

San Bernardino County Sun (<http://www.sbsun.com>)

## San Bernardino County corruption case 'politically motivated,' attorney says

By Joe Nelson, The Sun

and Richard K. De Atley, The Press-Enterprise

Thursday, January 5, 2017

SAN BERNARDINO >> An attorney for one of four defendants in San Bernardino County's [Colonies corruption case](#) said Thursday in court that the charges stemmed from a politically motivated and poorly conducted investigation in which four innocent men were indicted.

Attorney Rajan Maline, representing defendant and former county Assistant Assessor Jim Erwin, told the jury of nine women and three men that the case was built on two district attorney investigators who asked key witness and former Assistant Assessor of Support Services Adam Aleman leading questions until they elicited the responses they wanted.

• Read more: [Colonies corruption case](#)

Maline said both Aleman and the prosecution's other key witness, former county supervisor and county Assessor [Bill Postmus](#), were not credible witnesses and trying to avoid prison time by striking plea bargains with prosecutors and agreeing to cooperate in the investigation.

Both Postmus and Aleman were convicted of crimes committed in the Assessor's Office in 2007 and 2008, in which Postmus and his newly appointed executive staff used the office for political activities at taxpayer expense.

• Timeline: [Colonies through the years](#)

Wanting to cut a deal, Maline said Aleman approached district attorney investigators in October 2008 claiming to have information about alleged crimes involving a controversial \$102 million settlement between the county and Upland-based investor group Colonies Partners LP in November 2006.

Maline said Aleman wanted to become a "snitch" to avoid prison time.

"This was a political decision by the elected district attorney of this county," Maline said during his opening statement, which began Wednesday and concluded Thursday in San Bernardino Superior Court.

"Mike Ramos made a decision to go after these four innocent men," Maline said.

Maline showed an excerpt from the video of the Feb. 10, 2010, news conference at the District Attorney's Office following the arrest of Erwin and Postmus, in which Ramos said the case was the biggest corruption case his office had ever prosecuted. It was an election year in which Ramos was seeking a third term in office.

Standing at Ramos' side during the news conference was then state Attorney General Jerry Brown, who was campaigning for governor in 2010 and whose office teamed up with the DA's Office in prosecuting the case.

Erwin and two former top county officials each stand accused of taking \$100,000 bribes from Rancho Cucamonga developer and co-defendant Jeff Burum in exchange for facilitating or approving the Colonies

settlement. The settlement ended nearly five years of contentious legal battle between Colonies Partners and the county over who was responsible for paying for flood control improvements at Colonies' 434-acre residential and commercial development in Upland, Colonies at San Antonio and Colonies Crossroads, respectively.

Burum is a co-managing partner at Colonies Partners, which sued the county in March 2002 when Colonies and the county reached an impasse in negotiations.

Also charged in the case are former county Supervisor Paul Biane and Mark Kirk, who was chief of staff for former county Supervisor Gary Ovitt.

The bribes, prosecutors allege, were disguised as contributions to sham political action committees controlled by the other defendants or members of their staff.

The four defendants, [indicted in May 2011](#), deny any wrongdoing and maintain their innocence.

Erwin has a separate jury because prosecutors assert that some of the things he told colleagues, friends and the press is not admissible against the other defendants.

Opening statements for Burum, Biane and Kirk will be given at 9 a.m. Monday before Judge Michael A. Smith.

The district attorney's investigation turned Postmus, initially a targeted defendant in the Colonies' case until he struck a plea bargain with prosecutors in March 2011, pleading guilty to 10 felonies in connection with the Colonies case and the companion Assessor's Office corruption case.

Postmus agreed to testify against the defendants in exchange for leniency.

Postmus was elected county assessor in November 2006, just weeks before he, Biane and Ovitt approved the Colonies settlement. Supervisors Josie Gonzales and Dennis Hansberger dissented.

Ovitt has not been accused of any wrongdoing. Prosecutors allege Kirk used his influence to deliver Ovitt's vote, an allegation Ovitt denies.

Also Thursday, Smith issued a bench warrant for Gonzales, a subpoenaed witness for both the prosecution and Burum, after she failed to check in with the court Wednesday as instructed. The warrant was recalled Thursday afternoon after Deputy County Counsel John R. Tubbs II appeared on behalf of Gonzales, informing Smith that Gonzales had undergone an emergency root canal Wednesday and had the flu, and therefore could not make her court appearance.

Smith ordered Gonzales to appear in court Jan. 12.

The defense has long argued the merits of the settlement, citing the long-standing litigation in which two Superior Court judges sided with Colonies and that potential damages could have reached \$300 million if the litigation continued.

Lead prosecutor Lewis Cope, during his opening statement Wednesday, told the jury the question was not whether the settlement was reasonable, but whether the defendants committed crimes in the process.

Maline said another piece of evidence prosecutors withheld from the indicting grand jury in 2011 was that Deputy County Counsel Mitch Norton, who headed the Colonies litigation in 2006 and was strongly against the settlement at the time, had changed his position after the settlement was approved and believed it was justified. He said prosecutors, during the 2011 grand jury proceedings, only asked Norton what his position on the settlement was in 2006.

"Everything I have told you, the DA has disregarded," Maline told the jury Thursday. "They disregarded the Colonies litigation. They disregarded the mountains of evidence."



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## Defense presents case for Erwin as Colonies trial continues

### Thursday

Posted Jan 5, 2017 at 5:17 PM

Updated Jan 5, 2017 at 5:33 PM

By **Matthew Cabe**  
Staff Writer

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SAN BERNARDINO - Opening statements in the Colonies corruption case continued Thursday with attorney Rajan Maline laying the foundation for his defense by - in part - calling into question the character of a former San Bernardino County official who will testify during the trial.

On Wednesday, Deputy District Attorney Lewis Cope used the close relationship between former county Supervisor and Assessor Bill Postmus and his former Assistant Assessor Jim Erwin to describe Postmus to the predominantly female jury.

"(Erwin) really knows Postmus," Cope said. "He knows certain things about him. (That he's a) clean-cut guy. (He's) upstanding. Young. Someone voters like. He's from the desert. (He comes from a) religious family. (His) father was in law enforcement."

Cope's description showed Erwin had intimate details at his disposal - including Postmus' sexual orientation and drug-addiction problems - that Cope said Erwin threatened to use against the then-1st District supervisor if he didn't vote in favor of a \$102 million land-use settlement involving Rancho Cucamonga-based Colonies Partners LP.

Erwin, two of his co-defendants and Postmus financially gained from the 2006 settlement in the form of bribes from Colonies developer Jeff Burum totaling \$400,000, according to Cope.

But on Thursday, Maline told jurors what Cope had said is not based in reality, adding that the county Board of Supervisors wanted to settle with Colonies as early as 2005, a date Maline said precedes Erwin's alleged threats.

"The theory that you heard from Mr. Cope that people need to be bribed or threatened to vote is not true," Maline said. "(The Board) voted on it before and they voted continuously."

Between April 2005 and November 2006, the Board of Supervisors voted on settlement seven times in closed session, according to documents provided in court by Maline, who noted that Postmus voted in favor of settlement with Colonies in each vote.

"Why would (Erwin) have to threaten Postmus to vote for the settlement?" Maline said. "That doesn't make sense because Postmus was always in favor of settlement. He voted in favor of settlement seven times. Postmus will say that Erwin threatened him. Of course that never happened."

Maline characterized Postmus as a political juggernaut, capable of amassing millions in campaign contributions and clashing with opponents in election years, as he did in his successful bid for county assessor in 2006 when Maline said Postmus viciously attacked rival Donald Williamson.

"(A threat) doesn't faze a man like Bill Postmus, who's used to slinging in the political arena," Maline said. "He was a powerful man in San Bernardino County, and he would sling dirt like the best of them."

In 2011, Postmus pleaded guilty to multiple charges related to his involvement in the corruption scandal, including conspiracy to accept a bribe, misappropriation of public funds and asking for and receiving bribes.

Pursuant to his plea bargain, Postmus will testify against Erwin, Burum, former county Supervisor Paul Biane and Mark Kirk, the former chief of staff for former Supervisor Gary Ovitt, as the trial - expected to last at least six months - progresses.

Erwin faces numerous felony counts, including bribery, perjury and embezzlement, but Maline said Erwin - who at the time was the head of the Sheriff's Employee's Benefits Association - didn't involve himself in the settlement dispute until April or May of 2006 when Colonies and the county were locked in land-use and easement litigation.

According to Maline, Erwin met with a frustrated Burum to discuss the settlement. Erwin, along with Postmus, also attended a hearing around that time to get a sense of how the trial was proceeding because the county was being told by attorneys from Jones Day that they were winning, Maline said.

But there was talk of the county being on the hook for \$300 million to Colonies if they continued fighting Colonies, according to Maline.

"Erwin is still the head of the biggest union in San Bernardino County (and knew) many other departments would be impacted (by that amount)," he said. "There's going to be, potentially, pay cuts and changes to retirement. It affects everyone. So Erwin was involved because he was concerned for his constituents."

Maline said paying the \$300 million would have bankrupted county, so the Board of Supervisors settled.

Now-retired San Bernardino Superior Court Judge Christopher Warner eventually ruled in favor of Colonies, stating that the county defrauded Burum.

By then the county's legal bills were nearing \$7 million to three separate law firms, including more than \$5 million owed to Jones Day, according to documents provided by Maline, who said Jones Day attorneys wanted to appeal Warner's decision.

Maline said the county chose to settle with Colonies, not because of threats or bribes, but because Jones Day quit the case after the county proposed a deal with Jones Day.

"Since (their) legal bills (were) fast approaching \$7 million," Maline said, "Jones Day (was) asked if they would take contingency fees for the appeal, (meaning that) if (Jones Day) wins, (they'd) get every penny. If (they lost), (they'd) get zero."

Jones Day told the Board "No way," according to Maline.

As for the \$400,000 in bribes Cope alleges Burum paid to four political action committees run by Erwin, Postmus, Biane and Kirk, Maline contended they were perfectly legal contributions documented in finance documents.

He likened Cope's discussion of the contributions to the telling of "scary" bedtime stories.

"Mr. Cope put these political action committee contributions in a very sinister tone," Maline said. "(But) they are perfectly legal. They're protected by the First Amendment, were made 6 to 7 months after settlement was reached and had everything to do with promoting a pro-growth, pro-business and pro-development climate in San Bernardino County."

Maline added that the contributions were an attempt by Colonies Partners on a whole - not Burum - to "smooth things over" after "this brutal battle" that had been ongoing since 2002.

"Free speech is more than what we can say," Maline said. "(It's the) right to express and communicate ideas ... It can also be to reward and celebrate our government for a job well done. We're talking about meaningful, purposeful speech. Voting and protesting and contributing all express our preferences."

On both Wednesday and Thursday, multiple witnesses, including former county Supervisor Neill Derry and former San Bernardino County Flood Control District director Ken Miller, agreed to be on call for testimony throughout the trial - a sign of the vast number of officials who will play a role throughout trial.

A notable absence, however, was former county Supervisor Josie Gonzales, who voted against settlement. Defense attorney Stephen Larson, who represents Burum, told Judge Michael Smith that Gonzales did not respond to a subpoena.

Smith then issued a failure to appear bench warrant for Gonzales.

"I'm sure we can get her here," Smith said.

Opening statements in the portion of the corruption case involving Burum, Biane and Kirk are scheduled to start Monday.

# Sexually violent predator stopped from moving into Morongo Basin

Posted: Thursday, January 5, 2017 2:52 pm

MORONGO BASIN — The district attorney's office is fighting plans to allow a convicted San Francisco rapist deemed a dangerous predator to move into the Morongo Basin.

Luther B. Evans, 67, who was committed to a state mental hospital in 2003, has gotten a judge's permission to be released into outpatient care, but the question is where he will live.

For the last six months, San Bernardino County prosecutors have fought efforts to have him placed in one of the Morongo Basin's communities.

"So far we have extended every resource at our disposal to stop this predator from entering our community," District Attorney Mike Ramos said in a Thursday news release. "San Bernardino County will not be used as a dumping ground for sexually violent predators."

Evans has a long criminal history, starting in 1973, when he was found loitering inside a woman's apartment and battered another woman.

He was convicted of residential burglary, rape and assault with intent to commit rape in 1976, and a second rape in 1980, according to the district attorney.

In 1991, he committed assault and sexual battery during an attempted rape.

"Evans verbally threatened his victims and administered beatings after the sexual assault. He tried to strangle one victim and held a knife to another," judges from the state Court of Appeals noted.

In October 2003, a San Francisco jury determined Evans was a sexually violent predator. According to court records, Evans presented as a "wanton" and "lawless" psychopath, the district attorney said.

Two psychologists who examined Evans for his commitment hearing said he was likely to commit more crimes, "in a sexually violent and predatory manner," according to the appeals court. Two other psychologists working for the defense said Evans was able to control his behavior and probably would not rape again, partly because of his age — 53 at that time.

The jury agreed that Evans should be placed in a state mental hospital for the safety of the public, and he was committed. He appealed his commitment, but lost.



Classified as sexually violent

Luther Evans as pictured on the California Megan's Law website.

In November 2015, 12 years after his commitment, a court approved Evans' petition to be released from the hospital and placed in outpatient care. Under state law, Evans must be placed in San Francisco County, where he committed his crimes, unless extraordinary circumstances made it necessary for him to live somewhere else.

Over the next six months, the corporation responsible for finding a place for Evans, Liberty Health Care, could not find a location anywhere in the nine Bay Area counties.

The search was expanded, and on May 18, 2016, Liberty and state officials proposed finding him a place in San Bernardino County.

When the San Bernardino County district attorney's office was notified, prosecutors filed opposition briefs and appeared in San Francisco Superior Court to stop Evans' release.

One prosecutor, working with the Sexually Violent Predator Unit, found a mistake in the process that has halted Evans' move for now.

Maureen O'Connell discovered that the San Francisco court never held a hearing in which Evans received a civil commitment to the state mental hospital as a sexually violent predator, according to the district attorney's office. That hearing is required before he is released to outpatient treatment.

"As a result of this discovery, the applicable law provided to the court and our arguments, the San Francisco Superior Court rescinded the outpatient placement order and set the case for trial to determine whether Mr. Evans remained a sexually violent predator, subject to placement at the state hospital," said O'Connell.

A hearing is scheduled Jan. 18 in San Francisco.



San Bernardino County Sun (<http://www.sbsun.com>)

## San Francisco rapist's release to San Bernardino County temporarily halted

By Doug Saunders, The Sun

Thursday, January 5, 2017



SAN BERNARDINO >> Prosecutors fought and won a legal battle to stop a convicted San Francisco-area sexual predator from moving to the Morongo Basin.

In 1976, Luther Benjamin Evans, 67, was convicted in San Francisco of residential burglary, rape and assault with intent to commit rape. In 1980, he was convicted of rape, and then in 1991, he was convicted of sexual battery while attempting rape, according to a San Bernardino County District Attorney's news release.

He was committed to Coalinga State Mental hospital as a violent sexual predator in 2003. According to the news release, Evans is classified as a "wanton" and "lawless" psychopath.

"So far we have extended every resource at our disposal to stop this predator from entering our community," District Attorney Mike

Ramos said in the release. "San Bernardino County will not be used as a dumping ground for sexually violent predators."

Evans petitioned the court for conditional release and in November 2015, the court granted Evans' request, temporarily releasing him to outpatient treatment in San Francisco. The sexually violent predator law required that Evans be placed in San Francisco County, where he committed his crimes, unless it could find extraordinary circumstances, requiring specific notice to the county where he would be released, the release stated.

Liberty Health Care, which is responsible for placing Evans, couldn't find a single place within the nine Bay Area counties to house him; however, they expanded their search and proposed a placement in San Bernardino County.

Once alerted to the case, San Bernardino County officials filed multiple opposition briefs and appeared in San Francisco Superior Court to successfully halt Evans' release for the time being.

The case landed on the desk of San Bernardino County prosecutor Maureen O'Connell, who discovered the San Francisco courts never held a hearing in which Evans received a civil commitment to the state mental hospital as a sexually violent predator, a prerequisite to any outpatient release and supervision, the release stated.

"As a result of this discovery, the applicable law provided to the court and our arguments, the San Francisco Superior Court rescinded the outpatient placement order and set the case for trial to determine whether Mr. Evans remained a sexually violent predator, subject to placement at the state hospital," O'Connell said in a written statement.

A hearing is scheduled for further proceedings on the case on Jan. 18 in San Francisco Superior Court.



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## District Attorney fighting efforts to move violent sex offender to San Bernardino County

### Thursday

Posted Jan 5, 2017 at 1:16 PM

Updated Jan 5, 2017 at 1:16 PM

By Staff Reports

SAN BERNARDINO - Over the course of six months, prosecutors assigned to the District Attorney's Sexually Violent Predator (SVP) and Appellate Services Units have fought efforts to have convicted sexually violent predator Luther B. Evan placed in San Bernardino County.

"So far we have extended every resource at our disposal to stop this predator from entering our community," stated District Attorney Mike Ramos in a press release. "San Bernardino County will not be used as a dumping ground for sexually violent predators."

In this particular case, the proposed area of release included the communities of Joshua Tree, Yucca Valley and Morongo, as well as neighboring communities of the Morongo Basin.

In October 2003, Evans was committed as a sexually violent predator by the San Francisco Superior Court pursuant to Welfare and Institutions Code section 6600.2. His commitment followed criminal convictions for residential burglary, rape and assault with intent to commit rape in 1976, and a second rape in 1980.

He further committed a sexual battery while attempting rape in 1991. According to court records, Evans presented as a "wanton" and "lawless" psychopath.

In August 2015, Evans petitioned the court for conditional release, indicating that San Francisco was both his county of residence and his county of commitment. In November 2015, the court granted Evans's petition, nominally releasing him to outpatient treatment. The SVP law required that Evans be placed in San Francisco County where he committed his crimes, unless it could find extraordinary circumstances requiring specific notice to the county where he would be released.

On May 18, 2016, the involved parties and Liberty Health Care - who was responsible for overseeing the placement - appeared before the court in San Francisco and a proposed address of placement in San Bernardino County was presented.

Upon receiving notice of the proposed placement, members of the San Bernardino County District Attorney's Office SVP and Appellate Services Units filed multiple opposition briefs and appeared on behalf of the citizens of San Bernardino County in San Francisco Superior Court to successfully halt the placement of Evans at this time.

A hearing is scheduled for further proceedings on the case on Jan. 18, 2017, in San Francisco Superior Court.

"While California law permits a court to place an SVP in a remote location that has no connection to that individual, it was important for our office to ensure our citizens had a voice before the San Francisco court," said Supervising Deputy District Attorney Robert Brown, who participated in the San Francisco litigation.

"When the safety of the community could be placed at risk, we felt it was important to do all that we could to argue against the placement."

# Counting the Mountain's Homeless

By Ananda Foerch , Reporter | Posted: Thursday, January 5, 2017 10:14 am

In the past, there hasn't been enough awareness raised about the homeless in the mountain community. That's why Mountain Homeless Coalition has put together a presentation entitled, "The Homeless on the Mountain."

On Jan. 8 at 12 p.m., Bev Rios from Hearts and Lives will be raising awareness and telling people more about the needs of the homeless and near homeless by speaking about her experiences helping the homeless. The meeting will take place at Lake Arrowhead Community Presbyterian Church at 351 S. Highway 173 in Lake Arrowhead.

Joyce Garrison, one of the leaders of Mountain Homeless Coalition, which raises awareness about the homeless in the mountains, believes that there is not enough awareness among county agencies to the problem.

"There's a perception that the homeless come up in good weather and leave when the weather is bad," Garrison said.

This just isn't true, she added, but the perception prevents funds from reaching where they need to go.

"I think that the funding agencies in San Bernardino County, particularly the county through whom federal funds are funneled, has not been aware up to last year the extent of the homeless year round," she said.

Garrison said that they're aware that the City of San Bernardino has a bigger homeless population than the mountain, which is why the county might put more efforts into that area as a whole.

Garrison and Sue Walker, another leader of Mountain Homeless Coalition, have been putting together talks and presentations to raise awareness of the issue so that funding can get where it needs to go.

The primary way funding is funneled through the agencies in the district is by determining how many homeless people are in the area. That's determined through The Point in Time Count that will take place on Jan. 26. Members of the community go out and survey homeless people to determine a count for a particular area.

The count only happens one day a year, from 6 a.m. to 10 a.m. If volunteers are limited, it won't give them enough time to determine a proper count. Volunteers must also have at least one trained individual within their group to conduct the yearly survey.

That's another reason why Garrison and Walker are attempting to raise awareness: they need volunteers for the count so that more funding can go where it needs to get.

"Really," Garrison said, "there's a two-fold issue here in this awareness."

It's important that the county be aware of the problem so that proper funds can be directed, but it's also important for the community be aware of the problem, she said. Garrison added that raising awareness can "activate community members to help us. It's a long range project."

The awareness really does help. Garrison said she talks to community members, and she sees results. Gold Toed Factory Outlet, a business in the Lake Arrowhead Village, provided “50 or 60” thermal shirts for men simply because she “walked in and talked about it.” Organizations such as Hearts and Lives, Operation Provider, and Family Services of San Bernardino County, all organizations found on the mountain, have stepped up in a big way, donating time and resources. Several churches are joining in on the efforts of Mountain Homeless Coalition as well.

Last year, Garrison and Walker held a similar presentation, and found that it increased their volunteer numbers. They went from six volunteers who helped in last years count to 17, simply because of the awareness that was raised. Garrison said she’s hoping for a similar response this year, increasing their number of much needed volunteers.

Garrison’s efforts started because she saw the problem, but thought, “I’m just one person. What can I do?” She knows that there are others out there feeling the same way. Her efforts aim to “help people who don’t know what to do. They feel isolated. We’re [Garrison and Walker] finding things get bigger when you join together. That’s what we’re really hoping.” For more information on the meeting, contact Joyce Garrison at (909) 867-2346.

San Bernardino County Sun (<http://www.sbsun.com>)

## Children's Network seeks mentors for San Bernardino County youth

By Michel Nolan, The Sun

Thursday, January 5, 2017

Calling all wannabe mentors!

The Children's Network needs you — now is your time to shine.

In honor of National Mentoring Month, the San Bernardino County Mentoring Task Force is seeking at least 200 new mentors for county youth.

Mentors can be an important presence in young people's lives — not just those at-risk or involved in the system — but kids in our communities who could benefit from having someone to increase their positive life experiences, helping them become well-rounded people and impacting everything from school attendance and academic performance to relationships.

According to recent statistics, there are now more than 5,000 foster youth in San Bernardino County.

Once you are approved as a mentor, you will have a chance to be a consistent and positive adult presence in a young person's life, providing advice, sharing life experiences and helping that child or teen face challenges.

A mentor is a friend, someone to talk to, a person who listens.

Mentoring is not a dreary job or a burden.

Chilling with a young person is rejuvenating, fun and gives us purpose.

This January, the folks at Children's Network are launching the #SBCMentorChallenge social media campaign to recruit prospective mentors.

They are encouraging community members to participate in the fun campaign, which will highlight the importance of mentors.

You can record videos on your smartphone or tablet, sharing your own inspiring experiences as mentors or mentees (yes, this is a word).

Linda Revoner, Children's Network associate network officer, is looking forward to the mentor videos.

“We are encouraging people to make a video of their own story of mentoring someone, or how they had been mentored — or if they are just inspired to be a mentor to a San Bernardino County youth,” she said. “All they have to do is make a video and post it online, including YouTube.”

More information on making the videos is at [youtu.be/IKNg7Afsud0](http://youtu.be/IKNg7Afsud0), compliments of the San Bernardino County Children's Network.

The invitation goes out to community leaders, including mayors and city council members.

“We look forward to what this campaign will bring for youth,” said Doreen Ivery, Children’s Network mentoring resource coordinator. “We also look forward to community leaders being a part of this campaign and challenging others to participate in this challenge to recruit mentors.”

Hmmm, sounds like a challenge to me.

At the end of each video, posters should then “tag” three friends, colleagues or community partners on social media and challenge them to become youth mentors and record their own inspiring mentor/mentee videos.

Gather a group. Use flashcards. Be creative.

All videos should be posted on social media with the hashtag #SBCMentorChallenge.

YouTube, watch out.

These videos could go viral.

Michel Nolan appears in The Sun on Wednesdays, Fridays and Sundays. Reach her at [mnolan@scng.com](mailto:mnolan@scng.com) or on Twitter [@MichelNolan](https://twitter.com/MichelNolan).

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URL: <http://www.sbsun.com/social-affairs/20170105/childrens-network-seeks-mentors-for-san-bernardino-county-youth>

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## Lovingood seeks applicants for Advisory Councils

**Thursday**

Posted Jan 5, 2017 at 5:19 PM

Supervisor Robert Lovingood is seeking applicants for Municipal Advisory Councils in Wrightwood, Oak Hills and El Mirage. MACs are created to provide a consistent and inviting community forum, for the public to hear about and give comments on a number of local and countywide topics. Advisory councils provide recommendations on a variety of topics. Members are tasked with gathering input, making recommendations based on that information and relaying it to the appropriate decision-making body, such as the Board of Supervisors. County officials, staff, and other non-county agency staff continually use MAC meetings as an opportunity to provide the public with information or updates. MAC members do not make or set policies, ordinances or laws and are not in a position to interpret the county zoning ordinance, the county general plan or local community plan. Applications should be submitted to the Clerk of the Board by Jan. 13. To apply, complete and submit the application form at

**<http://cms.sbcounty.gov/cob/Forms/BCCApplication.aspx>** The form may be submitted online or manually.



Inland Valley Daily Bulletin (<http://www.dailybulletin.com>)

## Why some cities in the Inland Valley needs to conserve even more water

By Liset Márquez, Inland Valley Daily Bulletin

Thursday, January 5, 2017

UPLAND >> It may be raining, but officials here are still urging residents to be extra cautious about [conserving water](#).

Their counterparts at four neighboring cities are doing the same.

That's because Upland's only source for imported water will be offline for maintenance until March.

The Water Facilities Authority's Agua de Lejos Treatment Plant in Upland is undergoing a \$1.7 million improvement project. The plant provides drinking water to its member agency owners, which include Upland, Chino, Chino Hills and Ontario as well as the Monte Vista Water District, which serves Montclair.

Upland Public Works Director Rosemary Hoerning said the city owns 22 percent of the treatment plant. It provides 20 percent of the city's water supply.

"It's an important source of supply for the city, and to be cautious, we'd like people to conserve," she said. "This is the first year that we're seeing some rain, but it's going to take a number of years to replenish the aquifer; that's why we were asking residents to conserve."

Hoerning said the city could tap into groundwater sources if residents are not conserving enough before the treatment plant is back online.

"We want people to be cognizant of how they use water and the amount of water they use," she said.

Terry Catlin, general manager of the authority, said the treatment plant has been shutdown since Dec. 18 while three major rehabilitation projects are underway. The treatment plant, Catlin said, has been in operation since the mid-1980s and has reached the point where the infrastructure needs to be replaced.

Planning for the work began more than a year ago with the member cities, he said. It will entail rehabilitating and removing corrosion from a water well, filter system and plumbing.

While the treatment plant has the capacity to treat 81 million gallons per day, the peak demand during the summer months typically reaches 35 million gallons a day, Catlin said. In the winter months, that figure drops to about 12 million gallons a day.

"This is the best time, when we have the cooler weather," he said. "We purposely timed the shutdown for that."

The majority of the costs for the project will go toward the clear water well reservoir, which is estimated to cost \$950,000. Catlin said work on the filter system is scheduled to cost about \$500,000, and another \$200,000 will cover plumbing costs.

"We need to take care of our assets now, not when some catastrophic failure occurs," he said.

Calls for conservation are also coming from the other member agencies. In Chino, the treatment plant supplies one-third of the city's water, [according to the city website](#). The shutdown will likely result in a slight decrease in water pressure, the site also states.

Catlin said the member agencies will rely on their alternative local supplies.

In Ontario's case, it has groundwater to spare. It's selling some of its supply to Chino, Ontario City Manager Al Boling said.

In a phone interview Thursday, Nadeem Majaj, Chino Hills' director of public works, said water treated by the authority accounts for 15 percent of that city's water supply. During the shutdown, Majaj said the city will increase the amount of groundwater it pumps.

The Chino Hills City Council also has asked residents at meetings to conserve during the three-month period that the authority is offline, Majaj added.

The [Monte Vista Water District](#) said on its website it had "sufficient alternative water supplies to meet demands during the shutdown. Additionally, demands are roughly 35 percent below historical levels due to our customers using water more efficiently than in the past."

Justin Scott-Coe, spokesman for the water district, said in an email that Monte Vista's primary water supply is groundwater, and the district has the ability to produce significant quantities of groundwater when needed.

"We also are a shareholder in San Antonio Water Co. and receive additional local water supply from them. We are asking our customers to continue their successful efforts to use water efficiently, which will help us to ensure a resilient water supply regardless of drought or treatment plant shutdowns," he wrote.

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## **This Desert Life: Public transit in the land of 'jackrabbits and Joshuas'**

**Friday**

Posted at 12:01 AM

By **Matthew Cabe**  
Staff Writer

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Back in October, the Victor Valley Transit Authority sent out a press release detailing its latest addition to public transportation in the High Desert.

"Route 24 will become the first route to serve the unincorporated area (of) Oak Hills," the release said, which peaked my curiosity as a child of that xeric swath of dirt roads and Jeep trails.

Of course, Oak Hills has changed since my youth, and it's transformation from rural to slightly less so earned it what I've long thought of as an urban service. I pondered that contrast late Tuesday while waiting for 24 at the corner of Rancho Road and Escondido Avenue.

The weather Tuesday was cold and windy, so I welcomed the sight of the bus jouncing toward me. I guessed wrong when trying to figure which side of the street it would stop - 24 only travels south along Escondido - so I had to hurry across the busy road to meet my ride.

I climbed aboard and met my driver, Anthony Day, a congenial man with the words "ALL" and "DAY" tattooed across his fingers in the font popularized by Norman Keith Collins, the late tattoo artist known as Sailor Jerry.

Anthony informed me the going rate was higher - \$2.50 as opposed to \$1.25 - because the stop was in county area. I knew I was riding the entire route, so the doubled fare didn't bother me; I dropped my quarters into the slot.

In the 1970s, Anthony's father, Phil, started Daytec, a company that manufactured aftermarket frames for V-Twin motorcycles. Based in Hesperia, the shop eventually became a prominent and successful fixture in motorcycle circles, but the recession hit the Days hard and Daytec closed its doors on Lemon Street in 2014.

During a later discussion of road trips, Anthony said what he misses most from his Daytec days are the long Harley rides to Sturgis, South Dakota, for the annual motorcycle rally held there. But his penchant for meandering, often solitary trips serves Anthony well on 24. He's been a VVTA driver for about a year and has driven the route through Oak Hills for a couple weeks.

"People, you know, some of them say, 'Oh my God, this route's so boring,'" Anthony said. "Some people like that fast pace. They call them push routes ...; But this route, I actually don't mind it."

As with anything that's new, it's taken time for locals to grow accustomed to 24. Anthony said people still ask him what he's doing "all the way out here" when they see the seafoam green bus stopped amid what Anthony called the land of "jackrabbits and Joshuas."

"It's just so new right now," he said. "There's some kids that go to Oak Hills High School that I pick up. And I picked up two new girls that are just starting classes at San Joaquin Valley College. Obviously, they wouldn't have it if there wasn't a need."

That sentiment is shared by VVTA General Manager Kevin Kane, who said 24 was partly the result of comments made during hearings wherein the public identified needs they'd like to see fulfilled.

"Residents from Oak Hills, over time, said they wanted to see bus routes out there," Kane said Thursday. "We will be serving that, but what will happen is in the next year or so there will be some additional changes. It takes a couple years to grow a route."

Back on 24, Anthony said some of that growth could come soon.

"There's a retirement home we'll pass by in Hesperia, close to Mariposa Road (on Avenal Street)," he said. "Once that opens up, which I think is in the spring, I know we'll start getting more customers."

As we neared the railroad tracks that cross Rancho just before Kouries Way, Anthony said stopping there initially caused him stress because the traffic hadn't fully adjusted to momentary interruptions in the flow toward Interstate 15.

"Man, again, just because it's still so new, they did not like a bus stopping in front of them," he said. "Everyone wants to just drive around you. But that's dangerous for them - and for me, too - because once I do start rolling, they're still trying to pass me ...; They're getting a little better, though."

About 10 minutes later, on Mariposa Road in between SJV College and Main Street Collectors - the roadside shop where you can procure a gigantic, fibreglass rooster - a car turned in front of 24. Anthony shook his head.

"Everybody sees just a big, slow bus," he commented. "They don't know the weight behind it or how long it takes to stop. We get cut off a lot."

Safety was a common topic during our chat. Anthony said he's a more cautious driver, in general, because of his job. He's more spatially aware, too.

Like me, Anthony used to navigate the Victor Valley via landmarks rather than street names. But driving for VVTA changed that. Now, when people tell him stories, he knows exactly where they were. And - I'd assume - the best route to get them home.

24 is a two-hour route, the majority of which is located in Hesperia. Anthony noted the roads he doesn't like driving on because they need repairs. Third Avenue is in particularly bad shape, he said, adding, "But it's not as bad as most of the roads in Adelanto."

It's also one of the longer VVTA routes, and Anthony learned the struggles of that length early on.

"It sucks," he said, "because that spot (where he picked me up) is the only time I can stop if I have to take a leak. So sometimes I'm waiting over an hour and my bladder is just killing me. So now I'm cautious when I drink my water."

No passengers boarded during our two hours together, but Anthony wasn't phased. He picked up two new riders earlier in the day who also rode the whole route to see where it went. And - like he said - it'll get busier once more people know he's out there.

With a laugh, he thanked me for keeping him company and we shook hands, grateful for the stories we shared.

*Matthew Cabe can be reached at \_\_\_\_\_ or at 760-951-6254. Follow him on Twitter \_\_\_\_\_.*

San Bernardino County Sun (<http://www.sbsun.com>)

## San Bernardino walk, exhibit to raise awareness about human trafficking

By From staff reports

Thursday, January 5, 2017



San Bernardino County Coalition Against Sexual Exploitation seeks to draw attention to the crime of commercial sexual exploitation and trafficking with a pair of upcoming events.

CASE will host an exhibit featuring original film, photography and artifacts from the stories of survivors Wednesday to Jan. 13 in the Santos Manuel Student Union at Cal State San Bernardino, according to a news release from San Bernardino County Children's Network.

The exhibit will run from 10 a.m. to 8 p.m. Wednesday and Thursday and 10 a.m. to noon Jan. 13.

Admission is free. For group tours, register at [www.apathyeffect.com](http://www.apathyeffect.com).

“Human trafficking and sexual exploitation of children are often thought of as only occurring in foreign countries, but it happens here and we're all responsible for educating ourselves and others about the realities of trafficking in our own neighborhoods and communities,” CASE Coordinator Anne-Michelle Ellis said in the release. “Commercial sexual exploitation affects children in all parts of our county — all children are vulnerable.”

The coalition also is hosting the 2017 Human Trafficking Awareness Walk on Jan. 28 in San Bernardino, the news release stated.

Participants can preregister for the free event at [casewalk2017.eventbrite.com](http://casewalk2017.eventbrite.com).

Registration for the seventh annual walk begins at 9 a.m. at the San Bernardino County Children's Network office, 825 E. Hospitality Lane in San Bernardino. Speakers will begin at 10 a.m., and walkers will leave from the Children's Network office at 11 a.m.

The walk route will head east toward Tippecanoe Avenue, then back to the starting point.

The event is one of multiple events CASE will be participating in during Human Trafficking Awareness and Prevention Month.

CASE formed in 2009 to address commercial sexual exploitation of children in San Bernardino County. It's a collaborative effort among child-serving county departments, service agencies and community members.

Monthly CASE outreach and education meetings are held 2 p.m. the second Tuesday of each month. For locations or more information, contact Ellis at 909-383-9677 or via email at [anne-michelle.ellis@hss.sbcounty.gov](mailto:anne-michelle.ellis@hss.sbcounty.gov).

# THE BOND BUYER

Friday, January 6, 2017 | as of 11:16 AM

ET

Regional News

## San Bernardino Faces Its Post-Bankruptcy Future

By [Keeley Webster](#)

December 29, 2016

LOS ANGELES — With San Bernardino poised to exit bankruptcy in January after a grueling 54-month process, leaders of the Southern California city will shift from cost-cutting to achieve solvency toward growing the city's economy.

City Manager Mark Scott said he, Mayor Carey Davis, and the City Council are scheduling a meeting in early January to sit down with Scott's key managers and develop an action-focused work plan.

U.S. Bankruptcy Judge Meredith Jury issued a tentative oral ruling Dec. 7 confirming the city's exit plan.

"The judge puts out the written ruling on January 27 and then there will be several months of paperwork before we officially exit bankruptcy," Scott said. "From my standpoint, after January 27th, we will be in good shape."

The city of 216,000 was able to shed \$350 million in one-time and ongoing expenditures through the bankruptcy, at the cost of about \$25 million in legal expenses and enormous amounts of time spent by city employees, according to the city's Dec. 7 [bankruptcy update](#).

The holders of \$50 million in outstanding pension obligation bonds were among those who received a severe haircut, getting a 40% recovery.

San Bernardino has been brought into the mainstream with other California cities in its governance practices through the approval by voters on Nov. 8 of a new city charter, Scott said.

[The charter](#), which still needs to be approved by California Secretary of State Alex Padilla, moves the city from a "strong mayor" system of governance to "council-manager." The mayor will remain a full-time position, but will work with the council as a single governing body. City attorney is no longer an elected position.

"The trouble with an elected city attorney and [similar city positions being elected] is that everyone could have their own agendas, and they did," Scott said. "There were warring factions; and the decisions that got made pushed the city into bankruptcy. No one was working together."

In the new charter, the mayor will have a tiebreaker vote except when it comes to appointing or removing the city attorney, city manager and city clerk positions, at which point, the mayor will



have one vote.

"Now we have a formula, so we can get on the same page with policy," said Scott, who arrived in San Bernardino as interim city manager in February 2016. "And with a good staff to institute the sound policy, we can do as well as any other city can do from a governance standpoint."

City leaders voted in July 2012 to file for Chapter 9 bankruptcy with the city facing a \$45.8 million deficit. The city had a cash crisis so severe that then-Mayor Patrick Morris said the city did not have enough money to pay its employees and obligations and expected to run out of cash within 60 days.

Larry Kosmont, president and CEO of Kosmont Cos., a real estate development and government consultancy, said San Bernardino's strong-mayor form of governance, a weak city manager, and strong unions led to its downfall.

"I think the convergence of that meant it was hard to get a disciplined approach to accounting and budgeting," Kosmont said. "A strong executive can change that balance and bring disciplined budgeting."

Under the new charter, strong department heads can work under the city manager and be insulated somewhat from politics, he said.

If the city can manage its revenue-expense balance, Kosmont said, it could be poised for a comeback.

"Mark Scott is a good city manager," Kosmont said. "They have recruited good people, so they have a shot."

Scott, 67, told city leaders he was not willing to stay at San Bernardino long-term without a new charter.

"I was not interested in working in such a confusing form of government for long," Scott said. "I wanted to help, but it was contingent on the charter being able to pass. The pre-existing form of governance was unrecognizable to anyone who studied government."

There were so many elected officials that it was a competitive form of government, he said.

The charter change has already made it easier to hire new staff, he said.

Scott recently re-hired Andrea Miller as assistant city manager. Miller was acting city manager when the city entered bankruptcy. She and Jason Simpson, the finance director at the time, who were both relatively new to the city, were credited with uncovering the financial morass that led to the city entering bankruptcy. Miller left to work as the executive director of San Gabriel Valley Council of Governments. She last worked for a year as city manager for Covina, a city of 48,000 in eastern Los Angeles County.

Former Riverside Finance Director Brent Mason was hired to head San Bernardino's finance department in April. The city still has many open positions including public works director, and only has three city planners where most similarly sized cities would have a dozen, Scott said.

A robust planning department is considered essential to work with developers on projects that attract new businesses. There are plans to hire more planners to reach a half dozen, he said.

"You need to do the kind of planning that attracts development," Scott said. "When a developer comes into town, you tell them what you want and they will build it. No developer wants to spend the time guessing what a community wants."

They have to get successful at economic development – and that starts with land-use, Kosmont said.

"Those start to happen when you have a strong city manager type of government, because the day-to-day decisions are not distracted from by yearly politics," he said.

Zoning and permits can be structured to attract downtown investment, Kosmont said, or development near transit stations, or hotels.

"There is no silver bullet to coming back from bankruptcy," Kosmont said. "It is going to take a huge amount of commitment and land-use policies that attract investment in key locations."

Between the financial workouts in bankruptcy and the charter changes, Kosmont said San Bernardino has the structural foundation to build a better house, and good staff in Scott and other people under him.

Scott said people were surprised he took the job. He has been city manager at five other, very distinct cities: Beverly Hills, Culver City, Fresno, Burbank, and Spartanburg, South Carolina.

He said he saw it as an exciting opportunity to be involved in a team that can change the course of a community.

San Bernardino has the highest poverty rate of any large city in California with 34% of its population below the poverty level.

"We have the worst homicide rate per capita in the state," he said. "Poverty attracts crime and then the crime problem that follows poverty pushes out the long-time residents. We have to stop the outward migration of people who support our economy and governmental institutions."

The city has dropped from 1,100 employees in 2012 to 600 today; part of the shrinkage came from outsourcing its fire department to the county and waste management and park maintenance to private contractors.

Pension costs were a significant factor in why the city outsourced city services and pensions will continue to be a big cost, just not as big as they used to be. The majority of the cuts to employee benefits were to current employee and retiree healthcare.

The city will be fiscally solvent before it is service level solvent even with the outsourcing, Scott said.

He predicted the city police service levels will be where they should be in a few years, but it will probably take 10 years for parks and recreation to return. The 59-square-mile city has 40 parks, but some will have to close, he said.

The city is not likely to issue bonds to aid economic development, because it doesn't have the money to repay them, Scott said.

The city is at the point where Scott spends less time on the bankruptcy and more time on regular city business, though.

"They have blemishes, like high crime and a high tax rate," Kosmont said. "But that doesn't mean they can't succeed."

Pensions are an albatross for many California cities and the only way out is through new taxes and a reduced cost of retirement, he said.

That is why, Kosmont said, so many cities are tracking a state Supreme Court case in which Marin County is challenging the so-called "California Rule," a series of court decisions that prevents municipalities from being able to alter downward the future pension earning formulas of existing employees.

"Cities are looking for significant economic development," Kosmont said. "That is why 39 cities have approved marijuana taxes. You can't tell me all politicians love the legalization of marijuana."

Cities have come back from the recession, but not to the extent the state has, said Dan Carrigg, deputy executive director of the California League of Cities.

"There wasn't an infusion of revenue into city coffers," Carrigg said. "Lot of cities said where revenues have rebounded, the additional money has gone to increases in California Public Employees' Retirement System contributions and other postemployment benefits."



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San Bernardino County Sun (<http://www.sbsun.com>)

## Former U.S. Congresswoman Shirley Neil Pettis dead at 92

By Ryan Hagen, The Sun

Thursday, January 5, 2017



Shirley Neil Pettis, former U.S. congresswoman and supporter of Loma Linda University Health, died Saturday in Rancho Mirage. She was 92.

After the death of Shirley Pettis' first husband, Dr. John McNulty, in World War II, she married Jerry L. Pettis, a World War II flight instructor.

He became a self-made millionaire and represented a district in San Bernardino and Riverside counties as a Republican in Congress beginning in 1966, bringing a veterans medical center to Loma Linda. In 1975, he died flying his plane.

So Shirley Pettis ran, facing 12 candidates, including fellow Republican Frank Bogert, the former mayor of Palm Springs.

"I can't imagine," Bogert told The Sun-Telegram in 1975, "any lady getting from Trona to Blythe and being capable of talking on their own level to Mexicans, miners and big businessmen."

But Pettis did just that.

She was one of 19 women among the 435 members of the House of Representatives.

After the rare feat of winning an outright majority in such a crowded field, she was sworn in just four months after her husband's death and represented the area until 1979.

In those two terms, she secured wildlife status for half a million acres known as Joshua Tree National Monument, limiting vehicle access and prohibiting development in an area that became a national park in 1994.

She helped bring the first solar plant in the nation to her district and fought for federal cleanup of the Salton Sea.

Not that the gender barrier was broken with her election.

Pettis, who co-founded the Women's Caucus in 1977, told the House historian that she was once speaking with a senior committee chairman when he asked, "So whose secretary did you say you were?"

Pettis continued encouraging women to enter politics.

"Politics isn't a far-off thing that happens in a state capital or in Washington," she said once. "It is the road you drive on, the schools you attend; it's the groceries you buy. It isn't far away from you. It's important that everyone become involved in the issues central to their lives."

Despite polls showing she would win a third term, Pettis announced after a hospitalization for ulcers in 1978 that she would not run again.

After leaving Congress, she was vice president of the Women's Research and Education Institute in Washington, D.C., from 1980 to 1981; a member of the Arms Control and Disarmament Commission from 1981 to 1983; and a member of the Commission on Presidential Scholars, according to a biography prepared by Congress' Office of History and Preservation.

Pettis was "a friend of Loma Linda University Health," the health system said, which noted the Children's Hospital gives out the Shirley N. Pettis award each year to "individuals who model her outstanding dedication to children."

Pettis donated the Jerry L. Pettis memorial papers and Shirley N. Pettis papers to Loma Linda University in 2007, according to the news release.

"Their contributions on behalf of the Loma Linda University and the Children's Hospital extend far beyond their roles and years in public service," Dr. Richard Hart, now Loma Linda University Health president, said at the dedication, according to the release. "Their legacy here is a strong thread in the fabric of our institutional history."

Besides their political careers, Pettis and her husband founded Audio Digest Foundation, a nonprofit affiliate of the California Medical Association that placed abstracts of medical journals and lectures on audiocassette tapes.

Born Shirley Neil McCumber in Mountain View on July 12, 1924, to Harold Oliver and Dorothy Susan O'Neil McCumber, Pettis studied at Andrews University in Berrien Springs, Michigan, and at UC Berkeley, according to her congressional biography.

Pettis is survived by her husband, Dr. LeRoy K. Thompson; children Peter Pettis of Fort Worth, Texas, and Deborah Moyer of Carlsbad; and grandchildren William Frei of Bainbridge Island, Washington; Peter Dwight Jerry Pettis of San Francisco, and Jeffrey David Pettis of Riverside.

A private graveside service is scheduled for Jan. 14.

A program honoring her legacy with Loma Linda University Health will be held 2 p.m. Jan. 15 in the Wong Kerlee International Conference Center on campus.

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URL: <http://www.sbsun.com/obituaries/20170105/former-us-congresswoman-shirley-neil-pettis-dead-at-92>

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## Council agrees to sell Redlands Mall parking lots

By [SANDRA EMERSON](#)

2017-01-04 15:51:00



It's a deal.

The Redlands City Council on Tuesday, Jan. 3, agreed to sell the parking lots surrounding the Redlands Mall to the building's owner, Brixton Redlands LLC, for \$1.95 million.

"I'm appreciative of the effort that the former council made right up until the last council meeting of December working on this matter with representatives of Brixton Capital," Mayor Paul Foster said Tuesday. "They are very excited, as they will tell you, about coming to Redlands."

The lots in question include the Redlands Mall parking lot, the lot south of Brookside Avenue, and the underground parking lot and air space above the southwest portion of the Redlands Mall.

The lot on Brookside Avenue would remain available for public parking for at least five years, according to the council's agreement with the developer.

Proceeds from the sale will be used to address parking issues downtown, Foster said.

San Diego-based Brixton Capital LP purchased the vacant Redlands Mall building in July 2014.

Brixton Redlands LLC is under Brixton Capital LP.

Although Brixton purchased the mall building, the surrounding parking remained city-owned.

The mall, located on about 11 acres on Orange Street between Redlands Boulevard and Brookside Avenue, was built in 1977. It closed in 2010.

Councilman Jon Harrison said the mall was the city's largest source of sales tax revenue when it was developed in the 1970s.

"Over the 30 years it was in existence, eventually the model for retail in the country changed. Not only did our mall close, but malls closed all across the country," Harrison said. "So keep in mind that the mall was a success. It helped keep this city afloat for decades and we shouldn't forget that fact. Now it's time to make a better use for that property. That's what we're seeking to do."

The mall offered more than 173,000 square feet of enclosed leasable space and a 12,586-square-foot freestanding retail building.

CVS Pharmacy occupies just under 15 percent of the main mall building.

A Denny's, a Union Bank branch and a Mattress Showroom also are on the mall site, detached from the mall building.

Brixton Capital purchased the mall from Howard Hughes Corp., which with the help of the city, began seeking buyers in early 2013.

Foster said he expects Brixton's proposed project will be ready to unveil to the public over the next couple of months.

"Stay tuned," he said.

Contact the writer: [semerson@scng.com](mailto:semerson@scng.com) or Twitter: @TheFactsSandra

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San Bernardino County Sun (<http://www.sbsun.com>)

## Sheila Kuehl wants South Coast Air Quality Management District to flex its regulatory muscle

Sheila Kuehl wants South Coast Air Quality Management District to flex its regulatory muscle

By David Danelski, The Press-Enterprise

Thursday, January 5, 2017



The South Coast Air Quality Management District's newest incoming leader says she wants the air district to use the full extent of its regulatory might to protect neighborhoods and communities from harmful air pollution.

The Los Angeles County Supervisor Sheila Kuehl will be sworn in today and will get the chance to try to redirect air district's governing board toward a more aggressive approach to reducing air pollution.

Her seating will eliminate a Republican majority on the board, and, perhaps, a more business-friendly approach to smog-cleanup efforts by the air district, which oversees the sea-to-mountains air basin over Orange County, and the urban portions Los Angeles, Riverside and San Bernardino counties.

Republicans on the 13-member board voted on a party line last year to fire the air district's longtime top administrator, Barry Wallerstein. His replacement, Wayne Natri, later oversaw the drafting of a proposed 15-year air cleanup plan that relies heavily on financial incentives –

and less on regulations – for polluters to reduce emissions.

Kuehl said in a telephone interview she that prefers regulations that require emission reductions and that cleanup costs be paid by those responsible for the pollution.

“I want to see more regulations than incentives when possible,” Kuehl said.

Kuehl is a Harvard Law School-educated attorney who served eight years in the state Senate and six years in the state Assembly in Sacramento.

Her first task as a member of the air district board is to learn the full extent of the air district's regulatory authority, she said.

“I need to educate myself to learn deeply about the jurisdictional limits, and the extent of those limits,” she said. “It is important for me as an attorney to see how far the authority goes.”

It is best to use incentives to reduce pollution in areas where the air district does not have regulatory authority, she said.

Generally speaking, the air district regulates oil refineries, power plants factories and other non-moving sources. And federal and state agencies regulate emissions from moving sources, such as cars, trucks, locomotives, heavy construction vehicles and boats.



## The moving sources emit most of the pollution.

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URL: <http://www.sbsun.com/government-and-politics/20170105/sheila-kuehl-wants-south-coast-air-quality-management-district-to-flex-its-regulatory-muscle>

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LOCAL GOVERNMENT



# Overcoming Hurdles: Assessing the Economic Rewards of Prop. 64

POSTED BY : [MUNISERVICES](#) JANUARY 5, 2017

The November elections have come and gone. While some of the ballot measures don't cause local officials much grief, others such as Proposition 64 (recreational marijuana) have many city and county leaders losing sleep over the potential economic and societal consequences these measures may have on their communities and budgets.

"I'm paying special attention to Prop. 64," said Mark Bryson, an economic analyst with MuniServices, one of the nation's leading tax auditors for cities and counties. "I don't think recreational marijuana will have the same economic impact it had in other states because we already had legalized medicinal marijuana. It takes 10 minutes to get an online prescription for medicinal marijuana, and because of Prop. 64, it's not taxed."

Through Prop. 64, adults 21 years and older are now allowed to possess and use marijuana for recreational purposes. While the measure created two new taxes, one levied on cultivation and the other on retail sales, it explicitly forbid these from being applied to medicinal marijuana.

"Municipal officials need to start considering local ordinances that address recreational and medicinal marijuana to close this loophole, said Bryson. "There are costs related to health and safety issues that cities and counties may be expected to address. One example might be training police officers and providing them with equipment to administer new 'driving while weed-impaired' tests."

While the intent of Prop. 64 was to disable the black market sales of marijuana and put extra revenue in state and local coffers, it may not prove to be the god send it was made out to be.

“In addition to extra taxes and fees imposed on recreational and medicinal marijuana, local officials have to consider special zoning guidelines and restrictions for the cannabis industry,” said Bryson. “What is the allowable proximity to a school or park? What zones can they operate in? Are there adjacent zones they are not allowed to operate next to? Being decisive on questions like these will prevent a lot of turmoil down the road.”

In a recent economic forecast titled *California Futures: Money, Weed, and War!*<sup>1</sup>, Jerry Nickelsburg, a senior economist and adjunct professor at the UCLA Anderson School of Management, writes that based on Colorado’s history with legalization, he predicts an industry which is 0.2% of California’s \$2.5 trillion economy and 0.13% of California’s employment.

“The cannabis industry can have a lot of positive impacts on local communities if managed right,” said Bryson. “While it may not transform our state’s economy, the industry will benefit many cities and counties that proactively shape it to achieve their goals.”

# Minimum Wage Raise Impacts the Mountain

By Ananda Foerch, Reporter | Posted: Thursday, January 5, 2017 6:00 am

Change in California has impacted the mountains on a personal level. On Jan. 1, under SB3 by Sen. Mark Leno (D-San Francisco), the minimum wage was raised to \$10.50 an hour for employers with 26 or more employees. For smaller businesses there will be a delay raising the wage for a year.

The one-year delay will not be as helpful as legislators may think. Although it does give smaller businesses time to prep for the pay raise, it does not stop the possibility of raising prices on products to keep up with the increase in workers' pay.

Even the California Chamber of Commerce admits that price raises on products could happen. According to their website, [advocacy.calchamber.com](http://advocacy.calchamber.com), "Employers need to prepare for the minimum wage increase and examine other pay practices that might be affected by the increase."

The pay raise won't stop at \$10.50 an hour. The bill proposes raising the minimum wage in yearly increments in California to reach \$15 an hour by 2022, the highest minimum wage in the country.

Owner of Lake Arrowhead Alpine Jewelers and Boutique said that the wages "can't be forced upon the business to comply. The wages have to be based on supply and demand. California is barely staying afloat right now." On the other hand, owner of Lake Arrowhead's Tea and Coffee Exchange said, "I've got no feelings about it."

Whatever the feelings, this could be a potential nightmare for smaller businesses in the mountain. The California Restaurant Association, which has been against an increase in state-wide minimum wage pay raise since the bill became public, said on its website, [calrest.org](http://calrest.org), "Unlike local minimum wage increases, a statewide wage hike impacts state and county services like public schools, elderly care, and services for the handicapped and developmentally disabled populations. The consequences for these programs and for those they serve are simply devastating and also game changers in the eyes of the public relative to a \$15 minimum wage."

It's also not very realistic, especially in small-town mountain communities. It's widely known that business is not, nor has it ever been, a steady stream in the mountain communities; it's a seasonal ebb-and-flow of tourists that only come up if the mountains have a good season of snow.

In a recent article in *The Sun*, Jamil Dada, Chairman of the Riverside County Workforce Development Board, agreed. "It might be tolerable in the coastal regions. Their business environment is completely different." In the article, Dada is being cited as having said that "the move could spell trouble for the economy—especially locally." The article continued, saying, "Some small business owners have said they may go out of business."

It's not unrealistic thinking. If we don't have a good season of snow, or if small businesses simply can't keep up with the pay raises, then the fears of business owners will be realized, and they will be forced to close down. Only time will tell how this will impact businesses, and the mountains overall.



# Governor's Housing Department Releases List of Options for Addressing California's Housing Crisis

POSTED BY : [CA ECONOMIC SUMMIT](#) JANUARY 5, 2017

**By Justin Ewers.**

With housing affordability fast becoming one of the state's most pressing political and economic issues, the Department of Housing and Community Development (HCD) published a draft assessment of California's housing crisis today, offering a first glimpse at the administration's priorities—and the policy options it hopes to discuss—a week before the planned release of the governor's budget proposal for 2017-18.

The detailed report, *California's Housing Future: Challenges and Opportunities*, is the administration's highest-profile move on housing since last spring, when the governor sought to accelerate housing construction in urban areas by dramatically streamlining the local approval process for multi-family developments. Paired with \$400 million in new funding for affordable housing programs, the proposal was ultimately shelved in the face of political opposition.

In *California's Housing Future*, the administration has returned to the fray, offering the first official assessment of the state's housing goals since 2000—and highlighting the challenges policymakers will have to overcome to make it easier to rent or buy a home in California. The report offers a comprehensive analysis of just how urgent the crisis has become, with the majority of California renters—more than nine million people—now paying more than 30 percent of their income on housing and with homeownership rates falling to their lowest point since the 1940s. As prices continue

to climb—and supply falls further behind demand—California is now home to 22 percent of the nation's homeless population.

For the last year, groups like the California Economic Summit have worked to develop an agenda (through the [One Million Homes Challenge](#)) that can meet the scale of this growing crisis. In its new report, the administration sets a similar goal, emphasizing the need for policy solutions that will produce at least 100,000 more homes annually over the next decade than are being built today.

What might these solutions look like? The report divides its list of “potential options” into three broad categories:

- Reforming land use policies to advance affordability, sustainability, and equity
- Addressing housing and access needs for vulnerable populations through greater inter-agency coordination, program design, and evaluation
- Investing in affordable home development and rehabilitation, rental and homeownership assistance, and community development

All of these major elements are consistent with the [housing policy framework developed by the Summit in 2016](#), as are the more detailed options the administration has outlined. While the Summit has pushed stakeholders to develop proposals that tie new fiscal incentives to housing production, program investments, and regulatory reforms, the HCD report offers more detail on what the administration might support—from streamlined permitting processes and regional land use planning to infill development incentives and additional funding for housing-related infrastructure.

The HCD assessment puts a special emphasis on the need to address housing access for vulnerable populations—and for more direct investment in affordable home development and homeownership assistance. The draft report also offers a few ideas for ensuring jurisdictions actually build adequate housing—a [major element of the Summit's housing framework](#). The HCD report emphasizes, in particular, the need to revisit existing laws, such as the Housing Accountability Act, to ensure local governments are increasing housing supply, density, and affordability.

Which of these proposals will the governor move on this year? This week's report doesn't say. But with the governor's annual budget proposal expected next week, the administration will have an opportunity to provide more detail—and perhaps to put some funding behind its proposals, as well.

In the meantime, the Department of Housing and Community Development will be hosting a series of public workshops to seek input on these ideas. They include the following:

- [Webinar](#): January 13
- [San Diego](#): January 23
- [Fresno](#): January 30
- [Sacramento, Bay Area, Redding, Los Angeles](#): TBD

For details on the public process, and to RSVP for the public workshops, visit HCD's Statewide Housing Assessment [website](#).

*[Originally posted at the California Economic Summit.](#)*

## Comments

comments

LOCAL DECEMBER 29, 2016 5:30 AM

## Former Fresno police officer says Chief Dyer, staff mistreated him after fatal shooting



1 of 3



BY PABLO LOPEZ  
[plopez@fresnobee.com](mailto:plopez@fresnobee.com)

Junus Perry, a highly decorated officer before he left the Fresno Police Department in 2010, says he was mistreated by Chief Jerry Dyer and his administrative staff after he was diagnosed with post traumatic stress disorder stemming from the fatal shooting of a Roosevelt High School student in April 2008.

For the first time, Perry, who received national and state awards and nearly two dozen commendations for his work as a campus officer, describes what he says are efforts by top officials in the department to work against him after he sought a medical discharge.

A deputy chief says the department won't discuss Perry's tenure because it's a personnel matter, but says he was personally surprised to hear Perry's complaints.

**RELATED STORY: Veteran Fresno police officer fired three months before his retirement**

Perry's life changed when he sustained a severe neck injury after Roosevelt High School student Jesus "Jesse" Carrizales sneaked up behind him and hit him on the head with a wooden baseball bat, knocking Perry to the ground. As the youth was poised to strike again, Perry shot the 17-year-old special education student, who was classified as emotionally disturbed, in self-defense, police said.

Perry sued the Fresno Unified School District, contending it was negligent for failing to warn him about Carrizales' "psychological and emotional profile and propensities." In 2013, Perry reached a \$230,000 settlement with Fresno Unified. But he said most of the money went to pay bills, his attorney, and family and friends who loaned him money.

“

**I FELT ABANDONED BY THEM.**

Former Fresno police officer Junus Perry

Perry says that before he reached the settlement with the school district, he endured a protracted, bitter fight with the Police Department and the city to get a medical discharge. He says that by the time he received the discharge in 2010, he had lost his home, gotten divorced and ended up seeking welfare assistance.

"I remember standing in line at the welfare office and a man asked me, 'Hey, aren't you Officer Perry? What are you doing here?'"

"It was a humbling and humiliating experience," Perry says. "It was also painful and upsetting because I was a single father with kids to feed."

Perry says welfare officials told him "we can't accommodate you because technically you are still employed with the Fresno Police Department."

Perry says he then "walked outside and sat in my car dejected and cried. I had no idea how I was going to feed my children."

Perry, who is African American, declines to say whether Dyer singled him out.

"I don't have any idea about his thought process," Perry says.

But Perry says a doctor hired by the city to examine him after the fatal shooting told him that he needed a low-level detective position. He says Dyer ignored the doctor's recommendation and wanted instead to put him in the high-profile homicide or sex crimes units. Dyer also wanted Perry to speak at a church and tell the congregants everything was fine with him, he says. The chief even suggested that Perry return to Roosevelt High, he says.

Perry says he told Dyer and his administrative staff that "I wasn't well and I needed time to heal."

“

**AS FAR AS I KNOW, THE DEPARTMENT DID NOT MISTREAT HIM. I BELIEVE WE TREATED HIM THE WAY WE TREAT ALL OF OUR EMPLOYEES.**

Fresno Deputy Police Chief Robert Nevarez

Perry says he didn't think asking for a low-level job "was asking for anything unusual." But Perry says Dyer's administrative staff members told him they could not accommodate an officer based on a doctor's report. The department, however, has accommodated other officers involved in police shootings, Perry says. Those officers were white, Perry says.

Perry believes his lawsuit against Fresno Unified made him an outcast. Because Fresno Unified pays hefty sums to have police officers on school campuses, Perry says he felt pressure to drop his suit.

Perry now sells commercial real estate in Fresno. But he says he keeps a binder of key documents in case another officer needs it.

"I felt abandoned by them," he says. "They never gave me the opportunity to get better. In fact, they made it worse."

Deputy Police Chief Robert Nevarez, speaking on behalf of Dyer, says he was surprised to hear Perry's complaints.

"It's the first I have heard of it," the deputy chief says, noting that he could not comment on confidential personnel matters regarding Perry.

Nevarez says Perry is a close friend and "a really good officer" who left the department on good terms.

"As far as I know, the department did not mistreat him," Nevarez says. "I believe we treated him the way we treat all of our employees."



But Perry says that before he left the department, he wrote a formal complaint about his mistreatment that went up the chain of command to Nevarez and Dyer. He says he later met with Nevarez in person and told him that "I have no ill will toward anyone there and I choose to see the positive."

Perry says that during the meeting, he hugged Nevarez.

"Because of my faith, I have learned to forgive," Perry says. "Forgiveness has changed me, but it has not changed what I went through."

Pablo Lopez: 559-441-6434, @beecourts



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Steve Claassen · Fresno State
I can't believe Chief Dyer was allowed to retire, then come back for a second stint as chief. This is the kind of public retirement abuse that's breaking the system and really ticking off the vast majority of residents who don't have a 100 plus percent public retirement.
Like · Reply · 7 · Dec 29, 2016 6:44am

Laquisha Reynolds
My family had some interaction with Perry...totally worthless,School cop sits around all day making \$100k a year.Sure he wants disability so he gets his pension tax free.
Like · Reply · Dec 29, 2016 6:57am

Steve Claassen · Fresno State
His beef seems to be that he was treated differently than other officers who went through similar job related injuries and violence. If so that needs to be corrected. And wasn't Dyer management favoritism and discrimination one of the recurring complaints addressed in last year's Josephson FPD employee morale survey not to mention the lawsuits?
Like · Reply · 3 · Dec 29, 2016 10:16am

Mac McCauley
It isn't the departments that typically fight these cases but the government entity itself, perhaps in this case, the city of Fresno.
Like · Reply · Dec 29, 2016 7:19am

Col Steve S · Command and General Staff College
This guy is milking the system. Gets his 4850, legal judgement money, and now wants his Fresno City Retirement. PTSD? What a wimpy whiner. I'd love to see his case go in front of a friend who really was in Combat. 3 Purple Hearts, Flying Cross, 3 Silver Stars, etc. I rather think my friend the Judge would throw this jerk in jail.
Like · Reply · Dec 29, 2016 7:21am

John Mon Pèrè · Truckee, California
Col,
It is better to keep your mouth closed and let people think you are a fool than to open it and remove all doubt.
-Mark Twain
Like · Reply · 10 · Dec 29, 2016 9:12am

Diana Diehl · No longer subject to the gag order at Retired from Hell of Records
Not at all surprised to hear that those not in Dyer's inner circle are treated differently. PTSD only seems to apply to white officers or those inside the circle.
And for those folks crabbing about deep pockets, where is your outrage over the currently employed FPD cop who is also currently suing McDonald's for failing to warn him prior to his call for service that someone was dangerous?
I thought FPD MO is pretty much everyone is dangerous and thus all these officer involved shootings of unarmed or incapacitated or fleeing individuals. But officer saw a deep pocket at Mickey D's.
Mr Perry deserved better than this.

Like · Reply · 9 · Dec 29, 2016 7:50am



M Gloria Hernandez · Parlier High

in 2004 i asked Dyer to train his officers on dealing with the mentally ill. His response was "training is time, time is money" luckily Pror 63 passed and funds were allocated for the training. seems Dyer needs to learn about PTSD check out policeptsd.com Officer Perry is being human about taking a life whereas we have a pattern and practice of repeat shooters with no corazon toward the victims and Dyer allowing it to go on and on by blaming the victims and by not recognizing PTSD as a real thing. because to Dyer its all about money not lives.

Like · Reply · 4 · Dec 29, 2016 11:05am



David McElroy · UC Riverside

Excuse me, but was this one not already adjudicated? The fact that he spent the settlement is irrelevant. Heck, he's probably making more than he ever did with the pd. I personally have no doubt that he was not well treated when he originally filed suit. But he signed off on the settlement agreement, so why complain now?

Like · Reply · Dec 29, 2016 11:52am

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By SolarCity



San Bernardino County Sun (<http://www.sbsun.com>)

## Deputies discover High Desert pot grow operation, arrest Rosemead man

By Doug Saunders, The Sun

Thursday, January 5, 2017



VICTORVILLE >> Deputies arrested a Rosemead man Wednesday who was allegedly living in a home being used as part of an indoor marijuana grow operation.

Fuchun Xuan, 63, was arrested shortly before noon at a home in the 14600 block of Indian Wells Drive and booked into the High Desert Detention Center in Adelanto for suspicion of utility theft and cultivating more than six marijuana plants, according to jail records. He's being held in lieu of \$30,000 bail.

Detectives found lighting and irrigation systems along with various chemicals typically used in a marijuana grow operation, according to a sheriff's news release.

They seized 203 pot plants at various stages of growth in the home and discovered an illegal electrical bypass unit in the garage, the dispatch said.

Anyone with information about this case can call deputies at 760-241-2911.

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URL: <http://www.sbsun.com/general-news/20170105/deputies-discover-high-desert-pot-grow-operation-arrest-rosemead-man>

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# Opinion California's minimum wage isn't the problem. The cost of housing is



California's base pay increased to \$10.50 an hour on Jan. 1. It's the first in a series of hikes that will eventually set the minimum wage at \$15 an hour in 2022. (Los Angeles Times)

By **Kerry Cavanaugh**

JANUARY 5, 2017, 10:00 AM

**C**alifornia's new minimum wage increase is pushing some businesses out of the state, at least according to one clothing manufacturer, who plans to move his operation to Las Vegas. The state's base pay increased to \$10.50 on Jan. 1. It's the first in a series of hikes that will eventually set the minimum wage at \$15 an hour in 2022.

That is simply too much for some employers, particularly those who compete in a global marketplace, argued Houman Salem, chief executive of ARGYLE Haus of Apparel, which is based in San Fernando. In a recent *op-ed*, Salem laid out the math: He currently pays his workers \$10.50 an hour, plus productivity bonuses. The planned wage increase to \$15 an hour in 2022, plus additional worker compensation and payroll taxes, will cost him just under \$40,000 a year per full-time employee.

He competes against companies in states and countries with lower labor costs and can't pass along the expense to his customers. He would end up losing more than \$200,000 a year – too much for a small business to absorb. So he's planning to move to Las Vegas, where the minimum wage is currently \$8.25 an hour and expenses are lower, though he intends to keep paying his workers \$10.50 an hour.

His math makes a compelling case, but there's an equaling compelling reason why California had to raise the minimum wage: It's nearly impossible to live on so little income given the incredibly high cost of housing. A [new report](#) from the state's Housing and Community Development Department says that 1 in 3 Californians pays more than half his income for housing, with less to spend on transportation, education, healthcare or to put into savings. The burden of high housing costs falls especially hard on the lowest-paid workers.

Here's the math for the minimum-wage worker of today: \$10.50 an hour for full-time employees equals \$21,840 a year. That's low enough to qualify for a government-subsidized apartment, but good luck finding one because there are long waiting lists for affordable units.

A worker earning \$10.50 an hour should pay about \$550 a month on housing. That figure is based on the U.S. Housing and Urban Development Department affordability guideline that a person should spend no more than one-third of his income on housing. But the average rent in Pacoima is \$1,300 a month, according to [RentJungle](#), which is far below the city of Los Angeles' average of \$2,300. (Average rent for a one-bedroom apartment in Las Vegas is about \$780 – still too much for a worker earning \$10.50 to afford his own apartment.)

Two adults working full time and earning \$10.50 an hour get a bit closer to affording the average rent in Pacoima, but if they have children and need to pay for child care, that's another \$700 a month. It just doesn't pencil out without government assistance.

The situation won't improve much even when the minimum wage hits \$15 in 2022 (or 2023, if employed by a company with 25 or fewer workers). The worker would be able to pay \$780 a month in rent, which is still way less than the average rent today. Because housing construction in California hasn't kept up with demand, rents in L.A. are expected to keep rising through 2022.

California lawmakers were right to raise the minimum wage in an attempt to better match pay to the state's high cost of living. But their work isn't complete. State leaders, along with lawmakers in cities and counties, have to address housing affordability. That means making it easier to build more market-rate apartments and houses, as well as more subsidized homes for the lowest-income residents.

Salem argues that California needs more stable, blue-collar jobs, and that's true. But the reality is that \$10.50 an hour is a poverty wage. Even \$15 an hour won't help much in Los Angeles as long as the cost of housing remains so high.

For more opinions, follow me [@kerrycavan](#)



LOCAL GOVERNMENT



## California's Stormwater Regulations Are Themselves a Toxic Mess

POSTED BY : **VOICE OF SAN DIEGO** JANUARY 5, 2017

**Across California, there could be thousands or even tens of thousands of businesses dodging environmental rules and sending pollution into the state's waters. Though an entire regulatory system exists to police businesses and keep water safe for residents and wildlife, the state doesn't know how many unpermitted businesses are out there, or how much damage they're doing.**

**Businesses that comply are at a disadvantage competing with those that don't. State officials admit they could not handle enforcing their own rules. If somehow it were to be sorted out, businesses would face potentially billions in devastating fines.**

*By Ry Rivard.*

Thousands – perhaps tens of thousands – of California businesses are polluting streams, bays and the ocean, but state environmental regulators don't know how many companies are doing how much damage.

In places like Logan Heights or National City, industry-filled neighborhoods send metals and toxic chemicals into the water, helping to ruin it for humans and poison it for marine life.

An entire regulatory system exists to prevent this – to keep businesses honest, residents safe and fish alive. That system is a mess.

At the beginning of last year, the city of San Diego estimated that 2,400 businesses here were operating without the necessary water pollution control permit. Many business owners may not know they're violating the law; others are trying not to get caught.

At the end of the year, fewer than 400 businesses in San Diego had the permit.

By evading the law, businesses without a permit are propping up their bottom lines. The state estimates it costs \$188,400 over five years for a business to get what's known as an Industrial General Permit and comply with its requirements. The goal of the permit is to make sure companies are monitoring and reducing their water pollution.

Across the state, there could be thousands or even tens of thousands of businesses dodging these rules and sending unknown amounts of pollution into the state's waters.

One problem is the state doesn't know how many businesses it's trying to regulate. There could be 20,000 companies in California that need to get a permit and reduce their water pollution. Or 100,000. Or 130,000.

Whatever the actual number – those are each estimates, no one knows for sure – only about 12,000 state businesses are complying with the regulations today.

"The vast majority of people, of facilities that should be doing something about water quality, are doing nothing," said S. Wayne Rosenbaum, an attorney who represents businesses covered by the permit.

That's a huge liability for them if they get caught: If 20,000 businesses should be following clean water rules, the statewide cost to comply might be about \$3.7 billion over five years. If 100,000 businesses are covered by the rules, those costs could be nearly \$19 billion.

Some current and former environmental regulators wonder if the rules that few are following even make sense.

◆◆◆

In the early 1970s, the federal Clean Water Act created the ambitious goal of making every American waterway fishable and swimmable by the mid-1980s. That didn't happen and is a long way off.

In San Diego, about 100 miles of bays, creeks, rivers and shoreline fail to meet federal water-quality standards.

At first, an interwoven network of federal, state and local regulations targeted the biggest polluters – the heavy industries and sewage treatment plants, which had been dumping pollution straight into the nation's waters.

Since then, environmentalists have set their sights on smaller polluters and on urban "stormwater," which is just water on the ground after it rains.

Stormwater sweeps up all kinds of debris and bits of pollution and then carries it out to the ocean. That pollution adds up: copper from brake pads, zinc from the coating on fences and roofs, oil from parking lots, grease from restaurants, pesticides from yards and trash from everywhere.

In 2015, the State Water Resources Control Board tried to get its arms around the problem by expanding its clean water rules to cover businesses that had been exempted from regulations but were still likely sources of pollution. Businesses from scrapyards to vineyards must now get an Industrial General Permit.

Yet, these sites still tend to be a low priority for many regulators, in part because there are so many of them.

"It's a large permit, it's a statewide permit and we're outnumbered," said Laurel Warddrip, the manager of the State Water Resources Control Board's stormwater program.

There are [about 75 stormwater regulators](#) at State Water Board and nine regional boards that report to it, including the San Diego Regional Water Quality Control Board. They oversee not just industrial polluters but also pollution coming of the state's highways, construction sites and sewer systems.

Over the past few years, though, the industrial sites have taken up a lot of their time.

The Industrial General Permit rules are supposed to be updated every five years. The new one was updated in 2014 and took effect in 2015. Before that, it hadn't been updated since 1997.

When the state changed the rules to include more businesses, it arguably did something dumb: It made every business that already had a permit get a new permit. The businesses that had enrolled over the previous 17 years were suddenly kicked out of the system and forced to re-enroll.

David Gibson, executive director of the San Diego Regional Water Quality Control Board, said the state effectively doubled everybody's workload. Now, regulators were not only trying to find new businesses that had to comply with the new rules but making sure the old ones got back in line.

Gibson is among those who believe all the attention on small industrial sites is sometimes misplaced. He favors figuring out the biggest threats to water quality and working to reduce those, rather than making sure everybody is doing their paperwork. But he doesn't call the shots – the state does, and the state wanted everybody to get a new permit.

"It's interesting, unfortunately, that we set out these goals of working on a watershed basis and identifying the pollutants of concern," he said of his board's own goals, "but it's ultimately a bureaucratic decision that drives what you actually spend your time on."

The state admits it doesn't have the resources to make sure every business gets a permit. In fact, it doesn't even think it can take a basic step that would ensure that most businesses at least know the permit exists: Send them a piece of mail saying so.

Warddrip said the state has thought about doing outreach to all the businesses that might need to get an Industrial General Permit, but is worried that effort will be more trouble than it's worth.

"We dance around it, because to implement a statewide non-filer outreach effort is very expensive and is a huge staff workload," she said.

If the state sent, say, 10,000 letters, it might have to answer 10,000 of replies or 10,000 phone calls. It would be totally swamped trying to enforce its own regulations.

It sometimes costs a lot to control a little pollution. Some pollution-control technologies are simple and inexpensive. A business can avoid stormwater rules if it's operating indoors, out of the rain. A roof counts, a tarp might also work.

On the expensive end of the spectrum are high-end water treatment devices that use the same technologies desalination plants use to make ocean water drinkable.

Some businesses also try to capture all the water that comes on their property and then they pay truckers to carry it away. Others create small ponds for stormwater to run into, then they let it evaporate.

Some of the biggest companies – shipbuilders, like General Dynamics, for instance – are praised by environmentalists for doing the most to control their pollution, in part because of previous efforts by environmentalists to clean up those industries.



It's now the smaller businesses that have environmentalists' attention. In the past few years, several environmental groups have begun filing dozens of lawsuits against smaller industrial sites that are not complying with stormwater rules.

There's plenty of places to go after.

In San Diego, a few thousand light industrial facilities are escaping oversight by the San Diego Regional Water Quality Control Board, according to the city's own pollution control team.

In January 2016, the city produced a list of about 2,400 businesses that it believes should get a pollution control permit but had not. They included bakeries, breweries, furniture-makers, printers, machine shops, limousine services, storage facilities and scrapyards.

At the end of the year, only about 260 businesses in the city had gotten a permit. About another 110 businesses in the city have gotten a "no exposure certification," which means they are technically covered by the permit but don't release any pollution. It costs \$200 a year to get this certification, which is essentially the cost of telling the government one of its regulations doesn't apply to you.

Even though the city identified businesses it thinks are breaking the law, the city's job stops there. It doesn't make them get a permit. Instead, it just sends its list to the regional board.

"The city is very diligent in our inspection process in making sure that we refer these businesses to the regional board to make sure they follow through on this state requirement," said Drew Kleis, the deputy director of the city's Division of Stormwater.

The board has found the city's lists to be a waste of time.

Cynthia Gorham, an environmental engineer at the San Diego Regional Water Quality Control Board, said her team has visited businesses on the city's lists and found they are "not conducting industrial activities that are actually subject" to the regulation.

In any case, neither the city nor the board will find much love as they go about doing their job, which is identifying small business owners that may suddenly be on the hook for mounds of paperwork and tens of thousands of dollars in new regulatory costs.

[Originally posted at Voice of San Diego.](#)

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# California Cities Facing Growing Pension Costs in New Year

POSTED BY : [CAL WATCHDOG](#) JANUARY 6, 2017 IN [LOCAL GOVERNMENT](#)

*By Steven Greenhut.*

After two years of miniscule investment returns, the nation's largest state pension fund – the California Public Employees' Retirement System – has once again lowered its expected rates of return. Even some CalPERS officials and consultants argue the lowered financial expectations don't go far enough to shore up the fund's financial position, as it now only has 68 percent of the assets needed to pay all its future retirement promises.

This end-of-year board vote to reduce expected investment returns from 7.5 percent to 7 percent portends difficulties for local agencies that provide pensions to their public employees through the CalPERS system. Lowered earnings estimates mean these agencies will have to contribute significantly higher payments to the pension fund to defray the costs of these benefit packages. In 2012, CalPERS dropped its expectations from 7.75 percent to 7.5 percent.

"The three-year reduction of the discount rate will result in average employer rate increases of about 1 percent to 3 percent of normal cost as a percent of payroll for most miscellaneous retirement plans, and a 2 percent to 5 percent increase for most safety plans," according to a CalPERS statement following the vote. The "normal" cost doesn't address the growing size of the fund's unfunded liabilities (i.e., debt), so local governments will also have to boost their "unfunded accrued liability payments" by as much as 30 percent to 40 percent.

California local governments already have faced 50-percent hikes in their CalPERS payments over the past several years, which has led local officials and pension reformers to increasingly fear a continuing cycle of service cut-backs and tax increases. Indeed, there was some pressure at CalPERS to push the expected return rates down to the 6 percent range, but some officials expressed concern about what this would mean, cost wise, for member agencies.

"The reduction in the rate of return is not as big as was discussed last month," according to a Dec. 21 report in *Pensions & Investments*. "Chief Investment Officer Theodore Eliopoulos said at last month's finance and administration committee meeting that given diminished investment return assumptions over the next decade, 6 percent was a more realistic return for the coming 10 years. Andrew Junkin, president of Wilshire Consulting, which serves as CalPERS' general consultant, said at the November meeting that Wilshire was predicting an annual return of 6.21 percent for the next decade, down from its estimates of 7.1 percent a year earlier."

Even a 6 percent expected rate of return would be overly aggressive, according to many pension-reform advocates who note that CalPERS received a 0.6 percent return last fiscal year – and 2.75

percent in the previous fiscal year. Furthermore, beginning in 1999, the state and most local agencies began a spree of retroactive pension increases.

These massive benefit hikes – oftentimes 50 percent or more – put additional strain on the system. Critics call for CalPERS to embrace rate returns that are considered risk free – i.e., tied to the Treasury bond rate. That would mean an expectation of about 3 percent a year for the coming decade.

The burden falls mainly on local governments, but public employees hired after a 2013 pension-reform measure (the Public Employees' Pension Reform Act, or PEPRA) will face higher personal contributions to their pension plan. Because of something known as the "California Rule," the state's public employees cannot be forced to increase their contributions or receive fewer benefits than promised – but that doesn't apply to those hired under a new set of rules. (A court decision last year opened the door to reduce benefits for current workers, but that case has yet to be resolved.)

Few California cities will face what is taking place in Loyalton, a tiny Sierra County town west of Reno, Nevada. The town could no longer afford to pay its fees to CalPERS, and the fund has threatened to cut off its four retirees' pensions. As Calpensionsexplained, "According to a state controller's report for 2015, Loyalton had revenues of \$1.17 million, expenditures \$1.68 million, liabilities \$6.16 million, assets \$11.1 million, fund equity \$4.8 million, and population 733."

This is an extreme version of the stress faced statewide, a problem exacerbated by the fact that the pension fund will soon have more retirees collecting pensions than active workers paying into the system. That situation wouldn't be a problem if the system were entirely sustainable – i.e., if it weren't amassing unfunded liabilities.

Gov. Jerry Brown applauded CalPERS' decision to reduce its assumptions. "Today's action by the CalPERS Board is more reflective of the financial returns they can expect in the future. This will make for a more sustainable system," the governor said in a Dec. 21 statement.

These debates over the "rates of return" are so significant because of the way CalPERS and other defined-benefit systems operate. In defined-contribution systems (401/k-style systems, for instance) typical in the private sector, employees contribute a portion of their income into their retirement fund. Employers often match a certain percentage of these contributions. The money is invested in, say, a mutual fund. If the returns are high, the employee gains more retirement income. If they are low, the employee receives less. There are no future liabilities.

By contrast, public employees receive a promised benefit level determined by a formula based on years worked and a percentage of salary. Pension funds invest the money and their investment returns help assure the system has enough cash to meet all the current and future promises. If investment returns sag (or benefits are increased), the funds incur large unfunded liabilities or debts. Ultimately, the state's taxpayers are responsible for any shortfalls. So the expected rate of return carries enormous public-policy implications for the state and municipalities.

Critics complain that the CalPERS board is comprised largely of public employees, retirees and elected officials with close ties to public-employee unions, which provides a strong incentive to push funding problems further into the future. But even with that dynamic there's only so much that can be done in a world of weak investment returns and stepped up accounting standards. Efforts by CalPERS' investment staff and board members – and by the Brown administration – to deal more realistically with the issue is viewed by most Sacramento observers as an encouraging sign.

Originally posted at Cal Watchdog.

*Steven Greenhut is Western region director for the R Street Institute. Write to him at [sgreenhut@rstreet.org](mailto:sgreenhut@rstreet.org).*

# California braces for 'once-in-10-year' storm amid fears of flooding, avalanches, blizzards



Fed by a westerly flow, the rain is forecast to continue in four counties through midmorning.

By **Paige St. John** and **Joseph Serna**

JANUARY 6, 2017, 7:50 AM | REPORTING FROM COLFAX, CALIF.

**C**alifornia was bracing for an epic series of storms this weekend that could bring flooding, avalanches, blizzards and road closures.

Northern California is expected to be hit Saturday, Sunday, Tuesday and Wednesday.

Up to 12 inches of rain below 8,500 feet is expected, and massive amounts of snow — up to 6 feet — above that elevation. A fourth, colder storm two days behind will drop yet more heavy snow.

“It’s a once-in-10-year event,” said Zach Tolby, a meteorologist with the [National Weather Service](#) in Reno. “It’s the strongest storm we’ve seen in a long time, the kind of setup we look for to get significant flooding.”

The atmospheric river, or “Pineapple Express,” will be felt across much of California this weekend, though rains will be much heavier in the north than in the south.

Tolby said the storm is packing the same wallop as an atmospheric river that hit Northern California a decade ago that caused \$300 million in damage, according to the [U.S. Geological Survey](#).

Angelenos may remember the 2005-06 storm because it was the first time it rained on the Rose Parade in 51 years. But Tolby, who lives in Lake Tahoe, remembers the storm differently.

"It was pretty wild. I was here in 2005 and it was definitely the hardest rain I'd ever seen. It didn't stop for 24 hours," he said.

This weekend's storm could bring 36 straight hours of heavy rain from Mammoth Mountain to Susanville, Tolby said.

In the mountains, the rain could pile onto the snow and trigger early snow melts, feeding extra water into watersheds already swollen from a week of rain.

"A combination of intense rain on saturated soils will lead to excessive runoff," the National Weather Service said in its weekend forecast.

The Carson, Truckee and Susan rivers are all expected to become overwhelmed, and the nearby communities may become increasingly isolated if the deluge triggers mud flows and rock slides.

Weather officials issued a flood watch from Saturday to Wednesday that covers much of Northern California and extends down through the Sierra to Tehachapi.

In Mono County, authorities offered sandbags to residents in preparation for the rain. In Yosemite National Park, authorities were cautioning visitors to check with the park before heading in — the weekend storm could close Yosemite if the Merced River floods, they said.

The town of Colfax in the Sierra Nevadas, known as the turnaround town, is ready.

"It's something we prepare for — it goes with the snow, hand in hand," said Wes Heathcock, community services director for the tiny Placer County town that has perhaps one of the most used Interstate 80 on/off ramps in Northern California when it is a snow day.

When snow conditions become too treacherous, the [California Highway Patrol](#) typically closes Interstate 80 at Colfax, as it did Wednesday during a snowstorm that also brought a car-semi collision. Perched at an elevation of 2,400 feet, Colfax bills itself as "above the fog, below the snow."

The options for stranded travelers are slim in the Old West railroad town, whose most famous mention is a passing reference in Jules Verne's "Around the World in 80 Days." Even Phileas Fogg did not stop.

There is a Starbucks and a single motel.

"They're welcome to spend some tax money in Colfax, but generally you'll see they'll trickle back down, try to locate hotels a little closer to the [Sacramento] Valley," Heathcock said.

Colfax gears up for the die-hards, travelers who believe the solution to snow-blocked passes is to find another route to the same location.

"We all have this wonderful tool called GPS now," Heathcock said.

From Colfax, California Highway 174 makes a long northerly loop to the narrow, hairpin turns of Highway 20, eventually depositing drivers into the thick. They hit Interstate 80 at Yuba Pass, just before Donner Summit.

During Wednesday's storm, the city's public works crew joined the sheriff and California Highway Patrol to stand along that road and ward off drivers seeking the bypass.

Wednesday's storm dropped up to 2 feet of snow in less than 24 hours in the Tahoe basin, at times coming down at more than 2 inches an hour.

The Sierra Avalanche Center reported a slight improvement in backcountry conditions. The risk of avalanche was lowered to "considerable" even as the threat increased of historically large avalanches caused by slabs of snowpack as thick as 8 feet above a weak layer of ice laid down by a mid-December rain.

Near Lake Tahoe on Thursday, two skiers were caught in an avalanche that closed a local highway. But they were not injured, officials said.

Sierra residents are preparing for a third onslaught over the weekend, bringing up to 12 inches of rain below 8,500 feet, and more snow above that. A fourth storm system is forecast to roll across Northern California two days after that.

After the weekend storm, another rain-making system is expected to hit Northern California on Tuesday.

The storm moving through Southern California was significantly smaller than the one in the north. But it still caused problems.

Rain-slicked roads were clogged with commuters after a big rig jackknifed on the eastbound 60 Freeway in East Los Angeles, forcing authorities to shut down five lanes. In Burbank, several lanes were blocked after a semi-truck jackknifed across north and southbound lanes of the 5 Freeway.

By midmorning, firefighters rescued a man who was stranded on an island of branches and brush in the rain-swollen Los Angeles River near Fletcher Drive in Silver Lake, said Brian Humphrey, a spokesman for the [Los Angeles Fire Department](#).

Though the rain subsided Thursday afternoon, the problems kept coming. Crews were forced to temporarily close the northbound 710 Freeway north of the 5 Freeway to replace concrete slabs damaged by the weather,

the California Highway Patrol said. Traffic backed up for seven miles, and the closure lasted more than four hours.

For all the problems the storms may cause, it will bring more good news for California's six-year drought. Officials have said steady rain in Northern California the last few months has filled reservoirs and increased the once-anemic snowpack.

They emphasize the storms won't end [the drought](#). But if the rains keep up for spring, they could make a major dent.

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St John reported from Colfax, Serna from Los Angeles.

ALSO

[With snow piling up in the Sierra, what will it take to end California's drought?](#)

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UPDATES:

7:45 a.m. Jan. 6: This article was updated with new forecast details.

9:25 p.m.: This article was updated with information on the flood watch.

4:20 p.m. This post was updated with information on California's drought.

3:11 p.m. This post was updated with information about L.A. rains.

2:10 p.m.: This post was updated with maps and updated forecast information.

This post was originally published at 12:20 p.m. Jan. 5.

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LOCAL GOVERNMENT



# 8 CA ZIP Codes Have Worse Lead Contamination than Flint

POSTED BY : [CAL WATCHDOG](#) JANUARY 5, 2017*By Chris Reed.*

The water contamination scandal in Flint, Michigan, triggered national outrage and prompted Congress last month to pass a bill rushing [\\$120 million](#) in federal aid to the city.

The local regulators who knew about the severity of lead contamination and protected themselves but not the community are facing criminal [charges](#). That's because a high presence of lead in the blood is associated with low IQs and cognitive problems and can be devastating for infants and children.

Now a [massive study](#) by Reuters — based on federal health data from 21 states and broken down by ZIP code — points to eight areas in California with problems as bad or worse than what is now seen in Flint, where 5 percent of tested children have elevated levels of lead in their blood. The national norm is 2.5 percent.

## Oakland neighborhood has worst problem

The problem appears worst in the Oakland community of Fruitvale (ZIP code 94601), where 7.57 percent of children had high levels of lead.

Next is the Seaside-Sand City area (ZIP 93955) east of Monterey, where the rate was 7.44 percent.

Four ZIP codes were in the Fresno area, which has already had a lead scare this year, as [CalWatchdog reported](#) in August.



In Selma, 15 miles southeast of Fresno (ZIP 93662), 6.62 percent of children had high levels of lead in the their blood.

In three city of Fresno ZIP codes — 93706, 93702 and 93703 — the rates were 5.74 percent, 5.52 percent and 5.38 percent, respectively.

The last two California communities with lead contamination problems worse than Flint were in Los Angeles County.

In south-central Los Angeles (ZIP 90011) in an area east of the 110 Freeway and south of the 10 Freeway, the rate of children with elevated lead in their blood was 5.28 percent.

In the Rosemead-South San Gabriel area (ZIP 91770), the rate was 5.17 percent.

The federal health statistics are mostly based on blood samples from at least 500 children in each ZIP code for five- or 10-year increments ending in 2015. California did much better than most of the 20 other states whose data was studied. In total, 278 ZIP codes had worse lead problems than Flint, with the biggest concentration in industrial centers in the Midwest and in areas with a history of heavy mining.

Flint fits that profile. But its problems were at the least exacerbated by city officials' 2014 decision to stop bringing in water from the Detroit system in favor of a switch to cheaper local sources, including the heavily polluted Flint River.

When lead contamination problems are found in the United States, the problem is usually exposure to lead-based paint, especially in older housing, and from old water pipes.

## Official misconduct in Fresno endangered residents

Such pipes caused the lead scare in Fresno earlier this year, but official misconduct was part of the problem. In January, after many reports of discolored water, Fresno officials began reviewing how the city water agency dealt with complaints. They discovered that a water official named Robert Moorhead had failed to pass along as many as 1,400 complaints from 2005 to 2011 about problems with water from the treatment plant in northeast Fresno that he managed. Moorhead, who was fired for undisclosed reasons in 2011, has denied wrongdoing.

But a subsequent city probe found evidence of excessive lead in pipes in 51 of the first 280 homes it inspected, or 18 percent. Eventually, city officials warned residents of the 93710, 93720 and 93730 ZIP codes that they could have pipe problems and thus potential exposure to excessive lead.

But the Reuters study should offer some relief to residents of those ZIP codes. None were found to have Flint-level contamination rates.

*[Originally posted at Cal Watchdog.](#)*

## Comments

0 comments