

In Surprise Reversal

Council Vote Bans

*City Council
Courier Bulletin
May 25, 1977*

The Belmont City Council, in a total turnaround from an earlier decision, voted unanimously Monday night to permanently ban the use or sale of fireworks in Belmont.

The vote was a surprise, as council members pushing for a moratorium on fireworks weren't even sure they had the votes to eliminate them for just this year.

The key turnabout came when Councilor William Hardwick, who along with Councilor Bob Jones had refused to support a one-year ban when it first came to a vote, said, when that vote was being reconsidered, that a permanent ban was more acceptable to him than a temporary one.

"We shouldn't just ban them because there's a water shortage this year. We should ban them permanently if we're going to do it," said Mr. Hardwick. The council quickly voted a fireworks ban into law.

The ban will begin 30 days from Monday night's decision, or June 22.

The vote followed a lengthy discussion, and several

pointed comments from the audience. One reason the council, even though a majority favored a ban, had such difficulties passing one was that it hadn't been placed on the agenda, and thus had to be discussed and passed as an urgency ordinance.

All urgency ordinances, by law, require four affirmative votes, and thus Mr. Jones and Mr. Hardwick were able to prevent passage of a ban with their two votes.

Ironically, most of the discussion didn't start until after the initial 3-2 vote. When Walt Worthge asked for a second vote, both Mr. Jones and Mr. Hardwick sharply criticized the proposed ban.

Their main complaints were that the public hadn't been notified in advance and that the measure lacked specific enforcement provisions.

"Most people don't even know what we're discussing, and that's morally wrong," complained Mr. Hardwick. Mr. Jones echoed the criticism.

"This is not a noticed item on the agenda. If this is so

Fireworks Permanently

serious (as to require an urgency ordinance) then it should have been on the agenda," he suggested.

Jones also sharply criticized the lack of any specific method for enforcing a ban, arguing that by making all use of fireworks illegal, it would encourage youngsters to light their fireworks in areas that are hard for policemen to detect, areas that frequently are prone to more serious fires.

"Other cities are going to be selling fireworks even if we do not," Mr. Jones warned, "and all it takes is one teenager to light his fireworks down in the San Juan Canyon to cause trouble."

ALTERNATIVE CITED

Mr. Jones proposed as an alternative to an outright ban a motion to limit all use of fireworks to one area, such as the Redwood Shores vicinity, where fireworks could be lit under city supervision. The suggestion drew immediate criticism.

"That would totally defeat the purpose," said Walt

Worthge, arguing that once fireworks were legally sold in Belmont, few would actually come down to a limited area.

"The person who's going to shoot off a firecracker in the canyon just isn't going to come down to some city supervised area. They just aren't going to do it," he said.

Councilor Pam Ketcham argued that even if the ordinance didn't take into consideration how it was going to be enforced, it would still benefit the community, arguing that if individual parents tried to stop youngsters from igniting fireworks in hazardous areas, they wouldn't get far without legal support.

Turning to Mr. Jones, she said, "I remember you running around last year on the Fourth of July, trying to stop kids from lighting firecrackers. You didn't get very far, because you didn't have the clout."

LEADERSHIP SOUGHT

The deadlock ultimately seemed to be turned by numerous comments from the crowd, almost all of them

(Please turn to page 2)

City Council
Enquirer Bulletin
March 1977

Councilor Says Ethics are Issue

Editor:

Regarding the city employee rap sheet (criminal information) investigations of unknowing citizens and city government members, I have just received Governor Brown's Executive Order B-22-76. It provides a model for local government approach to the same rights and principles involved in the rap sheet investigations. The order insists on: The right to privacy. The right to access information concerning every individual personally when there is no clear and overriding public interest in withholding knowledge from the individual. The right to correct any misinformation. The obligation to collect only that information on an individual for which there exists a compelling government interest, and the government's obligation that every individual be informed of the uses to be made of personal information the individual is asked to supply to government.

The rap sheet investigations were totally out of line with these rights and principles, and with state and city laws and regulations. If, as the City Manager stated, he had been doing this for the last five years, without Council's knowledge, were not those citizens investigated informed either?

The Lockyer Act Government Code Amendment (Sec. 1105 and Sec. 13300 Penal Code) says rap sheets should not be run unless the information is required to implement an ordinance or regulation expressly referring to specific criminal conduct applicable to the individual and when expressly based upon specified criminal conduct. These are also the requirements of City Resolution 4371, and are compelling needs.

This need was used to get the rap sheets even though no criminal background or conduct existed on individuals who were investigated. Sacramento also was told some were job applicants even though they were then well-established city committee members appointed by the council.

The Belmont Code (Sec. 2-88), the Personnel Rules and Regulations (Resolution 3725) and the official job Classification Plan also completely rule out any job or employee claims. Other cities don't run rap sheets on city board and committee members or on applicants for membership either. The Brown Act defines board and commission members as legislative advisors, rather than employees.

Most unfortunately, there has not been a formal apology to the investigated citizens and city government members whose "right to privacy" were invaded and abused.

To quote a legislator on the national level, and just as applicable on the local level; "Ethics is the number one issue. It must be. We've got to restore trust of the people....we've got to restore integrity."

Thank you,

Pamela S. Ketcham
Holly Road
Belmont

1 MARCH 1977

DEAR MAYOR HARDWICK AND COUNCIL MEMBERS,
MANY OF THE PEOPLE WHO RESIDE IN BELMONT WOULD, IF ASKED, AGREE THAT THEY WANT AN ATTRACTIVE CITY THAT PROVIDES THE NECESSARY SERVICES FOR THEIR SAFETY AND WELL-BEING. SOME OF THESE PEOPLE ARE COUNCIL MEMBERS AND CITY STAFF.

IT IS WITH THIS IN MIND THAT I AM ASTONISHED THAT WE, THE CITIZENS, COUNCIL MEMBERS, AND CITY STAFF SOMETIMES APPEAR TO BE WORKING AT CROSS PURPOSES. IF OUR GOALS ARE THE SAME, WE SHOULD BE WORKING TOWARD THEM TOGETHER.

FOR WHATEVER REASON, IN THE PAST, MANY BELMONT PROJECTS HAVE GONE AWRY BECAUSE CITY STAFF WAS FORCED TO MAKE DECISIONS WITHOUT PROPER LEADERSHIP OR DIRECTION FROM COUNCIL.

THE PEOPLE VOTE IN THEIR COUNCIL MEMBERS WHO ARE NOT ONLY A LEGISLATIVE BODY BUT PERHAPS MORE IMPORTANTLY AN EXECUTIVE BODY. YOU ARE COMMITTED IN THAT ROLE TO ACT FOR THE CITIZENS AS EMPLOYER FOR STAFF.

MY EXPECTATIONS WERE HIGH AFTER

WE
LAST ELECTION THAT^V HAD A COUNCIL WHO
WOULD PREPARE A PLAN AND MONITOR
THEIR EMPLOYEES TO REALIZE OUR GOALS.
I AM PLEASED THAT MRS KETCHAM IS
ACTING IN A DIRECT WAY TO PUT THIS
GOVERNMENT ON COURSE - WILL THE
REST OF YOU PUT MORE EMPHASIS ON
YOUR EXECUTIVE COMMITMENT?

SINCERELY,

Eleanor Woodard

ELEANOR WOODARD
2106 LYON AVE
BELMONT CA 94002

COPY: BELMONT COURIER BULLETIN

MR WORTHGE, MR GONZALVES, AND
MRS KETCHAM

PLEASE FIND ENCLOSED THE
QUESTIONNAIRES YOU WERE KIND
ENOUGH TO COMPLETE PRIOR TO
ELECTION. I HOPE THEY WILL
BE HELPFUL TO YOU!

CITY COUNCIL
SAN MATEO TIMES
JAN. 26, 1977

Manager, Police Chief

2 Belmont Aides Accused

By DAN COOK

Belmont City Manager James P. DeChaine and Police Chief William Singer have been charged with illegal conduct by a member of the City Council.

The allegations of illegal activity were leveled against the pair by Councilwoman Pamela S. Ketcham following a stormy, closed-door executive session Tuesday night at City Hall.

Mrs. Ketcham has charged the two with illegally obtaining criminal background information on members of the City Council and Planning Commission and on members of other city boards and commissions.

Both DeChaine and Singer have denied any wrongdoing.

She has further charged that DeChaine maintains a dossier on each member of the named commissions, and that further investigative material is added to the dossiers periodically to update them.

Mrs. Ketcham issued a

written statement following the personnel session, which was closed to the public and the press.

She charged that Chief Singer, at the request of DeChaine, "has conducted illegal inquiries into records of at least two members of Belmont commissions."

Mrs. Ketcham demanded DeChaine's immediate firing by the council, but the

majority voted to conduct an investigation into the allegations before any such action is taken. The council appointed Councilmen Robert A. Jones and Frank Gonsalves to look into the charges.

Mrs. Ketcham's statement, apparently written before the council had taken any testimony on the allegations and passed out to the news media follow-

ing the session, added that "Chief Singer (has) confirmed this information."

"Besides being highly unethical, these investigations have been illegal in the misrepresentation of facts to Sacramento," Mrs. Ketcham's statement said.

She quoted a section of the California Administrative Code, saying that the penal officer conducting

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OVER

(Continued from Page 1)

the investigation must accompany the request from state criminal justice files with a reason why the person is under scrutiny.

"The reasons given by Chief Singer and Mr. DeChaine, in at least two instances, were for the purposes of screening a job applicant," she charged. "However, in these two particular instances those investigated were volunteers for nonsalaried committees."

Mrs. Ketcham's statement did not name the commissioners involved, but she explained after her early departure from the ongoing public meeting that she had conducted her own investigation. She said she found that background checks had been run on several persons holding city board and commission posts.

She said two of those persons were Donald Oswald, chairman of the city finance committee since May 1976, and Betty Ann Nicewonger, named to the city board of design last November.

Mrs. Ketcham said she has been unable to determine if DeChaine was keeping an alleged dossier on her.

Contacted this morning, DeChaine vigorously denied keeping any dossiers on anyone or the retention of any criminal justice information.

"That is an outright, erroneous fabrication of

her own imagination," DeChaine said.

DeChaine, who had appeared at the executive session only as a witness and was not a party to council deliberations on the alleged information gathering, said after the meeting that such requests for criminal background information have been routine in the city for about six years.

DeChaine declined to issue a further statement in reaction to Mrs. Ketcham's allegations "at this time," but indicated he may issue such a statement Thursday.

Chief Singer, attending a state Department of Justice seminar in San Jose, could not be reached for comment on the allegations, but a City Hall source said today the chief intended to talk with the state attorney general's office before issuing a statement.

Neither has indicated whether he will demand a public hearing into Mrs. Ketcham's allegations as provided for under state law.

"I don't know yet," DeChaine said, in response to the question.

Although the deliberations of the council in executive session are confidential in nature, the release of Mrs. Ketcham's statement and her subsequent comments to the press about the deliberations made in the session were confirmed this morning by Mayor William

Hardwicke and Councilman Robert A. Jones.

Jones confirmed that Mrs. Ketcham had demanded DeChaine's immediate firing, and that she threatened to "take the matter to the press" after the council refused to accede.

Jones said he saw Mrs. Ketcham's statement prior to the council testimony on her allegations.

Jones also said that several members questioned Mrs. Ketcham's motives in seeking DeChaine's ouster, and quoted the freshman councilwoman as replying, "I must represent my backers, the people who put me into office, and they don't like Mr. DeChaine."

Jones said both DeChaine and Singer denied ever having requested a background check on any City Council member, but added that such checks have been made on board and commission members with no retention of any information thus gained.

Mayor Hardwicke said today that such background checks have been suspended by the council pending an opinion from City Atty. Kenneth Dickerson as to whether any law has been broken.

"This whole thing has come about as a result of her own (Mrs. Ketcham's) paranoia with the city staff," Hardwicke said today. "I question the need of background checks, but think that they are done as an interpretation of exist-

ing rules and regulations."

"One thing bothers me, and that is that anything that causes divisiveness and distrust should not be (publicly) distributed, as this was done," Hardwicke added.

State law prohibits the release of criminal justice information, including divulgence of whether a background check has been run, to unauthorized persons.

Jones said today he was cautioned in Tuesday's executive session that acknowledgement of such background checks to persons in the community could be held a slanderous action by a court.

City Atty. Dickerson declined today to speculate whether the divulgence to Oswald and Mrs. Nicewonger by Mrs. Ketcham that such checks had been made on them constituted a violation of the law.

Dickerson was asked whether Mrs. Ketcham, who had apparently prepared her statement to the press prior to hearing any testimony in the executive session, could participate in further council deliberations concerning DeChaine or Singer based on that testimony, in light of her apparent determination of facts in the matter in advance.

"Due process requires a fair hearing," Dickerson said. "A fair hearing requires an impartial judge."

Belmont Council Action

Keys Heated Debate

By DAN COOK

A squabble over payment of two contracts previously approved by the Belmont City Council turned into a rancorous debate Monday night, with a councilwoman being urged repeatedly by the mayor to deal with the subject matter at hand.

The ordinarily routine matter of payment of the warrants and approval of the minutes of the previous council meeting went on for an hour and a half at the insistence of Councilwoman Pamela S. Ketcham.

Mrs. Ketcham had taken issue with the retention of consulting engineer Richard M. Trainer for work on improvements to the San Juan sewage pumping station.

For the second time in as many meetings, Mrs. Ket-

cham objected to the manner in which Trainer had been selected, which was done at the last council meeting.

Mrs. Ketcham reiterated charges shown in the minutes of the Jan. 10 meeting, at which time she had alleged that the retention of Trainer and the awarding of the contract followed "secret" telephone conversations among councilmen.

Calling such approval "legislation by telephone" for the second time, Mrs. Ketcham criticized the practice of awarding the contract without going through a competitive bidding process.

What apparently triggered Mrs. Ketcham's remarks was a reference to the council's Jan. 10 action which appeared in the min-

utes submitted for approval.

Councilman Walter Worthge defended the council's action in awarding Trainer the contract, citing the urgency of repairing the dilapidated San Juan station.

"The action on Jan. 10 was a reconfirmation on the part of the majority of the council to hire Trainer," Worthge explained.

"I find this an inappropriate discussion," declared Councilman Robert A. Jones. "If the councilwoman wants to put the item on the agenda for discussion, fine.

"I want to reaffirm what Councilman Worthge has said. I voted to take emergency action and temporarily suspended constitutional property rights (in the San Juan area). I voted for it

until we could handle the problem, and it would be bad faith for me to slow this project down.

"I resent the attack on the integrity of my telephone call with the city manager," Jones said, glaring at Mrs. Ketcham.

Jones' reference was to his vote to place a moratorium on further development in the San Juan area because of a lack of sewage pumping capacity. It brought an angry reaction from Mrs. Ketcham.

"I hope we have a study session devoted to this question of council policy," Mrs. Ketcham retorted. "It's important. You know it, and I know it."

Another item, this one on the warrant list, also drew criticism from Mrs. Ketcham, who verbally attacked City Finance

Director Allen Beck, City Engineer James Doerksen, City Manager James DeChaine and City Atty. Kenneth M. Dickerson.

At issue was payment of a warrant in the amount of \$27,258 to Fisk, Firenze & McLean, a contracting firm which had provided certain street resurfacing operations as approved by the council in budget sessions last summer.

The contract for the work had allowed an automatic cost overrun of 30 per cent, to be granted by City Engineer Doerksen, without further council approval.

Knowing the terms of the work, the contractor had apparently underbid the

cost of the contract by 30 per cent, knowing that the additional cost had automatically been provided for.

After work had begun on the project earlier this year, it became apparent that Doerksen would be forced to grant the 30 per cent contingency, and DeChaine hastily polled the council by telephone as to their feelings, despite the automatic provision in the contract.

DeChaine explained that the work was proceeding so rapidly that to call a halt to the work already performed, and not continue with the work already approved by the council, would subject the city to higher costs.

Although Mrs. Ketcham's discontent was apparently directed at the lenient contract approved by the council, she attacked Doerksen for granting the override, criticized City Finance Director Beck for

authorizing the payment, told of her distrust of city staff, and began to spar with Dickerson over the "legality" of the contract.

All staff members sat silently through Mrs. Ketcham's remarks, except Dickerson, who turned to her and said that "my job is to make certain that contracts are legal — period.

Mrs. Ketcham had an ally in the audience, Donald Oswald, chairman of the city's finance committee, who read a lengthy letter outlining his objections to the contract.

Oswald's concern, which was conveyed at the request of other members of the finance committee, was with the override provision without required further council approval.

Oswald also questioned construction supervision

controls, estimate checking, the use of fixed-price contracts, and the mention of cost override procedures in the contract at all.

He also questioned whether Dickinson should be checking city contracts for more than just form and procedure.

Mrs. Ketcham turned to Dickerson for an answer.

"Madam, all I can tell you is that that statement in just plain wrong," Dickerson said, shaking his head.

When Mrs. Ketcham attempted to pursue the matter, Dickerson cut her off, his voice rising.

"It's wrong — that's it," he said.

Following the angry outburst, the council voted 3-1 to approve payment of the warrant, with Councilwoman Ketcham dissenting, and Vice Mayor Frank Gonsalves absent.

Belmont halts criminal record checks on city appointees

By OTTO TALLENT

Insisting they were unaware it was going on in the first place, four Belmont City Council members signed a statement last night declaring, "We have immediately suspended further criminal record checks on council appointees."

A challenge by an incredulous member of the audience that it seemed inconceivable council members could serve for years and be unaware of the practice was nipped in the bud the council chairman's gavel.

The council's statement came as a result of a charge last week by councilwoman Pamela Ketcham that city manager James DeChaine and police chief William Singer ran criminal record checks on appointees to city commissions.

In a prepared statement, the four council members last night said that the practice would be suspended. "Your present council was not aware

that this was being done," the statement continued.

Takis Vourvoulias, 2210 Bettina Ave., said to Mayor Hardwick that he and Councilman Robert A. Jones had been members of the council for six years and "are you saying you were not aware of the ordinance?"

"Seven years," the mayor corrected his tenure. He said he couldn't speak for Jones, who is in Hawaii, but stated "I was aware of the ordinance. I was not aware of its interpretation."

Vourvoulias tried to speak again, but the mayor rapped the gavel and said there would be "no further discussion tonight."

Mrs. Ketcham, Frank R. Gonsalves and Walter J. Worthge have been on the council only since last March.

The council statement last night also said, "Councilwoman Pamela Ketcham charged Police

Chief William Singer, acting under the direction of City Manager James DeChaine, with illegal and unethical practices relating to the running of criminal records checks on the background of appointed commissioners, boards and committee members. As a result, she requested the immediate dismissal of the city manager.

"Your City Council is now gathering facts and information which will result in a decision on the serious charges."

The council stated it has instructed City Atty. Kenneth M. Dickerson to provide a written opinion by Friday concerning the legality of such background checks under all current laws, and requested Dist. Atty. Keith C. Sorenson to make a written opinion concerning the charge.

The council members stated that they plan executive sessions "during the week of Feb. 7 to resolve the matter."

Both DeChaine and Singer have vigorously denied any wrongdoing. DeChaine said the criminal records checks "have been performed for years in accordance with Section 2-34 of the City Code which in part charges me with the responsibility to 'make investigations into the affairs of the city and any department or division thereof'."

Singer said that "during my 23 years as a member of the Belmont Police Department, I have never done anything illegal or unethical." He said he was confident that the results of an investigation will determine that "the accusations of Councilwoman Ketcham are completely false."

Checks which brought the accusations from Councilwoman Ketcham involved a member of the Finance Committee and of the Board of Design.

Belmont Mayor Enters Dispute

By DAN COOK

The Belmont City Council responded Monday night to requests for information on an investigation into the activities of City Manager James Chaine and Police Chief William Singer by issuing a public statement.

The statement was addressed to the citizens of Belmont and promised to have the matter resolved by Feb. 7, it was reported today.

The statement was signed by Mayor William Hardwick, Vice Mayor Frank Gonsalves, Councilman Walter Worthge Jr. and Councilwoman Pamela S. Ketcham. Councilman

Robert A. Jones is vacationing in Hawaii.

"Following the executive session of the Belmont City Council on Jan. 25, Councilwoman Pamela Ketcham charged Police Chief William Singer, acting under the direction of City Manager James DeChaine, with illegal and unethical practices relating to the running of criminal records checks on the background of appointed commissioners, boards, and committee members," the statement said.

"As a result, she requested the dismissal of the city manager," the statement continued.

"Your City Council is now gathering facts and information which will result in a decision on the serious charges. We have taken the following action:

"1. We have immediately suspended further criminal record checks on council appointees. Your present

(See Page 10, Column 3)

council was not aware this was being done.

"2. We have instructed our city attorney to provide written opinion by Friday, Feb. 4, concerning the legality of such background checks under all current laws.

"3. We have requested from the San Mateo County District Attorney his written opinion concerning the charge.

"Pending response from the above legal authorities, and the gathering of additional facts and information by all council members, it is our intent to hold council executive sessions during the week of Feb. 7 to resolve this matter," the statement concluded.

The issuance of the statement was an abrupt reversal of council policy on Mrs. Ketcham's allegations.

Following the executive session of Jan. 25 the mayor said merely that the session was held to deal with personnel matters concerning the city manager.

CITY COUNCIL
REDWOOD CITY TRIBUNE
FEB. 2, 1977

D.A. 'clears' Belmont police chief, manager

San Mateo County Dist. Atty. Keith C. Sorenson has thrown the Belmont controversy over criminal record checks of council appointees back into the laps of City Council members after clearing Police Chief William Singer of any wrongdoing. Sorenson also declared it would be difficult to prosecute City Manager James P. DeChaine.

The district attorney's response was in a letter to Belmont Mayor William H. Hardwick, who had asked for a written opinion.

Councilwoman Pamela Ketcham had charged Chief Singer, "acting under the direction of City Manager DeChaine," with illegal and unethical practices relating to the running of criminal record checks on the background of appointed commissioners, boards and committee members.

Mrs. Ketcham asked for the immediate resignation of DeChaine.

Sorenson said, "I'm not going to prosecute" Chief Singer. He said

basically it is a city-adopted policy to run record checks for the employment department.

"There's is no way I'm going to prosecute somebody for following what amounts to a city policy," Sorenson said.

The district attorney also said nobody had asked him to charge DeChaine with a crime and declared that unless that happens, "I wouldn't be getting into it."

Sorenson said that although he really didn't look into the DeChaine involvement, he thinks it would be difficult to prosecute him on an issue that was "mostly a matter of policy within the city government."

Four Belmont council members present at a special meeting Monday night signed a statement, reading "we have immediately suspended further criminal records checks on council appointees. Your present council was not aware that this was being done."

Resignation Demand Stirs Debate of Ethics

By TERESA GILLES

The question of whether City Manager James DeChaine and Police Chief William Singer committed illegal and unethical acts by ordering criminal records on citizens volunteering for committees created a storm that is raging throughout Belmont.

Pamela Ketcham, Belmont city councilor, made that accusation public at a special council meeting Tuesday, Jan. 25.

Mrs. Ketcham demanded the resignation of Mr. DeChaine.

Immediately, Councilors Robert Jones and Frank Golsalves volunteered for a committee to investigate "a very broad spectrum of policies and interrelations

between the council and city staff including the accusation, Mr. Jones said.

DENIED WRONGDOING

Mr. DeChaine and Chief Singer denied any wrongdoing, citing a Dec. 8 1975 ordinance that authorized the city manager "to obtain State summary criminal history information" when "such information is required to assist him in fulfilling his employment certification and licensing duties."

Chief Singer said in a statement he was "shocked" and "I have never done anything illegal or unethical."

"If there has been anything 'illegally or unethically' done, it wasn't the obtaining of the confidential information by Chief Singer at my request, but rather the

public release of such information by Mrs. Ketcham," Mr. DeChaine wrote in a press release.

RECORDS CHECKED

She pointed out that an unsigned memo dated July 12, 1976, from City Attorney Kenneth Dickerson to the city council read, "The term employee shall not include any person appointed to an office...."

Mr. DeChaine said because the citizens volunteers were to do "city-related" work, they could be considered employees.

In a special meeting, Jan. 31, the council released a statement which said councilors are waiting for a decision from attorney Kenneth Dickerson and would then decide

the issue in executive session. Such sessions are not open to the press or public.

DEADLINE SET

They set Feb. 4 as the deadline for Mr. Dickerson's decision.

If any wrongdoing is discovered, councilors said they will turn information over to District Attorney Keith Sorenson.

"That's the \$150,000 question," Mr. Sorenson told the Belmont Courier-Bulletin when asked if citizen volunteers are city employees.

NOT PROSECUTE

But, he added, he would "certainly not prosecute" Chief
(Continued on Page 2)

OVER

Singer, adding he would not prosecute Mr. DeChaine "unless he disseminated information to others."

Under the Brown Act, criminal records cannot be made public.

In the statement released by the council, all such criminal checks have been suspended until a decision is reached.

All councilors denied knowledge that such checks were being run, even though the Dec. 8 ordinance was passed when Mr. Jones and Mayor Hardwick were serving on the City Council.

LEGAL OR ILLEGAL

"I think it comes down to a matter of interpretation of existing ordinances," Mayor Hardwick stated. "It's a question of finding out whether it's legal or illegal."

"As far as what Pam's (Mrs. Ketcham) doing, she's righting what she feels is wrong," Councilor Frank Gonsalves stated.

Personally, Mr. Gonsalves said, "It doesn't look like they are employees. I wouldn't classify them as employees."

"Basically, any city council and its citizens insist on trust," said Mr. Jones. "Unethical behavior or any breach of trust would call for, in my judgment, personnel changes."

Councilor Walt Worthge declined to comment except in the official council statement, adding, "we should look at this in a very unemotional, intelligent manner."



CITY COUNCILOR PAMELA KETCHAM (center) startled Belmont residents when she accused City Manager James DeChaine (left) and Police Chief William Singer (right) of unethical and illegal behavior. They obtained criminal records on citizens appointed to serve on committees and commissions, she claimed. Both denied wrong doing. Belmont City Councilors will decide the issue in executive sessions after City Attorney Kenneth Dickerson decides whether if those committee members are city employees and if any illegal or unethical actions have been taken.

Charges Cause Reaction

"I felt it's an invasion of my privacy," finance committee member Douglas Emery said after learning his criminal records may have been investigated by City Manager James DeChaine and Police Chief William Singer.

"My main concern would be the intent of the investigation and what they would do with any information that they might have found," he said.

Mr. DeChaine and Chief Singer was accused of unethical and possibly illegal behavior by City Councilor Pamela Ketcham after it was reported that the records of finance committee chairman Donald Oswald and board of design member Betty Ann Nicewonger had been checked.

She demanded Mr. DeChaine's resignation. City councilors are currently investigating whether Mr. DeChaine and Chief Singer overstepped their bounds.

They are allowed, under a 1975 city ordinance, to investigate the records of job applicants. According to Mr. DeChaine, citizen volunteers and appointees working on city

-Reaction to Charges-

(Continued from Page 1)
committees are employees.

Such committee members expressed a different feeling.

"Of course not," Mr. Emery said when asked if he was a city employee.

"No," said Takos Vavorius, another finance committee member.

"I am a volunteer of the city," Mrs. Nicewonger said.

"No," said Paul Louie vice-chairman of the finance committee. "Not in any sense of the word."

"Absolutely not," said Mr. Oswald.

"I look at it this way," Mr. Oswald said. "I think that if they are going to do this, they should tell you

prior to asking you to volunteer your services. I think that if a law has been broken then it's an injustice. If it's not against the law, it's a case of bad judgement on the part of the people who did it," he concluded.

"What bothers me is not so much that I was investigated but that I wasn't given information before that I would be." Mrs. Nicewonger stated.

"The information on both Mr. Oswald and myself was negative," she stressed.

Both Mr. DeChaine and Chief Singer denied that their behavior was illegal or unethical in public statements.

City Council Lifts Ban On Canyon Building

San Juan Canyon area landowners may now apply for building permits but will not be allowed to hookup sewers or occupy new buildings without specific approval, after Belmont city councilors amended the building moratorium.

In a special meeting Jan. 25, the five councilors voted unanimously that building may be resumed.

MORATORIUM

The council had declared a moratorium on building and sewer hookups on Nov. 8, 1976 after deciding that the San Juan pump station represented a health hazard to residents. The moratorium was declared after it was found the aged pump station overflowed and raw sewage was backed onto the streets.

At that time, councilors decided to approve the building of a new pump station, but until it was completed, all construction must halt.

MAY START

After hearing pleas from area builders, councilors decided that building may continue if, "no building...may be occupied or inhabited."

Residents may, the amendment reads, inhabit buildings if a holding tank "or some other appliance or device to dispose of the sewer effluent" has been approved by City Engineer James Doerksen, the state Water Quality Control

Board and the San Mateo County Health Department.

AUTHORIZATION

Residents may also move in if "the city engineer has authorized connection to the city sewer system and said connection has been made," the amendment reads.

The area affected is bordered by Ralston Avenue, Cipriani Boulevard, Newlands Avenue to Haskins Drive and Laurel Creek Drive.

AUTHORIZATION

Residents may also move in if "the city engineer has authorized connection to the city

sewer system and said connection has been made," the amendment reads.

LODGE PLANS

Councilors also approved a \$78,450 bid from the W.A. Moroney Co. to improve the Twin Pines Park lodge building. The council decided a sprinkler system will be installed, the interior painted, door and cabinetry work done and the ceiling will be sheetrocked.

Councilors Walt Worthge, Frank Gonsalves and William Harwick all voted to draft a letter to the San Mateo County Board of Supervisors asking that \$31,000 of State Park bond

money be spent to improve the area around the lodge building. The council decided a sprinkler system will be installed, the interior painted, door and cabinetry work done and the ceiling will be sheetrocked.

RETURN EQUIPMENT

It was also decided that the city should try to return unused offset printing equipment to the manufacturer. Councilors Pamela Ketcham and Robert Jones had asked that the equipment be sold.

The city council also tabled indefinitely a motion to set a time limit on council meetings.

City family's in-fighting flares up again in Belmont

By OTTO TALLENT

Belmont's city family in-fighting flared anew last night in brief but explosive exchanges involving City Attorney Kenneth M. Dickerson, City Clerk James W. McLaughlin and Councilwoman Pamela Ketcham.

The outbursts came while McLaughlin was asking the City Council to order the city attorney to change the date for taking a deposition from him and his deputy clerk in a court litigation.

McLaughlin asked that the deposition be taken at a council meeting so it would be on the record, but Mayor Frank Gonsalves turned down that request. Dickerson said the deposition would be public record and told the city clerk he could "order a copy of it if you want to pay for it."

McLaughlin asked the city attorney "are you paying for yours?" to which Dickerson replied "that's none of your business."

A few moments later, after two audience members were not allowed to make verbal presentations because Gonsalves said the matter was not up for public hearing, Councilwoman Ketcham declared the meeting was going well "until the city attorney blew his cool once again, and brought the wrath of the people in the audience up to rise. This is what's happened time and time again."

Dickerson interjected "they're all your friends."

Mrs. Ketcham told Dickerson "... any time I can lower myself to your level."

"You mean bring yourself up to my level, don't you?" Dickerson asked Mrs. Ketcham.

John Curry had asked from the audience that a councilmember be present when depositions are taken — from McLaughlin and his deputy, Mrs. Jean O'Dea. Mark Reeves, who filed a suit against the city to void action by the council in the signing and affixing the city seal on condominium conversion maps, echoed the request.

Dickerson declared he thought "it is highly improper" for Reeves to tell the defendant—the council — what to do.

Reeves said after the meeting he thought he had been harassed during the taking of a deposition from him. Citizens who lingered to discuss the meeting suggested that McLaughlin be represented by an attorney during the taking of the deposition and that since he was a city employe, the cost should be paid by the city.

A tentative agreement was reached that depositions would be taken tomorrow afternoon. McLaughlin and Mrs. O'Dea had been subpoenaed to give depositions next Wednesday. The city clerk objected to that date because it would come during a four-day work week, it would follow a long council agenda which would require considerable work by his office, and would come at the height of election preparations.

McLaughlin last November charged that Dickerson was in error in rulings at a previous council meeting regarding signing of Bel Arbor and Chateau condominium final maps. Dickerson at a subsequent meeting of the council defended its advice.

The council last night also:

—Instructed the staff to prepare an ordinance setting an 11 o'clock deadline for ending council meetings, unless all members but one vote for continuance. Council meetings have been lasting five to six hours.

—Discussed but took no action on a report from Saturday's meeting of the San Mateo County Council of Mayors regarding Association of Bay Area Government 208 Planning Process.

—Set the next meeting of the council for Monday at 7:30 p.m., even though Monday is a holiday for Belmont city employes. The meeting will be in lieu of one announced for Tuesday night.

In Closed Special Meeting

Courier Bulletin 2-16-77

Belmont Councilors Clear DeChaine, Singer

By TERESA GILLES

The Belmont City Council decided by a 4-1 vote that City Manager James DeChaine and Police Chief William Singer did not commit illegal acts by requesting criminal background checks on citizens volunteering for commissions or committees.

The decision was reached in a Feb. 10 closed-door session with Councilor Pam Ketcham casting the no vote.

NO VIOLATION

"Based upon the legal opinions at hand there appears to be no violation of criminal law relative to criminal background checks on the part of the city manager or the chief of police," the motion read, according to Mayor William Hardwick.

A second motion was cast and passed 5-0 in the four-hour meeting that read, "Any previous background checks on the appointed individuals of the city were

routinely done and never based on any suspicion of criminal background," the Mayor said.

SUSPENDED

At present, all such checks have been suspended, Mr. Hardwick added.

Two legal opinions, from City Attorney Kenneth Dickerson and District Attorney Keith Sorenson, submitted to the council Friday, Feb. 4, said such checks were legal as long as information was not released to the public.

Councilor Ketcham had demanded the resignation of Mr. DeChaine after saying such checks were illegal and unethical. She did so in a press release distributed after a special meeting Tuesday, Jan. 25.

Mayor William Hardwick said Tuesday there would probably not be any more meetings on the issue. He said

any further executive sessions would probably relate to the findings of a committee composed of Councilors Jones and Frank Gonsalves concerning staff and council inter-relationships.

According to Mrs. Ketcham, the council has not discussed the question of whether the background checks were ethical, and said the council may hold more executive sessions to discuss the matter.

Mayor Hardwick had decided that since the matters being discussed were of a personnel nature, executive sessions, not public hearings, would be in order.

"I think the police chief and I feel that we are still deserving of a public apology," Mr. DeChaine told the Belmont Courier-Bulletin

"I absolutely do," Mr. Singer concurred when asked if he felt a public apology from Mrs. Ketcham was in order.

NO APOLOGY

Mrs. Ketcham said Tuesday, Feb. 15 that she would not apologise, adding "it certainly is not a dead issue."

Mr. DeChaine and Mr. Singer disagreed with that.

"Obviously, the council came out and completely exonerated the chief and I," Mr. DeChaine stated.

"The charges were irresponsible, without any fact whatsoever to back them up," Chief Singer said. "And I feel that under the circumstances, we should receive a public apology."

I just hope that we can get back to the business of the city and we can be more productive," Mayor Hardwick stated Tuesday.

Both Chief Singer and Mr. DeChaine said they felt the charges had not interfered with their ability to work with the city council.

CITY COUNCIL
SAN MATEO TIMES
FEB. 1977

Full Clearance For Belmont Duo

Dist. Atty. Keith C. Sorenson and Belmont City Atty. Kenneth M. Dickerson, in separate letters to Mayor William Hardwick, have cleared two city employes of wrongdoing, it was learned today.

City Manager James P. DeChaine and Police Chief William Singer had been accused by Councilwoman Pamela S. Ketcham of "illegal and unethical acts" in obtaining criminal record checks on prospective appointees to city boards and commissions.

Both DeChaine and Singer have denied any such illegal acts.

In separate opinions, Sorenson and Dickerson held that for the purposes of obtaining such information, such appointees are considered employes of the city, whether reimbursed or not. Both have said that no laws have been broken.

Sorenson's opinion to Hardwick noted that city staff members had never been told that candidates for boards and commissions are not to be considered employes, and that as a result, no law had been violated.

"I am convinced that the terms 'employee' and 'employment' must include unpaid members of city commissions," Sorenson's opinion held.

In a long legal brief, Dickerson ruled the same way.

"City board and commission members are

employes," Dickerson's opinion held. "No public offense was committed."

Mayor Hardwick had received the reports last Friday and distributed them to other councilmen for their study, but he has declined to reveal their contents.

However, Councilman Robert A. Jones, in releasing the contents of the legal opinions Monday, took a different approach.

"These people (DeChaine and Singer) should be exonerated immediately," Jones said. "The council doesn't have a right to hide this information from the public."

"Under the current circumstances, I have a public responsibility to make this information known," Jones concluded. "I don't feel the city staff should be a whipping boy for council policy decisions."

Mayor Hardwick is expected to call a special executive session this week to discuss the DeChaine-Singer matter. Under state law, such personnel sessions are secret and the public and press are barred unless the employe affected has requested a public hearing.

Neither DeChaine nor Singer has indicated he wants a public hearing.

Mayor Hardwick tentatively set Thursday evening for the executive session, although that was subject to confirmation by the other four council members.

Redwood City Tribune
July 7, 1977



—Staff photo by Tom Bullock

BOB JONES
dramatic move

Jones quits Belmont Council post

By OTTO TALLENT

Robert A. Jones, a Belmont city councilman since 1970, last night verbally submitted his resignation from the post in a dramatic move at a meeting of the City Council at Twin Pines Park Lodge Building.

He said he is resigning because of the pressures of his business.

Jones strode in to the meeting about 2½ hours after it started and announced his resignation to other council members, city staff and about a dozen citizens in the audience.

"I thought I had graduated to the rights of a private citizen with the verbal resignation," Jones said today, but he was told by City Atty. Kenneth M. Dickerson the resignation must be submitted in writing. Jones said he would submit a letter of resignation before Monday night's regular council meeting.

Jones, 40, who was chairman of the San Mateo County Council of Mayors in 1975-76 and was an unsuccessful candidate against Congressman Leo Ryan in 1976, said he is resigning from all public posts, including a SamTrans directorship and from the statewide committee on revenue and taxation.

"This takes me out of the political arena," Jones declared.

Mayor Frank Gonsalves said today he had not talked to other council members about a successor to Jones, but he said "I don't think we will have a public election." He said the council probably would get a "Consensus of thinking" about a successor and make an appointment itself. The council can take either course, make the appointment or call an election.

There had been speculation that Jones would be a candidate next year for San Mateo County supervisor.

Jones gave pressure of a growing business as his reason for resigning. He is president and chairman of the board of Money Market Services, which makes financial forecasts. It has offices in San Francisco and Belmont.

Jones said he had been considering resigning for quite some time, as the "growing business had made it physically very difficult to keep on top of my business and public responsibilities."

"I'm not thinking of anything political," Jones said. "I feel I have left something behind for people and that was my function. I feel good about it. I want a clean severance politically and I want to maintain all my friends."

The outspoken councilman recently had voiced major frustrations, one dealing with land use policies in the General Plan, and another with potential conflicts of interest regarding appointment of public officials.

Friends had told him his recent statements made it appear he was running for re-election (his council post would expire next year), but he said he was trying "to get things moving before I resigned."



Councilman Quits

Jones: 'Right Time to Go'

Belmont City Councilman Bob Jones, who has produced more than one surprise in his seven years on the council, uncorked the biggest one of all last Wednesday night, announcing unexpectedly that he would step down, effective immediately.

Jones made the announcement at a special council meeting regarding development in the long controversial San Juan Canyon Area.

It is expected he will be replaced by council appointment, although the council could call for a special election to fill the vacancy. His term was scheduled to expire with the next council election, in March.

Jones said his resignation stemmed from extreme time limitations brought on by his marketing firm, which has offices in both Belmont and San Francisco.

Following the meeting, Jones said he had been seriously considering retirement for three months, despite a widely held public perception that he was girding himself for re-election bid.

"It had been said of me that I was running again, but I never considered it," Jones commented.

COLORFUL RECORD
Jones' retirement

brought an end to a colorful career, one that included two terms as mayor of Belmont as well as an abortive run for congress against Leo Ryan.

It was a career marked by frequent controversy and a public speaking style that few would have termed subdued.

Jones, saying the council had finally reached a degree of unity how to control development in the San Juan area, said this would be an ideal time to step down, and conceded that he had often had been a source of division on the council.

"I haven't always been a welcome sight," he admitted. "I've been known for kind of kicking rear ends, and I've made some trouble and noise."

SOUND AND FURY
Jones made most of his noise this past year by protesting against uncontrolled construction in currently undeveloped areas.

His efforts to slow growth included an unsuccessful motion for a city-wide building moratorium; several votes to forbid private landowners from building homes on their property; an unsuccessful effort to prevent full or part-time real estate agents from serving on city com-

missions, and a vow to join a now-defunct citizens' petition drive to halt all building in the city.

Jones commented that land use is likely to remain a critical issue in Belmont, arguing that it is critical "to preserve the integrity of Belmont while allowing for some growth."

NO RETURN

Jones noted that he doesn't ever expect to serve on the city council again, but in times of civic trial he doesn't entirely rule out the possibility of taking public stands on

issues that concern him.

"If the city council goes off halfcocked in the future, as it does from time to time, I might let them know how I feel," he said.

Of all the satisfying moments during his career, Jones called the city campaign to acquire Twin Pines Park in 1970 by far the biggest highlight.

"I think we did a classic job in selling something that was needed to Belmont citizens. In the end they approved it by 84 percent."

"That I'll never forget," he said.

11-23-77
Tribune

Dirty linen is hung out in Belmont

By OTTO TALLENT

Belmont's city family "hung out its dirty linen and council members were accused of "playing politics" in two explosive controversies at last night's Belmont City Council meeting which lasted more than five hours.

City Clerk James W. McLaughlin charged that City Atty. Kenneth M. Dickerson was in error in rulings at the previous council meeting regarding signing of Bel Arbor and Chateau condominium final maps. McLaughlin also said that City Manager James P. DeChaine misrepresented the official seal of the city to bring about recording of the condominium subdivision maps with the county recorder.

Mrs. Eve Sterry, a former councilwoman declared it was a serious matter that the seal had been used by someone other than the city clerk and "I think this matter should be looked into."

Councilwoman Pamela Ketcham declared that "I think it is important to follow through." She said it should be "at the state level."

DeChaine denied any violation on his part, declaring that "everything was done with the legal opinion of the city attorney" and action taken was "the expressed desire of the city council."

Councilmen William H. Hardwick and John J. McNerney declared all legal requirements had been checked by the city attorney.

The city attorney had left last night's meeting before the matter cropped up. Vice Mayor Walter Worthge recommended that Dickerson respond not only to McLaughlin's charges but to allegations of others that he erred in his interpretations.

The action which precipitated McLaughlin's charges was the approval at 1:10 a.m. on Nov. 15 of a final map and resolutions that would allow the 200-plus Bel Arbor apartment complex to convert to condominium, as requested by Theodore Blumberg.

McLaughlin was on vacation at that time and he had instructed his deputy not to sign the final maps on the grounds they were incomplete. Acting Mayor Worthge appointed Hardwick as city clerk pro tem, and the two of them signed the documents. McLaughlin contends the law states no one other than himself or his deputy is authorized to sign the documents.

In another volatile episode, Floyd Sampson, president of the Skymont-Plateau Homeowners Association, declared "I'm damned unhappy" about a proposal to eliminate presidents of homeowners associations from appointment to the Citizens Advisory Committee (CAC) and for delays by the council in taking final action. He had been recommended by his association as a representative on the CAC.

After considerable argument, Hardwick moved and McNerney seconded the motion that the council prohibit presidents of homeowners associations from serving on the CAC, but that the policy not be implemented until Oct. 1, 1978. This would have allowed Sampson to serve in both capacities. The motion was voted down, 3 to 2.

A motion that the policy would be that no president of homeowners associations be allowed to serve on the CAC, to take effect immediately, was passed 3 to 2, with Worthge, Ketcham and Gon-salves voting in favor. Sampson had declared that those were the ones who had advocated in their election campaigns opposition to "petty politics." Sampson was an unsuccessful council candidate in that election.

The council by a 4 to 0 vote passed an urgency ordinance establishing criteria to provide permits for sewer connections not to exceed six in any one calendar month in the San Juan sewer moratorium area in the northwestern section of Belmont. The city engineer was authorized to provide backup pumper trucks for emergency service.

Misuse of Official City Seal Charged

Belmont City Clerk James McLaughlin Thursday night angrily charged the city manager with misusing the official city seal and the city attorney with giving the City Council erroneous information at a meeting last week.

He has asked the council to "take appropriate action" regarding the manager's alleged misrepresentation, and to straighten out a mix-up involving a proposed condominium development.

City Attorney Ken Dickerson already had left the meeting by the time McLaughlin issued his complaint. The council is asking him for assurance that it did the right thing at the Nov. 14 meeting in question.

Councilwoman Pam Ketcham — who had voted against following the advice of the city attorney and city manager concerning the development that

night — was most adamant the allegations should be investigated.

"This is extremely important," Mrs. Ketcham said. "It's not the first time the city manager has taken things upon himself and the council has rubber stamped it."

City Manager James DeChaine asked for "specific allegations" and said the councilwoman was "way off base."

The dispute stems from the council's discussion at 1 a.m. Nov. 15 of two proposed projects — the Bel Arbor and Chateau condominiums.

Representatives of both developers were at that meeting urging the council to approve final maps for their projects and speed development ahead.

However, McLaughlin was on vacation at that time and his deputy, Jean O'Dea, was filling in. She told the council the city

clerk had specifically informed her not to sign the maps since not all connected documents and fees were in.

But, on the advice of City Attorney Dickerson, Mayor pro-tem Walter Worthge appointed Councilman William Hardwick as city clerk pro-tem, authorizing him to sign the maps to forward to the county.

The two developers immediately produced their final maps for on-the-spot signing.

Dickerson had said the

entire procedure was within the law and that Mrs. O'Dea was breaking the law by refusing to carry out her duties as deputy city clerk.

McLaughlin called the early morning action "ridiculous and unprecedented." He said the council was fully aware of his instructions to his deputy.

The map for Bel Arbor was returned to the city by the County Clerk's Office on Nov. 16, asking that the city seal be attached and a certificate corrected. The

map was returned and recorded by Friday with a city seal on it, he added.

McLaughlin is claiming that, according to government code, the city clerk is the only city official authorized to use the city seal. The official seal is kept locked in his office and the one apparently used by the city manager is "some type of replica," he claimed.

"It was very obvious that the city attorney was totally mistaken in his interpretation of the law

regarding appointment of a city clerk pro-tem," he said.

"It was very obvious that the city manager had no right to use the city seal and that his use of a seal other than the official city seal deceived the county recorder," McLaughlin added.

The council, with the exception of Mrs. Ketcham, failed to uphold the rights and responsibilities of the clerk, he related.

He asked the manager to turn over all documents in his possession involving Chateau Condominiums which have not been sub-

mitted to the county for processing, as well as the city seal he used.

DeChaine said he believes everything done that evening was proper and within the advice of the city attorney. He pointed out that the seal he used is kept in his office for use when the city clerk is not available.

In the past, he said, the council has specifically directed the clerk to leave his seal in an unlocked cabinet.

The manager said he was simply carrying out the city attorney's advice.

Hardwick said he partici-

pated in the procedure with the attorney's assurance it was legal to do so.

Mrs. Ketcham said the matter should be "followed through" by some authority higher than the city attorney. She called the council's action last week "a sham" — especially since the developers were waiting with the maps in their briefcases.

However, Councilman John McInerney dismissed the dispute as "an in-house fight." He said both the clerk and the councilwoman have been at odds with the manager for some time.

SM James
11-23-77

San Mateo Times
Nov 11, 1977

Merged Property Issue Continues to Bedevil Belmont

An impassioned plea by a 65-year-old Belmont man, who told how he had borrowed money over the years to pay taxes and for bonds on his property as a hedge against his retirement years, highlighted a City Council hearing this week in Belmont.

Mitchell Herzog, 3214 Upper Lock Ave., spoke on the issue — a state-mandated merger of undeveloped properties when they are situated beside another property of the same owner, if the undeveloped property fails to meet zoning standards.

The new law, effective last January, provides for redress through the City Council and for a hearing before that council. Belmont conducted its hearing Wednesday.

"This is property robbery," declared Herzog. He told how he had paid taxes for many years, looking to his retirement.

"Now when I need it most, you take it away," he said. "I had banked on it."

A parade of landholders of affected properties in the San Juan Canyon area and Plateau and Skymont neighborhoods registered objections.

A final half hour of the hearing was given to the other side — leaders of neighborhood improvement associations.

They charged that the landholders were speculators and investors and even said that merging two adjacent properties would not cause much financial loss to the owner.

Frank Borges of San Mateo, a former planning

commissioner in that city who represented two Belmont landowners, outlined the philosophy of the other side.

Borges said most of the lots fall within the normal state category of 50-foot frontage and 5,000 square feet and would never be considered as substandard on the state level.

He said lawmakers were shocked at the fact that Belmont planned to use the law on a 60-foot and 6,000-square-foot minimum. He asserted that he had personally contacted Larry Chimbole, the Southern California assemblyman who authored the law, and had been assured by Chimbole that it was never meant for such situations as Belmont had in mind, but applied to areas with 25-foot lots and such.

He asked that an ordinance be adopted to "take the 173 affected owners off the hook."

Landholders asked why anyone should be penalized for owning a substandard pair of lots together, or a substandard lot next to a standard one, when down the street owners of substandard lots that were not adjacent were not touched.

Several landholders agreed, because of the long meeting and the need for lengthy individual hearings, to submit their protests in writing to the city.

After hearing the neighborhood association leaders, the council closed the hearing but adjourned further council discussion to its first meeting in December.

John Stoddard, president of Cipriani Homeowners Association, led off the attack on the merger relief.

Stoddard said the Belmont zoning laws had been in

effect 10 years and should not be changed. He charged that every person who owned a merged lot is a "real estate investment speculator," and claimed that "lot owners have held their lots and profited handsomely — with the value doubled, tripled and quadrupled."

Stoddard said the merged lot might be a liability in the past but not today, that demand was so great that on the larger lot one could build a house for \$80,000 and sell it for \$185,000."

Jo Ann Berridge, president of Belmont Heights Improvement Association, supported Stoddard, and reminded that if the minimum size ordinance is changed to require 50-foot rather than 60-foot widths, it must be applied citywide. "And we are talking about the future," she said.

Jo Moorhouse, Cipriani vice president, charged that "most of these people are speculators."

John B. Miller, president of McDougal Homeowner Association, said he feared community crowding, and said his association stands "against any reduction of existing standards."

Floyd Sampson, president of the Plateau-Skymont Homeowners Association, said he felt some lots could be made standard by a simple lot-line adjustment, adding, "San Juan Canyon is a time bomb."

Sampson asked the council to take a field trip and see the lots.

Cora Feierbach told the council that the sewage problem is so great that right now the pump at San Juan Canyon is broken down and that trucks are moving

sewage out. She said the stench was awful and that the "state has given us the right to say no."

Rose Ozwirk, longtime Homeview Association member, said people in her neighborhood were paying \$400 and \$500 to clean out sewage pipes and that the problem is due to pressure on the lines in the area.

Vice Mayor Walt Worthge asked for a staff report on dry slope and wet slope situation, and the capacity of the proposed sewage plant.

The Worthge recommendations included correspondence with the author of the law to determine its basic purpose, as well as with the state legislative analyst.

Councilman William Hardwick said taxpayers should deserve consideration if they had put out money for taxes and bonds for years.

"Property owners have rights," he said. "If you take them away from them, you take them away from yourself."

Hardwick also said he was concerned at potential litigation.

Councilman John McInerney said he though the council had to think in terms of an environmental impact report.

Councilman Pam Ketcham thought the county should be notified of the merger notices so that prospective buyers be warned.

Mayor Gonsalves said that which lots will be merged will depend on a close study of particular conditions.

City Attorney Defends

Courier Bulletin 11-30-77

Get

Defending his advice to City Council on Nov. 14, City Attorney Kenneth Dickerson presented a letter to the Council on Nov. 28 claiming that City Clerk James McLaughlin's assertion that his advice was erroneous was without foundation.

At the Nov. 14 meeting Dickerson, in the absence of McLaughlin and Mayor Frank Gonsalves, advised Vice Mayor Walter Worthge that under Section 36804 of the Government Code, "If the City Clerk is absent, the Deputy City Clerk shall act. If there is none, the Mayor shall appoint one of the Councilmen as City Clerk pro tempore."

Dickerson's advice, according to McLaughlin, was erroneous because the Deputy City Clerk Jean O'Dea was present and because the City Manager James DeChaine and members of the Council knew McLaughlin was in town attending to urgent personal business.

The purpose of appointing a City Clerk pro tempore was to facilitate the signing of the Final Maps for the Bel Arbor subdivision and, as it turned out, the Chateau

Condominiums which were signed at 1:10 a.m. Nov. 15 by City Clerk pro tempore William Hardwick.

McLaughlin had instructed O'Dea not to sign the maps as neither the sepia or cloth copies had been filed at the City Clerk's office. Also, no bonds, fees or insurance certificates or agreements for the Bel Arbor subdivision had been signed, as far as McLaughlin and his deputy knew. Only unsigned copies were delivered.

McLaughlin therefore felt that his deputy was complying with the law in accordance with his instructions and that the signing of the maps at 1:10 a.m. on Nov. 15 was ridiculous and unprecedented.

Dickerson felt that, in the absence of the City Clerk and the refusal of O'Dea to sign the final maps, the City in effect did not have a City Clerk that was present or a Deputy City Clerk who would perform the duties of the City Clerk according to law. He therefore felt that Section 36804 of the Government Code was properly invoked.

DeChaine, on instructions from Hardwick, affixed the City Seal with a seal whose existence was unknown until

Advice To Council

then. Under Section 40811 the City Clerk is the custodian of the City Seal which he keeps under lock and key.

Dickerson said, in his letter, that he took no position at this time as to the right of the City Clerk to lock up the City Seal when he is away and has an appointed Deputy City Clerk.

Eve Sterry, ex-councilwoman, said she could not understand the Council being rushed to sign these maps at 1:10 a.m. "Under the Government Code there is a 21 day period from submission of the maps to signing....why the rush with a facsimile seal? I can't understand the reasons."

Worthge asked Dickerson if it was within the Council's prerogative to rescind their action or, "if it a fait accompli regardless and do you believe we acted legally?"

Dickerson replied it was legal and then suggested a hearing under oath, "....if you want a blood-letting."

Gonsalves advised the Council to be more cautious as they were subjecting themselves to unnecessary criticism, "Another six or seven hours could have been

waited for proper handling."

Kirsten Andersen, Homeview Homeowner's Association, commended McLaughlin saying, "It is good to have an elected official we can really trust."

Councilman John McInerney moved that the City Attorney's letter of report be accepted.

City Council approved the resolution confirming DeChaine's appointment of Warren H. Shafer, from the City of Claremont, as the new Assistant City Manager/Finance Director at a salary of \$1943 per month.

Sterry, coordinator of Heritage of the Wooded Hills, presented the Council with a check totalling \$1430 as part repayment of the loan to produce this historical book on Belmont. The \$1430 came from sales of the book and other sources.

Worthge requested that Sterry coordinate the distribution of the book with Gonsalves complimenting her on behalf of the Council.

Jessie

11-25-77

Belmont Advisory Group Bars Homeowner Presidents

In a split decision this week, the Belmont City Council voted to immediately prohibit presidents of local homeowners associations from serving on the community's Citizens Advisory Committee.

~~Councilmen William Hardwick~~ and John McInerney had sought to enact the ban effective Oct. 1, 1978, so that it wouldn't affect any present members or nominees.

As a result, of the council action, a member of the committee, Joann Berridge, and a nominee to the committee, Floyd Samson, will not be able to serve unless they resign their association posts.

Samson, president of the Skymont-Plateau Homeowners Association, had asked the council to reconsider its policy.

Every year, each homeowners association nominates one of its members to serve on the committee which makes recommendations to the City Council on many city issues.

The council looked at the list of nominees recently and approved every one except Samson. Council members announced it was going to be a policy from now on to exclude association presidents from serving.

However, Samson, who also has been a member of the Parks and Recreation Commission, said he believes the policy was specifically aimed at his nomination. Some council members, he said, didn't want him on the committee because his views and philosophies often conflict with theirs.

He objected to Councilwoman Pam Ketcham's interpretation that the policy would not be retroactive and that Mrs. Berridge, also a homeowner association president, wouldn't have to resign.

He called the opposition to his appointment "petty politics."

"If we can't have some disagreement and dispute, it's a pretty sad day," Samson said.

Resident Jean Whatley said anyone can see that the council was simply trying to exclude Samson. The rule should be retroactive if it is going to be fair, she said.

Samson, she stated, should be given the opportunity to resign his association post and be a member of the CAC if he desires.

Another resident, Rose Ozberg, pointed out that not every association has enough active members to participate in all committees and sometimes the persons who are best qualified and have the time must serve on several bodies.

But, several homeowner association representatives supported the council's earlier stand. They said that the two duties — association president and CAC member — are conflicting and one person can't give both jobs equal justice.

Councilman McInerney said he doesn't believe one person can't handle both jobs. A conflict of interest doesn't necessarily exist, he said.

Councilman Walter Worthge said Samson's name on the list of nominees merely brought the potential problem to light. He said an individual must be dedicated to his or her homeowner association first and foremost. It's not possible, he related, for that person to serve on a "non-political, supposedly across-the-board committee" at the same time.

It's unfortunate, Councilman Hardwick said, that the problem came up at the same time a list of nominees was under consideration. That's why, he said, he was proposing a 1978 starting date. The council turned it down.

Worthge noted that he never intended Mrs. Berridge to continue holding both positions. She would have to make a choice, he noted.

Belmont won't halt variances

An attempt to hold "in abeyance" all applications for variances, encroachments and subdivisions in Belmont failed last night by a 3 to 2 vote of the Belmont City Council.

The motion by Councilwoman Pamela Ketcham received the support of Councilwoman Meg Buckley but the three men on the council voted against it.

Mrs. Ketcham's motion came after former mayor and councilman Robert Jones declared the city has not had an overall review of the General Plan since 1972 and proposed the imposition of a moratorium on building until completion of a General Plan study.

Former Councilwoman Eve Sterry supported Jones, declaring, "I hope the council will adopt a moratorium." She said zoning was not consistent with the General Plan in many respects.

John Stoddard, chairman of the review committee, said the group is in the process of taking recommendations to the Planning Commission. A second meeting of the Committee with the commission will be held tonight.

Stoddard said most important part of the study on "whether we can or cannot build" has to do with restraints — sewage, water and street capacities, noise level and water runoff.

The council heard former mayor and councilman Joseph J. Zucca describe the operations of the South County Garbage and Refuse District. He said rates at the Marsh Road Dump probably would have to be raised and predicted that "unless something happens" in the next year or so the district probably will be phased out.

The council decided to take no position on tax initiative Proposition 13 or Proposition 8 on the June 6 ballot.

Mayor Walter Worthge read a memorandum from City Planner Neal J. Martin in which he stated he felt allegations by former Councilwoman Sterry in regards to land-use actions by the council were unfounded. Mrs. Sterry said she felt the memo was "no reply."

The council will meet tomorrow at 7:30 p.m. at the Twin Pines Lodge with the Finance Commission for preliminary review of the 1978-79 budget, problems relative to the city's computer, and Sugarloaf annexation proposal.

Councilman Seeks to Dump Belmont Critic

Belmont Councilman William Hardwick dropped a bombshell motion Monday night when he asked that no person suing the city be permitted to serve on a commission or committee.

His explosive motion specifically asked for the removal of resident Mark Reeves — who has sued the council and several city officials over a condominium conversion process — from the Citizens Advisory and General Plan Review committees.

The unexpected action triggered angry outbursts from stunned members of the audience, who charged Hardwick with trying to take away the basic rights of citizens.

Councilwoman Meg Buckley called Hardwick's move "the biggest witch hunt this city has ever perpetrated," and Councilwoman Pam Ketcham said the action had destroyed what progress the divided council had made toward unity.

"Mr. Hardwick has absolutely split the community," Mrs. Ketcham said, adding that she was "utterly shocked" by the motion.

The remaining two council members, Mayor Walt Worthge and Frank Gonsalves, said little in response to the motion.

"I don't think we're splitting the community by saying what we feel," Worthge said in defense of Hardwick's motion.

The audience shouted back, "Yes you are."

Hardwick, the council's senior member, after a series of additional motions, softened the blow and said he would personally discuss the issue with Reeves.

The council eventually unanimously approved a motion to table the brouhaha.

Hardwick's motion came as Mayor Worthge gave a report on recent joint meetings between the council and its appointed groups.

Reeves' suit — which is slowly winding its way toward trial in San Mateo County Superior Court — alleges that the council broke the law numerous times when it approved the final maps for two condominium conversions in the late hours of a November meeting.

In the absence of the city clerk, Hardwick was appointed acting city clerk by the council so that he could sign the maps.

"I don't feel any person who brings suit against the city should be a member of a city commission or board," Hardwick said. He specifically asked for the removal of Reeves, who was appointed to the CAC only six months ago.

Anyone who attempts to wear both hats causes great expense to the city and shouldn't be a member of the city family, Hardwick said.

"In other words, to be allowed to serve this city, I must give up my right to sue the city. Isn't that what it amounts to?" asked resident Lida Paetzke, a member of the CAC.

John Stoddard of the General Plan Review Committee said the proposed action prejudices whether the suit is good or bad for the city. A citizen, he said, sues the city in good faith that he is doing the right thing for all parties concerned.

"One wonders how many more rules you'll make up as you go along," said Mike Allen, CAC chairman.

Only one speaker, Ferdinand Giuliani, approved of Hardwick's attempt.

"I am appalled at those who are appalled," Giuliani said. "If he is going to sue the city, he should have the decency to get off the board for the city he's suing."

Asked if the motion was even legal, City Attorney Ken Dickerson said, "The council has the right to remove anyone that serves at its pleasure."

Dickerson also is named in the suit and has, in return, filed a \$100,000 libel suit against Reeves.

"I had contemplated something like this might occur," Reeves told the council. He later said, however, the action Monday night caught him totally off guard.

He said he wouldn't fight his removal but he would "work twice as hard to look into some of the funny things that have been going on in the city of Belmont."

"I am not going to disappear from the Belmont scene because you removed me," Reeves said, calling the motion "political."

After more criticism from speakers, Hardwick withdrew his original motion and, instead, moved to remove Reeves from the CAC "for inconsistencies in his application." The second came from Gonsalves.

He said Reeves claimed he was a registered voter in Belmont on Sept. 7 when he actually registered on Oct. 31.

Reeves later said the registration confusion was due to his move back to the city of Belmont after living in San Carlos for three months.

"There has been some very strong manipulation by you three men (on the council) and some others in the community," Mrs. Ketcham charged.

Reeves asked for a full hearing to get the facts out.

"Frankly, I think you do an excellent job," Hardwick told him.

Gonsalves then asked to continue the issue until the next meeting, noting that "there are other points I would like to have cleared."

Mrs. Buckley accused Hardwick of contradicting himself, giving all sorts of reasons Reeves must go.

Finally, Hardwick moved to table the whole issue, promising to talk it over with Reeves.

"Nothing may come of it. Something may come of it. I don't know at this time," Worthge said.

'Oust commissioner' move brings protests in Belmont

By OTTO TALLENT

Veteran Belmont City Councilman William H. Hardwick last night ignited a verbal explosion in the Belmont City Hall by moving to remove Mark Reeves, who has filed suit against the city, from two city committees on which he serves.

Hardwick made a motion that Reeves, a 23-year-old political science major at San Francisco State University, be removed from the Citizens' Advisory Committee and the General Review Plan Committee.

Hardwick said his motion was made because of the suit against the city and asked that the action set precedent policy for all appointive members of boards, commissions and commissions. Councilman Frank Gonsalves seconded his motion.

This precipitated verbal blasts from the two

women members of the council and several persons from the audience.

Hardwick changed his motion to dismissal of Reeves because of inconsistency in his application for the CAC post. Gonsalves again seconded the motion. He said, "Because you're suing the city has no bearing on my part," but there are "other reasons." He did not elaborate.

Hardwick's next motion was to postpone action on Reeves' removal until May 22; it was seconded by Mayor Walter Worthge. After more spirited debate, Hardwick moved to table the matter and said he would "sit down and talk with Mark."

Reeves filed suit against the city over conversion of 230 units at Bel Arbor on Davey Glen Way from apartments to condominiums. He claims the original map had expired, \$45,000 in

storm drainage fees had not been paid, the appointment of a clerk pro tem to sign papers was illegal, and the city seal was misused.

Reeves filed the suit without benefit of an attorney, but now Richard Gardella, former Redwood City city attorney, is representing him in the suit. Robert Blatt, a Redwood City attorney, is handling his defense of a libel suit brought by Belmont City Attorney Kenneth Dickerson.

Hardwick's reference to Reeves' residency came as a result of Reeves moving temporarily from Belmont to Redwood City after the apartment in which Reeves lived was converted to condominium. Reeves lived in Belmont from July of 1976 to March of 1977. He moved back to Belmont in September of 1977, was appointed by the council to the CAC in October of 1977 and to the

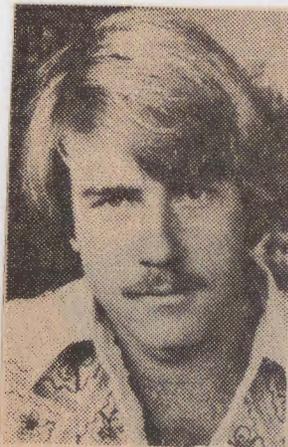
General Plan Review Committee in November of 1977.

Councilwoman Pamela Ketcham declared, "I'm utterly shocked that in this democracy we have this type of mentality," referring to Hardwick's suit-against-the-city policy.

Mrs. Ketcham declared, "Someone is very frightened." She charged that there were "some very strong manipulations among you three men (Hardwick, Gonsalves and Worthge) to get rid of Mark Reeves."

Councilwoman Meg Buckley declared, "I'm so shocked by all these motions. This is the biggest witchhunt the city has ever had."

Mrs. Buckley said Reeves was one of the hard-



MARK REEVES
'funny things going on'



WILLIAM HARDWICK
'I'll talk with Mark'

Reeves fights Belmont ouster

(Continued from Page 1)

est working members of "two hardworking committees."

Mrs. Eve Sterry, former councilwoman, told the council that in her "long years in Belmont I've never heard anything more deplorable" (than Hardwick's proposal). She then resigned as coordinator of the sale of books on the history of Belmont. She also said she was contemplating suing the city over land-use projects that have been approved by the council.

Michael Allen, chairman of the CAC, said, "One wonders how many more rules you (the council) will make up as you go along."

Reeves declared that if he were removed from the two committees, "I am not going to disappear from the Belmont scene because you are removing me."

"I think it is a political decision, and I will work twice as hard looking at funny things going on in Belmont," Reeves said.

Several members of the audience went to the podium to say they were appalled by Hardwick's proposal. Only one from the audience who spoke in favor was former mayor and councilman Ferdinand Giuliani, who said, "I agree with Hardwick and Gonsalves." He said Reeves should have had the decency to get off the committees after suing the city.