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**SECTION:** NEWS**LENGTH:** 844 words**HEADLINE:** **Developer's pending litigation** with county cited**BYLINE:** Edward Barrera, Staff Writer**BODY:**

Money from developers fuels local political campaigns but at least one prominent name was missing from the Board of Supervisors' recently released list of campaign contributions for 2005.

Colonies Partners LP, the developers of a project in northeast Upland embroiled in protracted litigation with San Bernardino County regarding who has financial responsibility of flood-control improvements on their property, have contributed nothing to county campaign coffers so far this year.

Colonies developers and the county are in a dispute about 67 acres being used for water runoff collected from Upland and the unincorporated community of San Antonio Heights.

Throughout the three-year litigation, the county and developers have attempted to settle the disagreement but have been unsuccessful. In March, Supervisors Paul Biane and Bill Postmus hammered out a proposal that was later rejected by the full board.

The revelation of the talks prompted criticism of Biane, Postmus and recently-elected Supervisor Gary Ovitt for taking tens of thousands of dollars from the Colonies and affiliated businesses and individuals. It was that maelstrom that pushed Biane, who is up for re-election in 2006, to forgo soliciting the Colonies for donations. "In light of the sensitivity level of surrounding court cases that are now being litigated, I think it's a good decision on the part of the Colonies and myself to avoid any appearance of any conflict," Biane said Friday.

Jeff Burum, Colonies co-managing partner, said he agreed with the supervisor's assessment.

"I think it would be in all of our best interest not to create any perception of conflict," he said.

During the past four years, Colonies, related businesses and individuals, have given at least \$430,000 to various local, county and state campaigns, according to records.

Biane accepted \$32,000, though none directly after 2003, and Postmus received about \$6,000. During his 2004 election bid, Ovitt received \$25,000 from the Colonies and is also the only one who received any money this year. He accepted \$5,000 from Diversified Pacific Development Group, of which Burum is part-owner.

The Colonies in 2004 did contribute \$155,000 to the San Bernardino County Safety Employees' Benefit Association, which heavily backed Ovitt in the last election.

Since last year, the union has contributed \$110,000 to Ovitt, \$55,000 to Biane and \$13,500 to Postmus.

Burum said he never knew how the Colonies money would be distributed by the union when he contributed, only that they shared the same vision and backed the same type of candidates.

Mark Kirk, Ovitt's chief of staff, said the supervisor has had a long-standing friendship with the Colonies developers and that they shared a belief that economic development is important to the county's future. But, Ovitt clearly distinguishes between contributions and the best interest of his district, Kirk said.

The Colonies contributions to campaigns have been dwarfed by some others. Two major Inland Valley developers, Young Homes LLC and Lewis Investment Co. LLC, including related businesses and individuals, have contributed at least \$919,000 and \$1.15 million, respectively, in the past four years, according to records.

So the lack of Colonies money hasn't hurt any of the incumbents. In the past six months alone, supervisors have raked in \$836,000 with Postmus leading the charge at \$319,000 and Biane nipping at his heels at \$293,000.

The flood of money, says one critic, only shows that the county, which has no limits on campaign contributions, is being unduly influenced by a few deep-pocketed business people.

"Governments should be based on policy not on money," said Bob Stern, president of the Center of Governmental Studies, a campaign-reform advocacy group. "The only reason they are giving is because they want favorable treatment."

Stern said there should be a moratorium on campaign donations during the years there are no elections and that there should be a cap put in place on contributions.

The limit suggestion is one that Ralph Rossum, director of the Rose Institute of state and local governments at Claremont McKenna College, says he believes is impractical.

"Human ingenuity will get around any law," he said, pointing out that newly-enacted federal spending caps failed to stop a costly national election. Contributions are "about having access to make a case, not to influence, but to make sure you get your fair hearing."

For many developers in a rapidly-expanding county, Rossum said, it's less about influencing than it is stopping government from "throwing a monkey wrench" into a long-term project.

"As long as there is full financial disclosure, the citizenry is allowed to conclude if an incumbent is too cozy with developers," he said. "Just because there is self-interest does not mean it's not in the public interest."

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