

'A man of the people'

Water officials' charges based on watchdog's tips

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JOHNSON VALLEY - Phil Johnson still remembers the moment that he met the long-haired man with silver piercings poking out of his head.

The shiny pieces of metal seemed to be everywhere - protruding from his cheeks, eyebrows, nose and tongue.

That was about 16 months ago, when Jim Harvey stood before Johnson, who sat amongst his fellow members of the Bighorn-Desert View Water Agency Board of Directors.

"I looked at him and thought, 'Well, who is this young fellow?'" Johnson said recently. "He seemed out of place. But when he opened his mouth and talked, I knew that underneath that exterior, he was a good man."

Not everyone on the five-person board, which serves 1,600 customers in three unincorporated communities northwest of Yucca Valley, might have the same impression.

But that's because Harvey's critical eye saw something he thought was wrong with the board.

Public comment was quashed or ignored.

Discussions on management decisions took place behind closed doors.

A board member twice voted on changing water rates that seemed to benefit her commercial water-hauling business.

Harvey, 42, a motorcycle mechanic who moved here six years ago from Chicago, believed that the board was violating both the Brown Act - the state's law protecting the public's right to open meetings - and conflict-of-interest regulations.

He began filing complaints - more than a dozen - with the San Bernardino County District Attorney's Public Integrity Unit.

The results have been considerable.

After finding himself bashed repeatedly for nearly a year in the local newspaper's letters to the editor, Harvey's complaints were supported last week when the Public Integrity Unit filed felony charges citing conflicts of interest against board member Sharon Edwards, 64.

The investigation also backed all of Harvey's complaints of multiple Brown Act violations by the board.

A news release detailing the list also praised his efforts.



Jim Harvey is the force behind the movement to recall three of the five members of the Bighorn-Desert View Water Agency Board of Directors. The Johnson Valley residents complaints with the San Bernardino County District Attorney's Office also resulted in felony conflict-of-interest charges being filed against board member Sharon Edwards. (Andrew Ebright/For The Sun)

Frank Vanella, the county's lead attorney on the case, said the efforts of people such as Harvey are invaluable.

Without them, Vanella said, the Public Integrity Unit could not function.

"It's very important because this is the largest county in the nation," he said. "We can't be everywhere."

Johnson said that although some see Harvey as a troublemaker, mostly those are the people who are linked to the board members in question.

"He gave the people an additional voice - a voice that hadn't been heard," Johnson said. "He's diligent. He's done all of the things that need to be done. I would characterize him as a man of the people."

Other desert residents from the communities of Johnson Valley, Flamingo Heights and Landers boosted Harvey's efforts.

He always makes sure to spread the credit around to volunteers who worked on a signature-gathering campaign for a recall of three board members.

Mike Maline, the panel's president, Maryan Barkley and Edwards now face a recall.

Attempts to contact the three for this article were unsuccessful.

Maline's phone number has been disconnected, Barkley couldn't be reached for comment, and Edwards did not return calls.

Mail-in ballots are due by Aug. 28 to the county's Registrar of Voters office.

Johnson and fellow board member Delmour Maybury are not subject to the recall.

It's people like Harvey that help keep public officials honest, said Terry Francke, general counsel and founder of CalAware, a government-watchdog group.

"The funny thing is that the reaction among elected people is, 'Why don't they get a life?'" Francke said. "Well, there's a role to be played, and people who might be very much interested in the substance might be unwilling or unable to go through the peculiar routines that politicians might."

That dismissive attitude was typical of much of the early reaction to Harvey's efforts.

Board members, particularly Barkley, published letters in the local paper calling him a troublemaking carpetbagger.

Harvey isn't a customer of the water agency.

Barkley's letters repeatedly stated that no Brown Act violations had been committed.

Harvey said he got involved because the water agency was looking to close a Johnson Valley well, and because as a member of that community, he had a right to do so.



Jim Harvey, a 42-year-old motorcycle mechanic, first took interest in the Bighorn-Desert View Water Agency when, in February 2006, it was trying to close a well in Johnson Valley. "There were Brown Act violations from the moment the meeting started," he said. (Andrew Ebright/For The Sun)

He attended a February 2006 meeting on the issue.

"There were Brown Act violations from the moment the meeting started," Harvey said.

He began immersing himself in the nuances of the Brown Act.

Harvey talked to board members, urging them to stop violating the act.

Eventually, after his pleas went ignored, he took action.

"Injustices and corruption that's perpetuated against people is so much more blatant," Harvey said. "I just couldn't believe it."

He didn't intend to become a civic activist.

Harvey and Cathy Janowicz, his domestic partner of eight years he calls "the best thing to ever happen to me," came to town to escape the cold and for the first time buy a home.

No matter how much he was criticized or how frustrated he would get when it seemed no one listened to his concerns, Harvey did not entertain thoughts of giving up.

"Never," he said. "My sense of duty to the community could not be stopped by any threats or intimidation."

These days, Harvey awaits the recall results.

In the meantime, he will continue restoring antique Harley-Davidsons.

"Oh, and I've got to go to a meeting with the postal service," Harvey said in a recent phone interview. "We're probably going to have to give it to them, too."
