2008 interview. He continued making false statements to investigators, and lied at trial, in order to get his criminal charges reduced to misdemeanors, Erwin and the other former defendants maintain.

Aleman's attorney, Grover Porter, did not respond to a request for comment.

Kirk said he also is planning on filing a claim against the county and the state, likely within the next two weeks. The others may follow as well.

Blumberg and Parker said it is much tougher for malicious prosecution claims to hold water if a judge allows the criminal case to proceed to trial and a grand jury indicts, despite acquittal or a mistrial that leads to charges being dropped, as was the case with Erwin.

Maline, however, believes he has plenty of ammunition against the county and state. If the claims he filed on behalf of Erwin are rejected, he plans to file a federal lawsuit alleging civil rights violations on top of malicious prosecution and false arrest claims. Prosecutors and investigators, he said, do not have the same immunity in federal court as they do at the state and local level.

"You don't call it malicious prosecution or false arrest as a cause of action (in federal court), you call it violation of someone's civil rights," said Maline. "But it's the same conduct that gets you there, and there is no immunity for prosecutors."

As to the dismissal of Erwin's case, Maline said that constitutes "favorable termination" of the criminal case and is not a hindrance to a malicious prosecution claim.

"That's the best outcome you can get alongside an acquittal," Maline said.

Tags: [Colonies corruption trial](#), [Echo Code](#), [Top Stories IVDB](#), [Top Stories PE](#), [Top Stories RDF](#), [Top Stories Sun](#)

Joe Nelson

LOCAL NEWS

Passenger rail project remains priority for Rail to Redlands Working Group



Pat Morris, leader of the University of Redlands' South Campus/University Village Working Group, updates the Rail to Redlands Working Group on the university's transit-oriented village project during a meeting Monday, Nov. 6, 2017 at the University, 1200 E. Colton Ave., Redlands. (Sandra Emerson/Staff)

By **SANDRA EMERSON** | semerson@scng.com | Redlands Daily Facts
November 6, 2017 at 4:51 pm



Local government officials continue to have their eye on bringing passenger rail service to Redlands by 2021.

The Rail to Redlands Working Group met Monday, Nov. 6 at the University of Redlands to discuss the progress being made on the [Redlands Passenger Rail Project](#) and reflect on the work done since the group's formation in 2013.

“We’ve done great work as a community to getting where we are today,” said Supervisor James Ramos, who formed the group, which is comprised of officials from the cities of Redlands and San Bernardino, San Bernardino County, the University of Redlands, Esri and San Bernardino County Transportation Authority.

Since the group's previous meeting in August 2016, work has begun to build the [diesel multiple units](#) that will deliver the passenger rail service and details emerged about the [University of Redlands'](#) transit-oriented development planned south of the campus.

Pat Morris, leader of the South Campus/University Village Working Group, updated the group on the project, which would include a station designed after the Santa Fe Depot in downtown Redlands, residences, an upscale hotel, restaurants, a grocer and shops.

“The University has long had the idea there was an opportunity here as transit developed, to develop that south campus in a different way,” said Morris, who is the former Mayor of San Bernardino and member of the university's board of trustees.

“Not for academics,” Morris continued, “but for a transit oriented village that would benefit the community and the university with a diverse set of uses.”

Once complete, the Redlands Passenger Rail project will extend rail service nine miles from downtown San Bernardino to the University of Redlands. Stations are also planned for Tippecanoe Avenue, New York Street near Esri — at the company's expense — and downtown Redlands.

The main service, to be called Arrow and operated by OmniTrans, will run smaller and more energy efficient diesel trains, known as diesel multiple units, every 30 minutes during peak morning and evening hours and every hour during off-peak hours.

Arrow riders will need to change trains at the transit center in San Bernardino to head farther west.

Beginning Dec. 18, Metrolink service will connect from the transit center one mile to the Santa Fe Depot in San Bernardino, said Carrie Schindler, director of transit and rail programs for the San Bernardino County Transportation Authority, the lead agency on the project.

But a Metrolink train will make one round trip daily, beginning and ending in downtown Redlands, on the same rail line. The train will take riders directly to Union Station in downtown Los Angeles.

The project, which is estimated to cost \$290.5 million, is fully funded, Schindler said.

Operations and maintenance, however, is estimated to cost up to \$10 million annually, she said.

Tags: [Top Stories PE](#), [Top Stories RDF](#), [Top Stories Sun](#), [Transportation](#)

01_sandra_emerson **Sandra Emerson**

Sandra Emerson covers the cities of Redlands, Highland and Yucaipa for the Southern California News Group.

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OPINION

Bloomington Little League Challenger Division hits it out of the park



Courtesy photo

Bloomington Little League Challenger Division hits it out of the park

By **JOSIE GONZALES** |

PUBLISHED: November 5, 2017 at 11:36 am | UPDATED: November 5, 2017 at 11:41 am

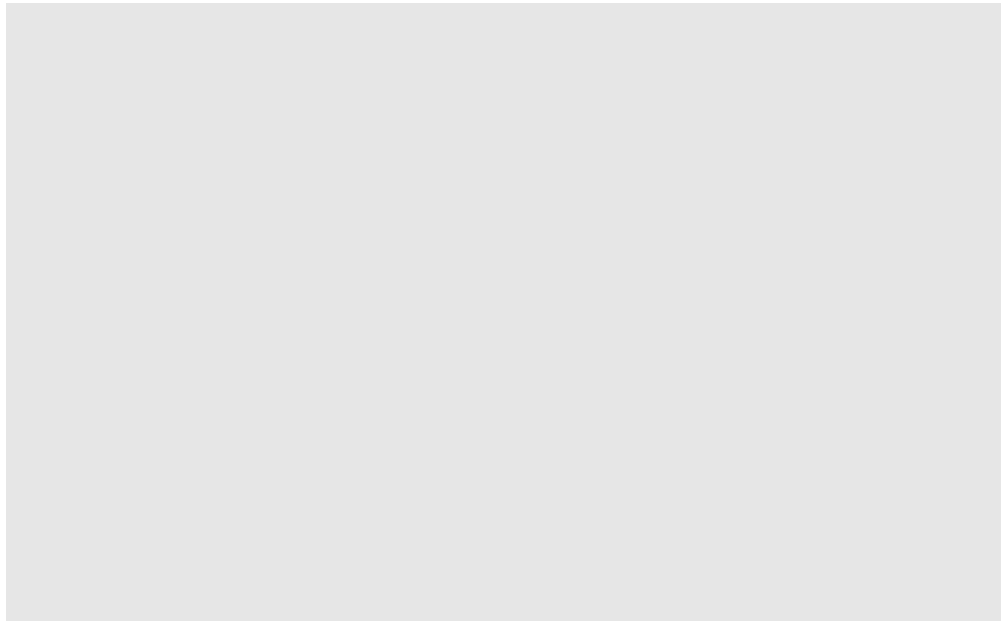


There's a Little League team in Bloomington that brings an entire crowd to its feet with every swing.

Sixteen-year-old Micah Escarzaga gets to enjoy the crack of the bat just like any other kid because the Bloomington Little League created a Challenger Division so young people with developmental and physical disabilities can play the game.

Micah, who has autism, loves playing baseball in an environment structured to his abilities, said his mom, Trina.

ADVERTISING



“My son would never have played any sport without the Challenger Division,” she said. “Autism makes social interaction difficult for him. A team sport without the support of Challengers would be impossible. Through playing, he’s learned how to interact more with others, try hard at something that he was not initially good at, and have fun even when he is around other people.”

With help from parents including Trina, Bloomington Little League President Mark Raubolt established the Bloomington Little League Challenger Division in 2015. The program gives youth with developmental and physical disabilities the opportunity to be active.

That's important because 34 percent of youths in San Bernardino County do not get the recommended 60 daily minutes of physical activity, according to the most recent data from the California Health Interview Survey. The Challenger Division of the Bloomington Little League is making sure our children – including those with developmental and physical disabilities – are getting the exercise they need to stay healthy.

I am honored to name the Bloomington Little League Challenger Division as my "Action Hero" as a part of our Countywide Vision's Vision2BActive campaign. In fact, I believe that everyone who makes this league possible is a "Super Action Hero" because their program goes beyond encouraging improved health and wellness through increased physical activity.

Trina, who was also the Bloomington Little League's program coordinator, shares that she and her child's experiences are similar to that of many other parents and their children who participate in Challenger Divisions.

While participants vary in age, gender, and ability, the goal for all players is to have fun while building their self-esteem, celebrating small achievements, and socializing with their peers and nondisabled teammates, also known as "Buddies," who assist them on the field.

Buddies volunteer from a variety of community organizations such as the Boy Scouts, Girl Scouts, local churches, and other Little League players from Minor League teams. With their Buddies, players learn to catch, throw, hit, and field the ball.

Players are recruited for the Challenger Division just like any other Little League team. Season sign-ups are held, mailers are sent, and handouts are distributed at local schools to promote tryouts. The League is open to youths ages 4 to 18.

Pam Valdez, who now directs the program, says the Challenger Division offers therapeutic and socialization benefits for youth with disabilities.

"First and foremost, the kids are part of a team. Good sportsmanship and teamwork are encouraged at all times," Valdez said. "Despite any special needs they have, our children play with heart."

This past season, Helpful Honda arranged a visit by former Los Angeles Dodgers Pitcher Dennis Powell to the Bloomington Little League, where Powell pitched a few balls to the Challenger Division.

"It was great to see the kids hit the ball and run the bases. Everyone was so proud," Valdez said.

The regular season runs March through May. Winter Ball, when held, runs September through November at Kessler Park. Players outside the Bloomington area are accepted if there is no Challenger Division offered by their local Little League.

To learn more about how youths can participate, contact Pam Valdez at (909) 234-5944.

Josie Gonzales is the San Bernardino County Supervisor representing the Fifth District. For more information about the Vision2BActive campaign, check out Vision2BActive.com, an interactive resource that provides residents with information about physical activity events, fitness tips and a GIS map featuring places to be active in the county.

Tags: **Guest Commentary**

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By Ars Technica



Analysis of Aegis ballistic missile defense system.



Josie Gonzales

VIEW COMMENTS

Join the Conversation

Suspect killed in deputy-involved shooting following pursuit in Barstow

By Paola Baker

Staff Writer

Posted at 7:54 AM

Updated at 7:56 AM

BARSTOW — A man was fatally shot by a police officer after a pursuit led to a crash here Monday evening.

The incident occurred after the suspect — wanted on probation violations — led Barstow Police Department officers on a reckless chase before crashing into the yard of a nearby home. BPD Capt. Andy Espinoza said the man was armed with a firearm and was walking toward officers when the shooting occurred.

Espinoza said the chase began when a BPD detective spotted the suspect in a Ford Expedition with a trailer and tried to initiate a traffic stop 4:48 p.m. Monday. The suspect fled instead, with the detective in close pursuit.

Other BPD officers soon joined the chase, Espinoza said, which ended when the suspect crashed the Expedition through the front yard of a home in the 800 block of E. Fredricks Street. As the suspect exited the vehicle, he turned and walked toward a BPD officer with an “unknown type of firearm,” Espinoza said.

“The officer opened fire and struck the suspect,” Espinoza said.

Officers on scene rendered life saving measures to treat the man, and medical aid was also requested. Despite all measures, he was pronounced dead at the scene, Espinoza said.

The identity of the man is being withheld pending positive identification and notification of next of kin.

No other details were available yet on the incident. The San Bernardino County Sheriff’s Department Homicide Detail is investigating the officer-involved shooting, Espinoza said.

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[Big Bear Friends of the Library Fall Book Sale](#)

in [Community News](#), [Education](#), [Entertainment](#), [For Your Information](#), [Informational](#), [Mountain Region](#), [News](#), [Subject](#), [Ticker](#) / by [Michael P. Neufeld](#) / on November 7, 2017 at 5:07 am /



Come to the Big Bear Valley Library and experience adventures in books

By Susan A. Neufeld

Big Bear Lake, CA – The Friends of the Big Bear Valley Library are sponsoring a Fall Book Sale at the Big Bear Lake Branch Library.

MEMBERS PREVIEW NIGHT

Members will receive 10% off entire purchase and new members are WELCOME... Monday, November 6, from 5 – 7 p.m.

OPEN TO THE PUBLIC

The sale is open to the public on Tuesday, November 7, from 11 a.m. – 7 p.m., Wednesday, November 8, 11 a.m. – 7 p.m. and Thursday, November 9, 10 a.m. – 6 p.m.. The library is closed on Friday and will be closed on Saturday, November 11 in observance of Veterans Day.

THURSDAY SPECIAL

Thursday, November, 9 from 10 a.m. – 6 p.m. there will be a special price: a Bag of Books (Standard size paper or canvas grocery bag) for \$3.00. Bags will not be provided.

Big Bear Valley Library is located at 41930 Garstin Dr., Big Bear Lake, CA, and for more information, please call the Library at (909) 866-5571.

Friends of the Library have great deals on slightly used books. Come out and start enjoying reading again.

(41)



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By **STAFF REPORT** | |

PUBLISHED: November 6, 2017 at 5:05 pm | UPDATED: November 7, 2017 at 12:31 am



It's Election Day for some in San Bernardino County.

Four jurisdictions are holding election, according to the [San Bernardino County Registrar's Office website](#). About 353,000 are eligible to participate in the 2017 Consolidated Election.

On the ballot:

- One Fontana Unified School District School Board member, one-year term
- Three San Bernardino City Unified School Board members, four-year terms
- Three Cucamonga Valley Water District Board members, four-year terms
- Three West Valley Water District Board with varying term lengths, two on four-year terms and one on a two-year term

Tags: [Echo Code](#), [Top Stories IVDB](#), [Top Stories Sun](#)



Staff report

VIEW COMMENTS

Chino explores annexation, changes to Measure M

By Erin Tobin | Posted: Saturday, November 4, 2017 8:00 am

For nearly three hours Monday night, Chino's city council chambers were crowded to the point of standing room only as the council and residents discussed the city's sphere of influence, zoning and Measure M, the city provision that allows Chino residents to vote on changes to the city's General Plan.

The meeting ended with plans for more meetings and new questions about the future of development in the city.

Sphere of Influence

At the heart of the discussion was Chino's sphere of influence, a term for the unincorporated parts of San Bernardino County that the city is assumed to eventually annex.

Chino's sphere was established in the 1970s. The city's general plan, both when it was created in 1981 and when it was updated in 2010, includes the land in the sphere.

Currently, the city is annexing parts of the sphere in a piecemeal fashion, as the city is the sole sewer provider to those areas and any development that needs access to the sewer system must be annexed into the city.

"I just wish (the council) would annex it all," said Jenny Tate, a resident in the sphere of influence who expressed frustration at the fact that her home had yet to be annexed.

She found out that night that she was lives across the street from a development and annexation planned for the north side of Riverside Drive, between Pipeline and Roswell Avenues.

"I would have loved to be a part of that (annexation)," she said.

Three other annexation developments are being considered by the council: an assisted living facility planned for the north side of Chino Ave., between Serenity Trail and the 71 freeway; a density increase to a 4.4 acre lot on the northwest corner of Francis and Telephone Avenues; and the Chino-Francis Estates, a proposed 43-home tract map planned for the corner of Francis and Yorba Avenues.

Mrs. Tate's opinion doesn't seem to be a popular one in the unincorporated area of San Bernardino.

According to councilman Gary George and Mayor Pro Tem Tom Haughey the majority of people living there have no interest in annexing.



Maps

General plan maps showing Chino and its Sphere of Influence from 1988 and 2017 were displayed at the city council's special meeting Oct. 30.

“Almost everyone said they didn’t want to be in a city if they didn’t have to, but if they had to join a city, they would want to be in Chino rather than Montclair,” Mr. Haughey said.

The council members also expressed concern about the cost of annexing the entire sphere in relation to the money that would be brought in by taxes.

“I would like to see the economic study done in two phases,” said councilman Earl Elrod. “One on the stuff coming into the city in smaller pockets and one on the whole sphere.”

Mr. Elrod also asked for a study on the city’s liability when it comes to underdeveloped streets and other public works projects in the sphere.

The council agreed to conduct a survey of residents in the sphere after more is understood about the impact annexation will have.

Measure M

Members of the group Protect Chino, which organized during the special election for Measure H in July, were in attendance at the special meeting.

According to former mayor Larry Walker, a board member of the group who spoke often over the course of the night on the its behalf, there is some worry that the piecemeal annexations are an attempt to circumvent the city’s Measure M requirements.

Measure M was voted on November 8, 1988. Since then the measure has been enforced 15 times, with the majority of elections resulting in a Yes vote on the side of the development. Only in the special election for Measure H did voters defeat the development.

During Monday's meeting, the city council asked to review possible changes to Measure M, which were presented by assistant city attorney William Wynder. However, as he pointed out “any changes to Measure M can only be made by the voters.”

Mr. Wynder said limiting the voting on Measure M items to the people who live in the district where the development and change of density is planned would be the most appropriate change.

An idea to limit voting on Measure M to only areas of Chino that were part of city in 1988 when the measure was created would most likely be prohibited, he said.

Mr. Walker said that idea made no sense.

“There’s very little history of any item that’s limited to the size of the city when the item was passed,” Mr. Walker said.

RHNA

One acronym seemed to catch people off guard: RHNA, or Regional Housing Needs Assessment, a program operated by the California Housing and Community Development department.

RHNA requires cities to offer a percentage of low income housing which may be a problem when it comes to Measure M and residents’ resistance to high density housing.

The assessment must be reevaluated every eight years, according to Nick Liguori, Chino's director of community development.

He said 30 units per acre are required to be set aside for low-income residents which make 50 percent or less than the median income.

Mr. Liguori says Chino currently meets RHNA regulations, but that might change if the city decides to annex parts of unincorporated San Bernardino County.

Chino will be re-evaluated in 2021.

In the end, the meeting left people with more questions than answers.

"It was very preliminary," Mr. Walker said. "The real results will be in the council's performance."

Adelanto's final dump day of year yields 70-plus tons of trash, debris

By Staff reports

Posted Nov 6, 2017 at 3:24 PM

Updated Nov 6, 2017 at 3:24 PM

“October’s event is usually the slowest of the three that we offer, but we had people lined up at 7 a.m., a full hour before the event began.”

ADELANTO — The city’s community clean-up event recently yielded more than 70 tons of trash and debris, a successful cap to the dump day program for 2017, officials say.

The third and final clean-up of the year invited residents to bring mattresses, furniture, household trash, televisions, computer monitors, small tires, paints, oils and more — not hazardous waste products — to Adelanto Stadium on Oct. 21.

“This was another successful event,” said Steve Peltier, the city’s community safety manager. “October’s event is usually the slowest of the three that we offer, but we had people lined up at 7 a.m., a full hour before the event began.”

For comparison, the July clean-up yielded 54.7 tons of trash, about 15 tons less than October, and officials weren’t counting the weight of 105 mattresses and 29 pallets of E-waste also dropped off last month.

Events are held each year in April, July and October. The dump days are a joint effort between the city and AVCO Disposal Company.

“Our residents have shown time and time again that when given the opportunity to take advantage of the chance to not have to make a trip to the landfill, and avoid paying tipping fees, and help improve community image in the process,” Mayor Rich Kerr said in a statement, “they take advantage.”

The dates for 2018 clean-ups have been announced: April 21, July 21 and Oct. 13.

For more information, contact Steve Peltier at 760-246-2300, ext. 3500.



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Apple Valley visionary remembered: Dick Pearson credited with starting incorporation movement

By Matthew Cabe
Staff Writer

Posted Nov 6, 2017 at 5:59 PM

Updated Nov 6, 2017 at 5:59 PM

APPLE VALLEY — Thirty-three candidates vied for the seats that would make up the first Town Council, but among the favorites was the man credited for starting the movement that led to incorporation.

When votes from the Nov. 8, 1988, election were finally tallied, Richard “Dick” Pearson finished a close third to Nick DePrisco and Heidi Larkin-Reed, securing his place on the dais and in Apple Valley history.

Pearson, a more than 40-year town resident, died Oct. 21 at the age of 85, leaving behind an indelible legacy that includes tours of duty during the Vietnam War, teaching and community involvement rivaled by few.

Larkin-Reed, the town’s second mayor, described Pearson as “the person who had the vision for what Apple Valley could be.”

“He was an instructor for the MBA students at George Air Force Base, and he had them work on the project that looked at incorporation,” she said. “He was on the board of directors for the (Apple Valley Chamber of Commerce) at the time. He brought the idea to the chamber board. The board liked it and agreed to it.”

The Apple Valley Incorporation Drive committee (“AVID for short”) was formed as a result, according to Larkin-Reed, who said the process itself required a year’s worth of proposal work and hearings before the Local Agency Formation Commission (LAFCO).

Larkin-Reed remembered the early days after incorporation as a “great” time to be in Apple Valley and Pearson as a man who gave all things consideration.

“He was thoughtful and smart,” she said. “I never really saw him get irate or upset. We might have approached it from different angles at the time, but we all were striving for the betterment of Apple Valley.”

But the celebration following incorporation was brief. Failing roads and a deficient law enforcement presence were chief concerns among town residents, who looked to the new Council for answers.

June 1989 brought a recall effort against Pearson, Larkin, Carl Coleman and Jack Collingsworth. The attempt, led by Eve Forcinel, accused the tetrad of going back on election pledges to control growth by favoring land developers over residents’ aforementioned concerns.

Forcinel’s recall failed to gather the necessary signatures, though, and Pearson became the first Town Council member to run for re-election after Coleman and Collingsworth opted against seeking second terms.

Forcinel, who was among 10 candidates in April 1990, predicted a Pearson loss, saying at the time that his record of voting for “every high density housing project” had not sat well with citizens.

She was wrong. Pearson won re-election in dominating fashion, raking in nearly 51 percent of the total vote count, and was subsequently named mayor by his peers.

Victor Valley College Board of Trustees member and local businessman Joseph W. Brady, who first met the man after moving to the High Desert in May 1988, said Pearson won re-election because voters knew he was “passionate about Apple Valley and the High Desert region.”

“He always had the Valley first, the people in the High Desert first,” Brady said, “and he was a very articulate person. He treated everyone with respect. If you disagreed with him, I never saw him say anything bad about anybody.”

Born on April 1, 1932, Pearson grew up in New Rochelle, New York, about 26 miles northeast of New York City. He earned a bachelor's degree from Trinity College in 1954 and entered the Air Force Reserve Officer Training Corps, completing his flight training in 1955, [according to a 2011 Daily Press interview](#).

Pearson flew 170 combat missions in both the Republic F-105 Thunderchief and the McDonnell Douglas F-4 Phantom II during three tours in Vietnam from 1965 to 1972. His military career included 28 years of active duty, according to his Daily Press obituary, and he retired in 1981 at George Air Force Base.

In addition to his time on the Town Council, which ended in 1994, Pearson served on multiple boards and committees in the Victor Valley, and co-chaired the formation of the Mojave Desert Air Quality Management District.

He was so involved in both local government and the community that Apple Valley Chamber CEO Janice Moore said she couldn't remember a time when she didn't know him.

"What an amazing man," Moore said. "We used to put him in the Village parade, and we'd have him wear his honorar mayor's hat. And, oh my gosh, so many people remembered him."

Brady remembered Pearson not only as a civic leader, but as a friend and gentleman.

"We need more guys like that. We don't see people like this in our country anymore," Brady said. "And that's why he was so well liked and well respected. You could be having the (crappiest) day in the world, but if you saw Dick Pearson you couldn't help but smile. I miss him."

A memorial will be held at 2 p.m. on Nov. 12 at the Church of the Valley in Apple Valley. Donations in Dick Pearson's memory may be made to the Red Cross or Wounded Warriors, according to his obituary.

Read Pearson's recollection of the [incorporation movement here](#).

Matthew Cabe can be reached at MCabe@VVDailyPress.com or at 760-951-6254. Follow him on Twitter [@DP_MatthewCabe](https://twitter.com/DP_MatthewCabe).



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LOCAL NEWS

How a vacant housing complex in Redlands is helping firefighters train



The Redlands Fire Department holds live fire training at a vacant housing complex near Orange Street and Lugonia Avenue in Redlands, CA., Sunday, November 5, 2017. (Staff photo by Jennifer Cappuccio Maher/The Facts/SCNG)

By **SANDRA EMERSON** | semerson@scng.com | Redlands Daily Facts
November 6, 2017 at 6:21 pm



A vacant housing complex in North Redlands that has attracted criminal activity and the homeless, is now helping firefighters train to fight fires.

About 70 fire members of the Redlands Fire Department and CalFire have been conducting [live fire training](#) since Saturday at the complex near the intersection of Orange Street and Lugonia Avenue.

The complex, owned by the San Bernardino County Housing Authority, is being demolished to make way for the next phases of the [Valencia Grove Housing Community](#).

“There’s nothing like going into a real building,” said Redlands Fire Captain David Ketcherside, standing outside a smoky duplex on East Sharon Road on Monday, Nov. 6.

It is difficult to find training opportunities with acquired structures, such as this complex, due to regulations and guidelines set by the Air Quality Management District, Environmental Protection Agency and State Fire Training, Ketcherside said.

This week’s training was approved by the South Coast Air Quality Management District and hazardous materials, such as asbestos, lead paint, carpet/padding and appliances, were removed in advance.

While the firefighters use wood and common combustibles to start the training fires, which do not burn as hot as combustibles found in a common residence, there are other benefits of going into an acquired structure over a training facility, Ketcherside said.

This includes the paint on the walls, the lay out of the building and drywall that can influence the fire, he said.

“The benefit is great because when these guys show up to residential structure fires the residents don’t know how much training you have. They just expect you to have all of it,” Ketcherside said. “It’s my job and our training department’s job to make sure everybody has the right training, so when these guys show up they can deliver a premium service to the community.”

The complex has been vacant since 2016, following the construction of the first phase of the neighboring Valencia Grove Housing Community.

It has attracted homeless activity and some crime.

The Redlands Fire Department has responded to five fires at the complex since it was vacated, Ketcherside said. While he couldn’t pinpoint the exact cause, Ketcherside said the fires were likely associated with homeless on the premises.

In March, a 17-year-old male was stabbed inside one of the boarded up homes on in the complex.

The Redlands Police Department has had several calls to the property and has done several proactive patrols in the area, according to Redlands police Lt. Travis Martinez. Officers came across gang activity and homeless taking shelter in the vacant buildings, he said.

“Anybody that drove through there will obviously notice the blight,” he said. “It just seemed to be a haven for attracting the bad elements.”

The housing authority hired 24-hour security, said Gus Joslin, deputy executive director for the housing authority.

“Anytime you have that number of units vacant at the same time it becomes somewhat of an attractive nuisance,” Joslin said. “So we had to address those challenges. It’s one of the reasons why we’re pushing ahead and demolishing the entire site.”

The housing authority volunteered the property for the training. Redlands police have also used the complex for training over the past few months, according to Joslin.

“It is an opportunity that’s sort of unique when you have that many units vacant at the same time,” Joslin said.

While the complex has been useful in allowing police and fire training, Martinez said, they would rather see it torn down.

“It’s definitely a good thing that construction is finally moving forward and it’s being demolished,” he said.

The Valencia Grove Housing Community’s second phase proposes 104 rental units, while the third phase will include single-family homes on Lugonia Avenue for first-time home buyers.

Construction of the remaining phases is dependent on funding, Joslin said, but the housing authority is hopeful it will begin in 2018.

Tags: [Top Stories PE](#), [Top Stories RDF](#), [Top Stories Sun](#)

LOCAL NEWS

Thurber, University of Redlands' beloved mascot, diagnosed with cancer



Thurber, the University of Redlands live mascot, is thinking about retirement life, but not anytime soon. He has served the university in this capacity for six years, and now, at the age of 8, there's talk about breeding the next generation of U of R mascots. Thursday, January 26, 2017. (Frank Perez/Correspondent)

By **KRISTINA HERNANDEZ** | khernandez@scng.com | Redlands Daily Facts

PUBLISHED: November 6, 2017 at 5:15 pm | UPDATED: November 7, 2017 at 7:36 am

Thurber, [University of Redlands' beloved mascot](#), has cancer.

Beth Doolittle, the bulldog's handler, [announced the news on Facebook](#) Monday following the diagnosis.

"Last week, a vet confirmed that he has two aggressive cancerous tumors on his spleen and a mass on his heart. After the consult with the oncologist, we decided that further treatment did not make sense and that his comfort and peace of mind were the most important," the post reads.

Doolittle said she will remain by the pup's side to monitor the situation and to enjoy "the last of our time together at home in Redlands."

His last appearance was during homecoming and parents' weekend Oct. 27-29, and any further presence at U of R-related activities or games will be subject to his health "as the vet recommended that he stay at home to rest in a quiet environment."

"He is currently stable and enjoying lots of boiled chicken," Doolittle said.

Thurber, 8, is currently on his last year as U of R's official mascot after university officials announced his retirement earlier this year and his replacement, Adelaide, [was announced as mascot-in-training in June](#).

There have been no decisions made yet about when Addie will take over, said Jennifer Dobbs, university spokesperson, by email. Thurber's official last day as mascot was planned for some time in April following commencement celebrations for the Class of 2018.

Thurber has been the university's official mascot since 2010. He is the grandpup of former U of R mascot Duke who retired the same year.

Tags: [animals](#), [Top Stories RDF](#)



Kristina Hernandez

Kristina Hernandez is a reporter by day; pop culture addict by night. She has been a journalist for the Southern California News Group since 2005. She likes popcorn.

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LOCAL NEWS

Inland Regional Center in San Bernardino hosts fall festival for 1,500 with disabilities



Inland Regional Center client Alejandro Pelayo performed magic tricks for the crowd at Saturday's seventh annual IRC Fall Festival. (Photo courtesy of Justine Bustos)

By **BRIAN WHITEHEAD** | bwhitehead@scng.com | San Bernardino Sun

PUBLISHED: November 6, 2017 at 1:13 pm | UPDATED: November 6, 2017 at 1:23 pm



If only for a day, Inland Regional Center staffers created an environment in which 1,500 people didn't have to worry about their disability.

On Saturday, Nov. 4, the San Bernardino nonprofit held its seventh annual Fall Festival at San Manuel Stadium, a carnival-themed rendezvous sponsored by community partners and attended by local leaders.

The fair, which has increased in size every year, not only provides clients resources, “it gives the IRC community a chance to laugh, smile, dance and be silly together,” Amelia Maldonado, IRC community relations specialist, said in a release.

“We see it as a celebration of disability, inclusion and community.”

For attendees young and old, the Great American Y Circus returned to perform acrobatic and aerial routines. Youth dancers from Saint John’s Angels, a new act, entertained with ballet folklorico performances.

There were balloon artists and clowns, and for the first time, IRC called upon a client, magician Alejandro Pelayo, otherwise known as Alexo Presto, to wow the crowd.

“These events are designed for our consumers to have a day where they don’t have to worry about their disability, or worry about fitting in,” said CJ Cook, an IRC community engagement manager. “Our high school kids, and the kids right out of high school, are not very social because society can be harsh and mean at times.

“But at an event like this, those kids can smile and laugh and be in the moment for a day without having to worry about the outside stress of having a disability.”

Daisy Felix, an IRC event developer, worked with community partners to ensure the festival was offered at no charge to attendees. Pathway, Inc., a home assistance provider, presented the event for a third year.

More than 75 area agencies set up shop to offer information on their services.

Sponsors included People’s Care, In-Roads Creative Programs, Inland Respite, California Mentor, IEHP and Premier Healthcare.

Subway provided more than 1,000 lunches and Nestle provided water. Each booth had either a game, a raffle or a giveaway.

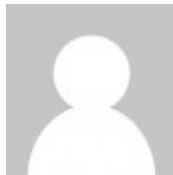
Senator Mike Morrell, R-Rancho Cucamonga, Congressman Pete Aguilar, D-San Bernardino, and Assemblywoman Eloise Gomez Reyes, D-San Bernardino, were among the local leaders to lend their support.

“The IRC Fall Festival is an event our consumers and families look forward to year after year,” Maldonado said.

Inland Regional Center provides case management and service coordination for more than 33,000 with developmental disabilities in Riverside and San Bernardino counties. [The conference center](#) on the grounds of the Inland Regional Center was the site of the [San Bernardino terrorist attack](#) that left 14 dead and 22 wounded.

Information: inlandrc.org.

Tags: [Inland Regional Center](#), [Top Stories Sun](#)



Brian Whitehead

Brian Whitehead covers San Bernardino for The Sun. Bred in Grand Terrace, he graduated from Riverside Notre Dame High and Cal State Fullerton. For seven years, he covered high school and college sports for The Orange County Register. Before landing at The Sun, he was the city beat reporter for Buena Park, Fullerton and La Palma.

[Follow Brian Whitehead @bwhitehead3](#)

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LOCAL NEWS

Interim Upland police chief a familiar face to city, has ties to Apple Valley and Murrieta



Douglas Millmore is sworn in as interim Upland police chief by City Clerk Jeannette Vagnozzi on Nov. 6, 2017. (Brian Rokos, The Press-Enterprise/SCNG)

By **BRIAN ROKOS** | brokos@scng.com | The Press-Enterprise

PUBLISHED: November 6, 2017 at 5:50 pm | UPDATED: November 7, 2017 at 12:52 am



More than 20 years after Douglas Millmore left the Upland Police Department as a captain, he returned Monday, Nov. 6, as its chief.

“I’ll do you a good job,” Millmore, 70, promised the City Council after it approved his six-month contract to replace Steve Johnson on an interim basis. Millmore will be paid \$65 per hour.

[Johnson left the department](#) on Oct. 27 after about three years for unexplained reasons. City Manager Martin Thouvenell has declined to discuss the circumstances because it’s a personnel matter.



Thouvenell on Monday told those attending [the special City Council meeting](#) that it “became obvious” that he would have to hire a new chief but did not elaborate. Thouvenell, himself an Upland police chief for about 10 years, worked alongside Millmore for 26 years until Millmore left in 1995 to become chief in Murrieta.

“He’s one of the most excellent candidates, ever,” Thouvenell said.

More than a dozen current or retired Upland police officers attended the meeting. Capt. Cliff Matthews told council members that Millmore hired him.

“I found him to be an excellent role model. Very intelligent, excellent leader,” Matthews said.

Millmore said in an interview after his contract was approved by a 5-0 vote that his top goals are “stabilizing the department through this transition and assisting in the recruitment” of a permanent chief.

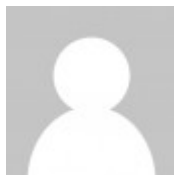
Millmore said he planned to review management practices in general. He said his skills include building strong teams, communicating the city’s vision and receiving buy-in from officers.

“There’s a need for some skills I have to offer, so I decided to give it a go,” Millmore said. “The city of Upland is my first love, and I have a vested interest.”

Millmore retired from Murrieta in 1998, citing blood-pressure and heart problems. He said his health is fine now and has worked in security for NASA since leaving Murrieta. He still has a license to fly small airplanes but sold his about two years ago.

Millmore, an Apple Valley resident, now pilots a 35-foot sailboat.

Tags: [Echo Code](#), [Police](#), [Top Stories IVDB](#), [Top Stories Sun](#)



Brian Rokos

Brian Rokos writes about public safety issues such as policing, criminal justice, scams, how law affects public safety, firefighting tactics and wildland fire danger. He has also covered the cities of San Bernardino, Corona, Norco, Lake Elsinore, Perris, Canyon Lake and Hemet. Before that he supervised reporters and worked as a copy editor. For some reason, he enjoys movies where the Earth is threatened with extinction.

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TWO BOYS SUSTAIN SERIOUS INJURIES WITH FIREWORKS EAST OF TWENTYNINE PALMS

By Z107.7 News, on November 7th, 2017

Two boys were seriously injured Saturday when they were shooting off illegal fireworks. According to County Fire Battalion Chief Scott Tuttle, firefighters were called to a campsite on Gold Crown Road in Wonder Valley about 8:30 p.m. Saturday. A 12-year-old boy received severe injuries to his right arm, from his hand to his elbow, when the fireworks exploded; a 14-year-old boy was also injured in the explosion. The 12-year-old boy was flown by Mercy Air to Loma Linda Medical Center; the 14-year-old boy was taken by ambulance to Desert Hospital in Palm Springs. The Sheriff's Department is investigating.



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Kathie Martin announces resignation from Apple Valley town staff

**By Matthew Cabe
Staff Writer**

Posted Nov 6, 2017 at 2:57 PM

Updated Nov 6, 2017 at 3:21 PM

APPLE VALLEY — Kathie Martin, the voice of Town Hall for nearly two decades, announced her resignation Monday, fewer than three months after a reorganization effort led by interim Town Manager Lori Lamson took the longtime employee out of her spokesperson role.

Martin has accepted the spokesperson position with Castaic Lake Water Agency (CLWA) in Santa Clarita, a move that also necessitates leaving the town she's called home for the better part of three decades.

Her last day is Dec. 14. Martin said the town's recent reorganization "didn't cause me to look elsewhere for work," but she added it "gave me an opening to do so."

"Having that critical (public information officer) role filled by someone else opened the door to new possibilities," Martin told the Daily Press. "I had not been looking for a new job. This was a flyer that was mailed to me. And the position, the location, the timing — everything seemed to be a great fit."

On Aug. 22, the Town Council adopted a resolution — proposed by the Department of the Town Manager currently led by Lamson — that created three new job titles and shifted existing employees into those positions.

Martin became director of marketing and quality of life while Gina Whiteside — in addition to her role as director of animal services — was named the director of stakeholder engagement & communication, a position the spokesperson role falls under.

Lamson called Martin one of the town's "greatest assets" when responding to questions about the reorganization. The long list of duties inherent in the role suggested the town's confidence in Martin's experience and ability.

"Ms. Martin ... will be responsible for developing strategic planning and oversight of internal awareness and external marketing of special projects such as the Hilltop House, Apple Valley Choice Energy, Art in Public Places, Special Events, Vision 2030, Shop Local, SAVE campaign, and employee communications," Lamson said in September.

The reorganization was designed to "strengthen the knowledge of our staff and enhance the delivery of town services," according to Lamson. Martin said it's "too early to say" how the town plans to fill the looming void once she exits.

"I'm giving a full six weeks notice, so that will give them time to figure out how to backfill the roles I have now," she said.

Martin joined the town's ranks Jan. 16, 2001. She said the unexpected death of her husband, Mike Martin, on Dec. 31, 2015, changed her outlook on life and allowed her to take more chances.

"My last two years have been an evolution since Mike passed, and I'm trying to embrace new opportunities every chance I (get)," Martin said. "That whole process of grief and growing has put me into a position to say yes to this. I feel like I'm equipped to leave my geographic and professional comfort zone, and venture out."

Mayor Scott Nassif said "we're all saddened" after learning of Martin's resignation via email.

"She truly, truly cared about the community and her impact on it," Nassif said. "That's something that will be truly missed. There's not a lot of folks out there (like her). You think about Apple Valley and you think about Kathie Martin."

Losing such a "tremendous asset" will also have an impact on the Council itself, according to Nassif, who said he understands her "need to to push the reset button."

“All of us as a Council relied on her for our events and speeches and information,” he said. “She was really the nexus for us. It’s going to make an impact on us ... She’s had some major changes in her life the last couple of years. I’ve watched that and sometimes you just need to do something different to regroup. She’s been working hard on that. I’m really proud of her.”

Martin will become CLWA’s first spokesperson on Dec. 18 before the agency becomes the Santa Clarita Valley Water Agency on Jan. 1 following a merger with Newhall County Water District via Senate Bill 634, which was signed by Gov. Jerry Brown last month.

“It’s a sister agency to the Mojave Water Agency,” Martin said. “It’s one of the state water contractors. There are nearly 30 across the state. But it’s the same government agency structure as MWA.”

Martin’s mind now turns to planning for change, but she said she can’t help but look back.

“I look around my office and it has the memories of 17 years in one position, and I think about how I need to leave it for the next person that comes in,” she said. “It’s sort of like a home. You get pretty comfortable over time, so it will be a fun dig into the past as I go through drawers and files and projects.”

Matthew Cabe can be reached at MCabe@VVDailyPress.com or at 760-951-6254. Follow him on Twitter [@DP_MatthewCabe](https://twitter.com/DP_MatthewCabe).



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A record year for water flowing into the Coachella Valley

Ian James, The Desert Sun Published 6:40 a.m. PT Nov. 7, 2017



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(Photo: Jay Calderon/The Desert Sun)

During California's five-year drought, the row of ponds in the desert north of the Palm Springs often lay empty and dry. But this year, the ponds have been filled to the brim with a record amount of water from the Colorado River.

The Coachella Valley's water utilities are using the influx of imported water to chip away at the long-term problem of groundwater overdraft. For months, water has been flowing into the ponds at the Whitewater River Groundwater Replenishment Facility and seeping into the sandy soil to replenish the desert aquifer.

The water has been pouring in since February at a rate of about 400 million gallons per day.

So far this year, more than 330,000 acre-feet of imported water has been used to recharge the groundwater basin, according to the Coachella Valley Water District and the Desert Water Agency. That's more than the entire Coachella Valley — including cities, golf courses and farms — will pump from wells this year.

A large portion of this Colorado River water actually belongs to the Los Angeles-based Metropolitan Water District of Southern California, which has a water-banking arrangement with the valley's agencies.

Because California had a wet year, Metropolitan has enough water from other sources and is able to store about 15 percent of its supply of Colorado River water in the valley's aquifer. The district can then recoup the water in future years by delivering less to the valley from the Colorado River Aqueduct.

"It's a great thing that they have the ability to store water here," said Cástulo Estrada, vice president of the Coachella Valley Water District's board. "The fact that they're storing it here is also creating a benefit for our aquifer."

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The groundwater recharge ponds in the desert next to Palm Springs were often largely empty during California's five-year drought. This year the ponds have been filled with a record amount of imported water. (Photo: Jay Calderon/The Desert Sun)

Mark Krause, general manager of the Desert Water Agency, said the "sizable and lasting deposits of water into the groundwater basin" represent a significant milestone in efforts to boost the water table.

Groundwater levels have declined over decades beneath much of the Coachella Valley as water has been pumped from wells to supply cities, resorts, golf courses and farmland. The area's water districts have combated the problem by importing water from the Colorado River to replenish the aquifer at three sites: near Palm Springs, near Desert Hot Springs and in south La Quinta.

The largest declines in the aquifer have occurred away from those groundwater replenishment ponds in the middle of the valley. In parts of Palm Desert, Indian Wells and Rancho Mirage, records show [water levels in wells have declined \(/story/news/environment/2015/04/17/desert-oasis-collides-drought/25942225/\)](/story/news/environment/2015/04/17/desert-oasis-collides-drought/25942225/) by 90-100 feet or more since the 1950s and 60s.

The aquifer's levels have risen significantly near the groundwater recharge ponds in La Quinta and Palm Springs, and the Coachella Valley Water District plans to build another groundwater replenishment facility in Palm Desert.

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RELATED: [A \\$22 million plan to reverse groundwater declines in Palm Desert \(/story/news/environment/2017/03/31/22-million-plan-reverse-groundwater-declines-palm-desert/99892166/\)](/story/news/environment/2017/03/31/22-million-plan-reverse-groundwater-declines-palm-desert/99892166/)

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In addition to the Coachella Valley's share of Colorado River water and the water that Metropolitan is banking here, the area's water districts also have contracts to receive water from the State Water Project, which runs from the Sacramento-San Joaquin River Delta to Southern California.

This year, after an unusually wet winter, water agencies received 85 percent of their full water allocations from the State Water Project. Because the canals and pipelines of that system end in Lake Perris and don't reach the Coachella Valley, local agencies trade their allotments to the Metropolitan Water District for equivalent amounts from the Colorado River Aqueduct.

The valley last received a big infusion of water in 2012, filling the oblong ponds on the outskirts of Palm Springs, which stretch out among the wind turbines at Windy Point. Then, during the drought, relatively little water flowed into those ponds — until last winter, when heavy rains and snow refilled reservoirs across the state ([/story/news/environment/2017/04/07/california-governor-lifts-drought-emergency/304814001/](http://story/news/environment/2017/04/07/california-governor-lifts-drought-emergency/304814001/)).

This year, the valley's districts are on pace to put more than five times as much water into the aquifer as they did last year.

"All three agencies worked together to really maximize the deliveries and take advantage of the wet year in California," said Bill Hasencamp, Metropolitan's manager of Colorado River Resources. "This year is the apex of that cooperation between our agencies to deliver so much water out there."

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The ponds at the groundwater replenishment facility on the outskirts of Palm Springs are filled with Colorado River water. (Photo: Jay Calderon/The Desert Sun)

Metropolitan is the country's biggest urban water agency and functions as a regional wholesaler, supplying 26 member cities and districts, which in turn provide water for 19 million Californians in six counties from San Diego to Ventura.

The additional water that's flowing into the valley is good news for the aquifer, said Brian F. Thomas, a hydrologist and professor at the University of Pittsburgh who has studied groundwater in the Coachella Valley.

"It's important to recognize that these additional recharge sources should not imply that additional groundwater pumping is warranted, as it's important to increase the storage in the aquifer," Thomas said in an email. He said one big reason is that the long-term reliability of the Colorado River is questionable.

The river and its tributaries provide water for about 40 million people and more than 5 million acres of farmland. But the river is severely overallocated and has dwindled during a 17-year drought.

Climate change is adding to the strains on the river, and scientists have projected warming will likely cause the river's flow to decrease by 35 percent or more (<http://onlinelibrary.wiley.com/doi/10.1002/2016WR019638/full?wol1URL=/doi/10.1002/2016WR019638/full®ionCode=US-CA&identityKey=69b843b2-eefb-482e-b310-4223ecbbd4d5>) this century.

In a study published last month, researchers found that higher temperatures have already resulted in a 7 percent decrease in the average flow of the Upper Colorado River (<http://journals.ametsoc.org/doi/abs/10.1175/EI-D-17-0007.1>) over the past three decades.

With worsening impacts from warming on the horizon, any and all groundwater recharge is "literally water in the bank," said Jonathan Overpeck, a climate scientist at the University of Michigan.

“Given that the Southwest, the Colorado River and the Coachella Valley region are all going to continue drying as long as global warming continues, it’s critical to bank as much groundwater as possible for the increasing number of dry years we’ll see in the future,” Overpeck said. “At the same time, it would also be wise to recognize that groundwater banking will get tougher as climate change and drying continue. This likely means controlling growth is imperative if we’re going to let climate change continue.”

Last year, Lake Mead declined to its [lowest levels](/story/news/environment/2016/05/19/lake-mead-declines-new-record-low/84597120/) since the reservoir near Las Vegas was filled in the 1930s. Representatives of California, Arizona and Nevada have been negotiating a proposed Drought Contingency Plan, under which each state would take less water from the reservoir to avert severe shortages.

READ MORE: [U.S., Mexico agree to share in possible Colorado River shortage](/story/news/local/arizona-environment/2017/09/27/u-s-and-mexico-agree-share-colorado-river-conservation-and-possible-shortage/710649001/)

Overpeck said while California has privileged senior rights to Colorado River water, “this won’t be a reliable safeguard once the inevitable shortages begin on the river — when levels in Lake Mead drop well below current levels.”

“Having senior rights on water is only helpful as long as there is water, and climate change is working against just that,” Overpeck said.

Desert water districts refer in their long-range planning documents to the projected impacts of climate change on water supplies.

The Coachella Valley Water District said in its 2015 Urban Water Management Plan that the area’s aquifer provides “a substantial buffer to absorb” changes in climate.

“Although groundwater is a relatively resilient water supply with respect to climate change,” the district said, “long periods of drought/dry weather may reduce the availability of imported water for groundwater recharge.”

In addition to replenishing the aquifer, the water agencies have sought to reduce groundwater pumping by supplying [some of the valley’s golf courses](/story/news/environment/2016/07/20/regulators-ordered-californians-cut-water-use-25-desert-golf-courses-cut-back-8/87010558/) with Colorado River water and recycled water.

Ian James writes about water and environmental issues for The Desert Sun. Reach him at ian.james@desertsun.com (mailto:ian.james@desertsun.com), 760-778-4693 or on Twitter at [@TDSIanJames](https://twitter.com/TDSIanJames) (https://twitter.com/TDSIanJames).

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Transparency IS relevant in water eminent domain case

By **Diana J. Carloni**

Posted Nov 6, 2017 at 9:18 AM

Updated Nov 6, 2017 at 9:18 AM

As a former local elected official and planning commissioner, I look at the definition of the office to include as its first priority service to the public. Under no circumstances is it appropriate for elected officials or government employees to degrade or demean taxpayers or to withhold information relative to how public funds are being spent.

Apple Valley residents were promised quarterly transparency reports by the Apple Valley Town Council, detailing how our money was being spent and for what purposes. There has not been a single transparency report issued since fall of 2016, and when a town spokesperson was asked to provide one by a Daily Press reporter, she dismissed the request stating that, “the Transparency Reports are irrelevant.”

We the People would beg to disagree. In a community where we salute the flag and believe in citizens’ rights, nothing is more sacred than ensuring that taxpayers are respected and that our money is protected. We expect that our representatives will be honest with us and do what is right for the community.

Taxpayer funds are being used by the town and its attorneys to promote an eminent domain takeover of the local water system from a professional provider that has consistently delivered the highest levels of quality and customer service. Using taxpayer dollars, they make promises and claim, “we will do better.”

Degradation of a taxpaying utility and making false statements is bad enough. Withholding information and claiming that transparency is “irrelevant” is more representative of a government run amok, completely ignoring the call to public service.

There's a big difference between a political campaign and a court proceeding, and that's what Apple Valley politicians cannot seem to grasp. Court is where promises mean nothing, and only admissible evidence matters. The law is clear. A "desire" by government to take over and operate a private enterprise, particularly when it is a utility, is not sufficient to win. The law says government cannot take over an enterprise just to provide the same service. Yet despite the law, the Town of Apple Valley seeks just that, as detailed in their own official documents:

"The Town is proposing only to acquire and operate the existing system, and is not proposing changes or expansion to the physical Apple Valley System or to the associated water rights nor is the Town proposing any changes to the manner of operation of the Apple Valley System or the exercise of the associated water rights."

That objective is nearly identical to what Claremont's plan was, and after all the evidence was presented and arguments were made, the plan failed. Los Angeles Superior Court Judge Richard Fruin issued a decisive ruling that the eminent domain takeover was unwarranted. In a humbling surrender, the city of Claremont voted unanimously to abandon the appeal and end the lawsuit. The water company, to their credit, agreed, saving taxpayers nearly \$6 million. The city terminated its relationship with the lawyers, the same lawyers as those of the town.

The Town of Apple Valley knows this outcome is where they are headed, but they refuse to admit it, or cut our losses (the money they're spending is our money), or work with Liberty Utilities. Instead, whether it is due to ignorance, arrogance, or a combination of both, the town is doubling down. Instead of public service, transparency and information about the actions of government, we the People of the Town of Apple Valley are told that the single most expensive undertaking of the town, and exposure to loss, is irrelevant.

Diana J. Carloni is an attorney who lives in Apple Valley.



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California homeowners could get a tax break to capture rainwater in their backyards



A bill in the California Legislature would exclude rainwater capture systems from property tax reassessments starting in 2019. (Jim Gensheimer / TNS)

By **Mina Corpuz**

NOVEMBER 7, 2017, 12:05 AM | REPORTING FROM SACRAMENTO

It was raining and Judy Adler had a broken gutter. What could have been a simple repair turned into an effort to capture rain and use it for her backyard pond. Since late 2009, Adler has collected up to 11,000 gallons of rain annually at her Walnut Creek home.

“This is doable,” she said. “This is Tinker Toy stuff.”

More people could follow in Adler’s steps under a bill in the California Legislature. The proposal, which would encourage homeowners to collect rainwater, could make its way onto the 2018 statewide ballot.

New construction, renovation, new ownership and some purchases for a home require a property tax reassessment, which typically increases a tax bill. A proposal from state Sen. Steve Glazer (D-Orinda), SCA 9, would exclude rainwater capture systems from property tax reassessments starting in 2019.

California homeowners could see savings up to a couple hundred dollars a year off their property tax bill, depending on the type of capture system they install, Glazer's office said.

Glazer said it's a way to offer homeowners an incentive to conserve water and prepare for the dry season.

"It's not an invisible occurrence when the rain comes to see water you could utilize at your home disappearing down the gutters," he said.

Additions and improvements such as solar capture systems, certain types of seismic retrofits, fire sprinklers and modifications for disability access are already exempt from new construction classification under state law.

Glazer plans to have the Assembly take up his bill when the Legislature reconvenes. SCA 9 would appear on the June ballot if it passes before Jan. 25. If it passes later, it would be placed on the November 2018 ballot.

California voters will see several initiatives placed on the ballot by lawmakers, including bonds for [housing and parks and water system improvements](#), rules for how to spend revenue from the state's [cap-and-trade program](#) and a guarantee that funds collected from the state's [gas tax increase](#) will be used only for road projects.

Adler brought the rainwater harvesting idea to Glazer. A proposal she submitted and Glazer's idea for the tax exclusion became the basis of the bill.

A [2012 law](#) authorized California landowners to install and operate rainwater capture systems. SCA 9 and an accompanying Senate bill also authored by Glazer would allow the Legislature to exclude new rainwater capture systems from being classified as new construction.

"You're providing this clarity that you won't trigger an increased tax value," said Bob Raymer, technical director of the California Building Industry Assn., which supports the bill.

Currently, if homeowners want to install a capture system, they would apply for a building permit. Once the new construction is complete, the county assessor's office examines it and comes up with a value. The assessment would factor into the property's value and taxes.

If SCA 9 passes, the state's tax agency, the Board of Equalization, will guide county assessors on how to treat rainwater capture systems as an exclusion from new construction, said Mark Nisson, a technical advisor for the board.

Additions to a home that are not considered new construction are typically not assessed until there is a new property owner, he said.

There is little evidence that excluding water harvesting systems from assessments would cause local governments to lose much revenue from property taxes. About \$1 million in rainwater capture systems could equal a \$10,000 loss in local revenue, according to a BOE estimate.

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The proposition has had almost no opposition. One group, the California Tax Reform Assn., took issue with the property tax exclusion.

By investing in rainwater capture systems, homeowners can help protect the environment without making major changes to their lifestyles, Glazer said.

“For some, that’s the only incentive they need,” he said. “The property tax exemption would be a cherry on top.”

Rainwater collection systems can cost a couple hundred to thousands of dollars, depending on the type of system and how many gallons can be stored. Adler said she paid about \$6,000 for materials and plumbing expertise to install her system.

Raymer said water collection systems could help homeowners reduce the amount of money they spend on irrigation.

“It’s the best way to get the biggest bang for their buck,” he said.

A homeowner living in an area that receives 12 inches of rain annually can collect up to 10,000 gallons of water from a 1,500-square-foot roof, according the American Rainwater Catchment Systems Assn., a nonprofit based in Arizona.

The League of California Cities, a coalition of city officials, supports Glazer’s measure because it encourages water independence. Local rain capture could help save money and reduce the need to transport water from elsewhere, said Erin Evans-Fudem, a lobbyist for the association.

Glazer said the growth and expansion of solar energy in California has made him hopeful about the potential for rainwater harvesting systems.

“It’s a new field,” he said. “It could use the advantages of small tax break to motivate people to be early adopters and hopefully make it mainstream.”

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NEWS

If LA County health department can shut down restaurants, why not air polluters? Leaders want to know



Walker Foley leads chants with a bullhorn. Activists and Porter Ranch area residents gather outside the Hilton to call for the shutting down the Aliso Canyon gas field. The SCAQMD Hearing Board listened to arguments during an evolving agreement between the Southern California Gas Co. and the South Coast Air Quality Management District. Woodland Hills, CA. 1/23/2016, Photo by John McCoy, Los Angeles Daily News/SCNG)

By **SUSAN ABRAM** | sabram@scng.com | Daily News

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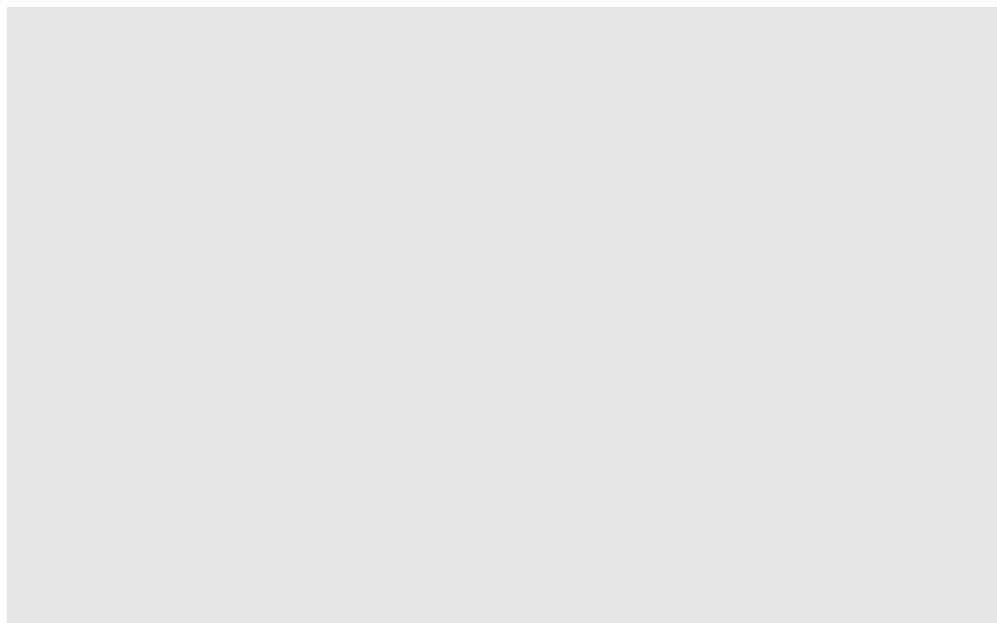


Does Los Angeles County’s public health department have the authority to shut down a facility that emits toxic substances into the air?

That’s the question two members from the Board of Supervisors want answered Tuesday as they ask county department leaders to look into the public health director’s role when it comes to companies that produce unhealthy chemicals.

In their motion, supervisors [Janice Hahn](#) and [Kathryn Barger](#) note that the department of public health has authority under state law “to assess, investigate, and shut down restaurants or food facilities when they present a serious public health hazard.”

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“Department of Public Health should be given similar authority to prevent chemicals from poisoning our communities,” the supervisors write in their motion.

Complaints about the chemicals in the air have come from residents in both supervisors’ districts recently. In August, the health department ordered several Paramount metal processing facilities in Hahn’s district to reduce emissions of [cancer-causing hexavalent chromium](#). Health officials had to stop short of ordering a shutdown of the sites because they do not have that authority.

RELATED STORY: [Here’s how Porter Ranch residents are feeling two years after the Aliso Canyon gas leak](#)

Two years ago, a massive natural gas leak from the Aliso Canyon gas fields in Barger’s district above Porter Ranch raised concerns when thousands of people reported headaches, nose bleeds and other health problems.

“The County should evaluate the enforcement authority of Public Health Directives to limit or prevent facilities from releasing hazardous substances and toxic air emissions that pose a threat to the health of Los Angeles County residents,” according to their motion.

RELATED STORY: [With more than 340 lawsuits filed over the Aliso Canyon gas leak, SoCalGas is counting the cost](#)

If the motion is approved, county department leaders will have 90 days to return to the board with a report that outlines the feasibility of strengthening the enforcement authority of public health officials.

Tags: **air pollution, Echo Code, LA County Board of Supervisors, local politics, public health, San Fernando Valley, San Gabriel Valley, South Bay, Top Stories Breeze, Top Stories LADN, Top Stories LBPT**

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VIEW COMMENTS

Orange County deputies seize weapons from ex-Soka University student who threatened 'killing spree' in YouTube video



Orange County sheriff's deputies seized nine firearms seized from a West Hollywood man who threatened to go on a "killing spree" on YouTube after a dispute with a staff member at an Aliso Viejo college. (Orange County Sheriff's Department)



By **James Queally**

NOVEMBER 6, 2017, 1:25 PM

Authorities said they found several loaded rifles and shotguns inside the home of a 39-year-old West Hollywood man who threatened to go on a "killing spree" in a bizarre YouTube rant last week.

David Kenneth Smith was charged with one felony count of making criminal threats Monday, less than a week after he was arrested by Orange County sheriff's deputies, prosecutors said.

Police were contacted by staff members at Soka University in Aliso Viejo last week after Smith, a former student, sent an instructor "a link to a YouTube video that showed him sitting with a semiautomatic pistol on his chest talking about the university," according to the Sheriff's Department.

In another video, posted last week, Smith goes on a strange rant about choosing between suicide and mass murder in a video titled “What Good Does Killing Ever Do?”

“What should I do? Should I commit suicide and just die off in a corner where all of you folks out there are just ... well, hey, I guess that problem took care of itself now, didn't it? We'll never have to ever have any reckoning at all for what we did to him and so many other people,” Smith says in the video, smiling nearly the entire time. “I'd rather go on a killing spree.”

Smith posted dozens of videos on YouTube under the name “King David,” including at least one other in which he posed while holding a firearm. Jaimee Blashaw, public affairs manager for the Orange County Sheriff's Department, confirmed the YouTube channel was Smith's.

“Investigators believed the suspect's threats were credible and an attack possible,” the Sheriff's Department said in a statement.

Sheriff's investigators recovered four revolvers, three shotguns and two rifles from Smith's West Hollywood home when they arrested him Nov. 2, Blashaw said.

Smith, who is being held on \$1-million bail, was apparently angered by a punishment he received at the university for marijuana use in 2008, according to the statement.

A spokeswoman for Soka University said Smith graduated in 2008, but referred additional questions to the Sheriff's Department. The school is described as a “nonprofit, four-year liberal arts college and graduate school” that was founded on Buddhist principles.

Smith was charged with one felony count of making criminal threats and is expected to be arraigned later Monday, according to a spokeswoman for the Orange County district attorney's office.

Smith did not have a criminal history in Orange County, according to Blashaw. All of the firearms were registered in his name, according to the district attorney's office spokeswoman.

In the video that police say Smith sent to the Soka University instructor, he refers to himself as a “journalist” who once worked for a “major metropolitan newspaper.”

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UPDATES:

1:25 p.m.: This article was updated with details about David Kenneth Smith and his YouTube postings.

Orange County moves to evict homeless from 'skid row' along Santa Ana River



Sergio Guerra eats a bowl of cereal for breakfast as his cousin, Rigo Alijas, cleans up around their living space. Officials announced plans to close the homeless encampment along the Santa Ana River in Fountain Valley. (Christina House / Los Angeles Times)

By **Anh Do and Hannah Fry**

NOVEMBER 6, 2017, 1:10 PM

The message on fliers stapled to wooden poles along the Santa Ana River trail in Orange County was clear to Sergio Guerra:

Move.

For the hundreds of homeless people who created a makeshift community of tents and encampments along the river's concrete edges between Fountain Valley and Anaheim, it's time to either pack up or face arrest.

"We can keep debating, but really, we have no one to turn to," said Guerra, 44, who is among dozens of people living along the trail. "This happens to us over and over. I go from one city to this city and now I'll have to find another city. We just have to take whatever stuff we can carry and move on."

Over the last few years, Orange County has watched as the banks of the river have been transformed into what some officials describe as “skid row south,” a desperate and swelling community of homeless people.

The homeless problem has overwhelmed the affluent county, where growing communities of transients have sparked concern and at times conflict in numerous cities. Anaheim earlier this year removed bus benches in its Disneyland resort district after complaints about homeless people sleeping on them. Orange County civic center in Santa Ana became another grim camp.

But the river has become the focus of the most tension, with residents saying the filthy conditions pose health and safety problems.

Clearing out the river trail coincides with a plan by county public works crews to start repairing flood control district property along the trail. Later this fall, workers will install gates at public entrances to the trail, locking them after closing hours, according to Carrie Braun, spokeswoman for Orange County.

It remains unclear where those kicked out of the homeless camps will go. Several surveys have found Orange County’s homeless population rising over the last few years, and officials have been trying to fashion a coordinated approach involving the county’s cities that takes into account the different causes of homelessness, including economic woes, a lack of healthcare and recent reforms in the criminal justice system.

Armories might provide temporary shelter for those displaced from the river trail. The National Guard armory in Santa Ana is open as a nightly sleeping area for the homeless during the winter. The Fullerton armory is expected to begin operating as a nighttime shelter Nov. 16.

County officials noted that Bridges at Kramer Place in Anaheim and the Courtyard, which operates at the former Santa Ana Transit Terminal, are two homeless shelters that could provide assistance for people displaced from the river trail.

However, homeless advocate Lou Noble said many people who camp alongside the river will likely end up back on the city streets.

The standoff along the Santa Ana River shows the tension between Orange County’s suburban ideal and the grim reality of life without housing.

Residents who live near the river say the county’s clean up is long overdue.

"We've called everyone to get this taken care of -- those community resource officers, the sheriff's homeless outreach team, code enforcement -- we've been fighting for the homeless removal since February," said Sally Marsilio, whose condominium complex in Fountain Valley overlooks the trash-filled trail.

"Most people won't even come out here because they're so scared or so disgusted with the way things are," added her friend Carol Martin as the pair walked their dogs a few hundred yards before returning to their

homes. "We want our neighborhoods back. No one feels comfortable around here because the trail's been taken over."

Pamela Tansey, another Fountain Valley resident, expressed similar frustration. For years, Tansey referred to her condominium as the "condo on the prairie."

She used to sit on her patio and watch people bike and jog along the Santa Ana River trail a few feet away. It was peaceful, she said — until the tents began to go up.

Homeless people started trickling into the area, near Harbor Boulevard and Edinger Avenue, about a year ago, setting up tents roughly 12 feet from her front door. In the last year, the number of homeless there has grown exponentially, she said.

People clean themselves in view of her windows, defecate into bags and pile trash along the trail, she said. She's heard arguments in the tents and seen people wrapped in blankets shooting drugs.

In June, she said, a homeless man threw a can of soda and urine onto her patio.

"It's horrific that the county has allowed this to happen," Tansey said. "They need to realize that unless they get their arms around this, it's only going to get worse."

Eduardo Beltran, 23, said he has been homeless for almost five years after his drug habit forced his mother to kick him out of her house in Rancho Santa Margarita. He said he misses the teenage sister he left behind.

"I don't want to be that kind of example to her," Beltran said. "Recently, when I saw the [county's posted] signs, I knew it's time to leave ... If it comes down to it, we'll all leave, then return when the time is right."

Outreach worker Donald Newsom, who helps homeless veterans at the 1736 Family Crisis Center in Garden Grove, said more social service workers or nonprofit teams need to visit the encampments "to see with their own eyes and hear about what's going on." He's on site three or four times a month.

"I get it," he said on a recent morning while passing out sweaters in the cold air. "Tenants in the area paying high rent don't want to see this blight -- and while there are some shelters open in the county -- there are never enough."

He said the county needs to tap its funds to come up with alternative solutions to the homeless problem — starting with providing vouchers for temporary housing.

"Rather than coming through here with a dump truck with county workers, why not spend county money that is available to give the needy temporary housing while they access services to get their lives in order?" Newsom said.

He said some people have lived on the streets so long "they're numb to humanity. They don't even know how to fill out documents."

Nancy Gardner, 53, used to find refuge in her car. Now the Burbank native hunkers down in a cramped tent wrapped in blankets. She described the county's plan to drive out the homeless "like they're herding cattle to the slaughterhouse. They don't see us as human. When you don't bathe, you don't cook, you don't partake in normal activities, you're not treated as normal."

Gardner has not decided where to move. "We have rights, this is public land, but wherever we go, it's always, 'get out,'" she said.

Some of her homeless friends said they would welcome meeting county crews who might explain the eviction process and answer their questions. On Friday, officials began active enforcement of public hours along the trail from Anaheim to Fountain Valley.

People who are on the trail outside the posted hours of 7 a.m. to 6 p.m. are considered in violation of state trespassing laws and will be cited, officials said.

"I could move several streets down to MacArthur Boulevard, knowing we would have to leave again and again," Guerra said. "You always have to think about the next spot."

Lou Noble, an Anaheim resident who has visited with homeless people in the Fountain Valley area, said the county hasn't opened enough shelters to accommodate everyone who needs help.

Armories might provide temporary shelter for those displaced from the river trail. The National Guard armory in Santa Ana is open as a nightly sleeping area for the homeless during the winter. The Fullerton armory is expected to begin operating on Nov. 16.

Some homeless people say they are resistant to shelters because they would have to say goodbye to their pets.

Noble said county officials and homeless advocates need to work together to come up with a solution to get people off the streets permanently instead of shifting them around.

"People don't really have a concept of who's out there," Noble said. "They think they're all drug addicts and criminals. But we had a recession and a lot of people lost their homes. Where are these people supposed to go?"

But Orange County Supervisor Todd Spitzer called the county's action a "progressive next step" in combating homelessness with compassion while ensuring the safety of nearby residents. Still, Spitzer was adamant in a statement issued last week about the need for the cleanup.

"People living in the encampments have every opportunity to accept a pathway out of homelessness. There should be no excuse, and people not accepting assistance will have no choice but to leave the riverbed."

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