

UNMATED TIMES
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SM Jones
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Suit Filed in Belmont Dispute

A Belmont man served five council members and five city officials with legal papers Monday night announcing his lawsuit against them involving the controversial approval of condominium conversion maps at a meeting in November.

Mark Reeves — vice-chairman of the city's Citizens Advisory Committee — distributed copies of his complaint seeking "declaratory relief" just as the council began its regular meeting Monday in the council chambers.

The petition for writ of mandate was filed in San Mateo County Superior Court on Friday.

Reeves — who contends he is acting solely on his own behalf — alleges that the city officials broke the law at 1 a.m. on Nov. 15 when they appointed Councilman William Hardwick as acting city clerk and authorized him to sign two condominium conversion final maps at the request of the two developers.

"What I have found leads to but one inescapable conclusion: the city of Belmont, and in particular the city attorney, have made some grave errors in the procedures and methods that they employed to sign the Chateau and Bel-Arbor final maps," Reeves said.

"These grave errors constitute violations of the law," he related.

City Atty. Kenneth Dickerson said a six-page statement that Reeves gave him late last week concerning 13 alleged violations of law is "loaded with untruths as far as I'm concerned."

He said Reeves has

never contacted him to discuss what occurred at the council meeting in question.

Reeves — a University of Berkeley law student — is representing himself in his suit.

The complicated situation began as a quiet action at a November meeting that stretched into the early morning hours but exploded into a controversy about two weeks later.

The dispute involves pleas by both developers at the meeting asking the council to approve final maps and speed their projects ahead. However, City Clerk James McLaughlin was on vacation and had instructed his deputy, Jean O'Dea, not to sign the maps if they were presented because not all related documents were in order.

However, Dickerson says the reason for the deputy's refusal to sign was not made clear and he therefore accused her of breaking the law that night.

The council then appointed Hardwick as acting city clerk to sign the maps and turn them over to county officials.

Reeves is questioning many aspects of the entire procedure including the use of a city seal that has been out of circulation for years.

In his suit, he is asking that the entire appointment of a clerk and his actions be declared null and void and that the entire process begin again.

Meanwhile, the developers have already begun converting their buildings into condominium units for sale.

"I feel that the issue

needs to be tested in court," Reeves said. He said he is still researching the action and plans to amend his complaint.

Hardwick said this morning that he clearly stated the night he was appointed that he would only do so if assured it was legal and proper. The city attorney, he said, assured the council it was legal.

Dickerson said he presented the council with two alternatives — delaying action until the city clerk returned or proceeding as the developers requested within the provisions of the law. The council, he said, chose the latter.

"I didn't tell them to do it or not to do it," Dickerson said.

Reeves said he filed suit at this point in time because his request for a hearing at Monday's council meeting was denied. He was told by councilman Walt Worthge early last week that he was on the agenda but found out later in the week that the item was removed, he said.

Worthge said it was removed because Reeves presented his written allegations to the city attorney on Wednesday and it was too late for Dickerson to prepare an adequate response for Monday's meeting.

"He could have been on our next agenda," Worthge said. However, the lawsuit will probably prohibit that from happening, he said.

"Our concern is that if there was anything wrong in the action the council did take, certainly we want to rectify those actions," Worthge related.

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Lawsuit Filed Over Final Map Signing

A lawsuit has been filed in the Superior Court of the State of California in and for the County of San Mateo by Mark J. Reeves, 1201 Geraldine Way, Belmont, against the City of Belmont.

Defendants are the Belmont City Council, city attorney, city manager, city engineer, chief building official, city planner and doe one and doe one hundred.

The lawsuit stems from the unprecedented signing of the Chateau Condominiums and Bel Arbor subdivision final maps at 1:10 a.m. on Nov. 15 which, claims Mr. Reeves, constituted grave errors and violations of the laws of the City of Belmont.

There are three causes of action. On Nov. 15, in the presence of the Deputy City Clerk Jean O'Dea who refused to sign the final maps since they were incomplete, City Attorney Kenneth Dickerson advised the City Council to deputize a councilman as city clerk pro tempore. The only instance, according to the lawsuit, where a city council can appoint a city clerk pro tempore is in the absence of the duly qualified and acting city clerk or deputy city clerk under section 36804 of the Government Code of the State of California.

The second cause concerns the actions of the City Attorney Dickerson and City Manager James DeChaine who transmitted the final maps by hand to the county clerk on Nov. 15 for recording without presenting the maps, papers, bonds and fees to the city clerk for examination. As of Jan. 5, 1978 the city clerk has not seen any of these.

Under section 66464 of the California Subdivision Map Act only the city clerk or his lawfully appointed deputy city clerk are empowered to transmit the final maps to the county clerk. Furthermore, section 10.4b of the City of Belmont Subdivision

Ordinance No. 530 which was adopted on March 25, 1974, charges the city clerk with the collection of all the necessary documents, bonds, assessments and fees for transmittal to the county clerk.

The third cause involves the use of the City Seal. In a letter dated Nov. 16, 1977, the county clerk notified the city clerk and the city attorney that one of the final maps was lacking a seal and was improperly worded. He was returning it for reprocessing. According to the lawsuit, the city clerk did not seal the returned map as he never saw it nor had it in his possession. The lawsuit states that it was sealed by the city manager of the City of Belmont with a seal that was previously unknown to the city clerk. This map was returned to the county clerk by the city manager of the City of Belmont.

Section 40811 of the Government Code says that the city clerk is the custodian of the City Seal.

On Dec. 12, 1977, Mr. Reeves requested a public hearing into the matter and this was granted by the City Council. It was placed on the City Council's agenda for Jan. 9, 1978, with the request that Mr. Reeves forward the documented details to the city attorney for study. According to the lawsuit,

the city attorney and the city manager removed the public hearing from the Jan. 9 city council agenda without due cause or reason.

"Sources told me on Jan. 4 that the city attorney was going to take the public hearing off the agenda claiming that he had not received the documented materials from me. Immediately I took him a copy of the press release with its charges," said Mr. Reeves.

"The following day, Jan. 5, I learned that the public hearing had been removed from the agenda with no denial of the charges. This attempt to subvert the issues brought me to the decision to file suit," said Mr. Reeves.

"The only way a public hearing can be removed from the city council's agenda is by a vote of the city council or if the applicant withdraws it," said Mr. Reeves, who feels 100 per cent positive about his suit.

Vice Mayor Walter Worthge commented that the lawsuit is taken under advisement and that it would be inappropriate for any member of the city council to comment. "It has been turned over to the city attorney," said Councilman Worthge.

City attorney Dickerson could not be reached for comment before press time.

More than City Council up for grabs

FEB 28 1978

Belmont votes on city clerk, treasurer, too

FEB 28 1978

By OTTO TALLENT

Belmont residents will vote on two contested offices in addition to City Council at next Tuesday's municipal election.

James W. McLaughlin, 56, who has been city clerk for 12 years, is being challenged by another member of the city family, Mrs. Sadie S. Salih, 61, secretary to the director of public works-city engineer.

Two women are seeking the post of city treasurer being vacated by Mrs. Florence Holland, who has held that position since 1965 and who is retiring. They are Mrs. Lida F. Paetzke, 40, and Mrs. Jean F. Zucca, 52. Each lists her occupation as housewife.

The city clerk position pays \$20,772 a year. The elective part-time post of city treasurer pays \$1,980 a year. Mrs. Holland earns an additional \$12,228 per year as appointive account clerk, bringing the annual total to \$14,208.

McLaughlin and his wife, Muriel, moved to Belmont 26 years ago. Their eight children were born and educated in Belmont. McLaughlin has been active in school, church and civic clubs.

He was secretary of the Planning Commission six years and of the Belmont Fire District three years. He is past president of the Northern California City Clerk's Association.

McLaughlin said "I seek re-election because I like Belmont people and because I have chosen this honorable and important office as my profession to serve them. My record is one



JAMES MCLAUGHLIN
seeks re-election



SADIE SALIH
wants to oust him



LIDA PAETZKE
after vacant post



JEAN ZUCCA
she wants it, too

of dependable, impartial, prompt and responsive service amid changing councils, new challenges and increasing paperwork."

Heserved five years as a director of California State Association of Local Officials and received its Outstanding Service Award last year. He was chairman of Belmont's Golden Anniversary-Bicentennial Celebration, and recently was reappointed to the Federal Legislation Committee of the International Institute of Municipal Clerks.

Mrs. Salih, a native Californian, has been a Belmont resident since 1960. Her daughter attended Belmont schools from kindergarten through College of Notre Dame.

"My experience in business has been varied," Mrs. Salih said, "including secretary in Army Air Base Supply Depot,

Hammer Field, Calif.; Secretary to Dean of Continuing Education, College of Notre Dame; secretary in Planning Commission Office and Building Department, City of Belmont, for three years; secretary to director of Public Works-City Engineer for the past three years."

Mrs. Salih has been involved in school activities, including PTA, Brownies and Girl Scouts leader, taught Sunday school in Belmont Congregational Church, and held several administrative posts.

She was graduated from high school in Madera and enrolled in several city college courses. She also attended two semesters at College of Notre Dame, Division of Continuing Education, and has taken several job-related training courses in the past 20 years.

City Treasurer

candidate Mrs. Paetzke has lived in Belmont eight years, is the wife of Charles W. Paetzke, is employed by Wadsworth Publishing Company in Belmont and is the mother of three children.

"My occupation for the past eight years has been that of wife and mother," Mrs. Paetzke said. "For the past several years my

preoccupations have been City Council watcher, schoolboard watcher, volunteer aide in Cipriani School classrooms, member of the School Advisory Committee for Early Childhood Education and PTA activities."

She formerly was employed by the Aetna Life Insurance Company. Her last position with that company was

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preparing pension trust and profit sharing plans, including work with variable annuities.

"I am a candidate for the office of city treasurer because I know that I can fulfill the duties of the office and I have a deep concern for the welfare of the City of Belmont as evidenced by my consistent attendance at City Council meetings, budget hearings and Planning Commission meetings," she said.

Mrs. Paetzke added that "the city treasurer's duties, as defined, should be independent of both City Council and city staff and, therefore, should be a separation of cash control responsibilities. I do not wish to be, in addition, a member of the staff of the city finance director."

Mrs. Zucca, who was born in Los Gatos, and her husband, Joseph Zucca, former mayor and councilman of Belmont and a teacher at Carlmont High School, have lived in Belmont 26 years. They have one daughter, Jo-sette.

Mrs. Zucca has worked for three firms: Bank of America, Haas and Haynie Company and Spreckels Sugar Company. She spent a total of 14 years with these firms, doing a variety of jobs which included being a loan teller, bookkeeper, accountant, payroll clerk and personnel trainer. She also was treasurer of the Belmont Investment Club.

She has been active in community affairs, serving as president two years of Belle Monti Women's Club; president two years of Crystal Springs Women's Golf Club; member of Belmont Crippled Children's League, PTA

and Twin Pines Park drive.

"In my estimation the job of city treasurer requires a person experienced in banking, bookkeeping and office machines," Mrs. Zucca said. "It also requires a person of good judgment who knows the community and its people. With my background, I feel that I am ideally suited to be treasurer. This together with my desire to serve the community compels me to run for the office."

CITY COUNCIL
REDWOOD CITY TRIBUNE
OCT. 11, 1978

Shouting match over Belmont appointment

By TERRY ROBERTSON

A shouting match erupted at Belmont's City Council meeting last night between Vice Mayor Pamela Ketcham and Mayor Walter Worthge when the vice mayor accused the mayor of carrying on in "a typical Richard Nixonian attitude."

Worthge responded in an attempt to outshout Mrs. Ketcham by ruling her out of order.

The uproar occurred when Mrs. Ketcham suddenly interrupted the approval of the minutes portion of the meeting to protest the controversial council appointment two weeks ago of Joe Green to the planning commission.

The appointment was made despite her request, echoed by Councilwoman Margaret Buckley to hold the appointment over until Mrs. Ketcham returned from vacation.

The shouting match didn't end until Worthge had succeeded in getting a vote from the council to rule Mrs. Ketcham out of order and set aside an agenda item for Oct. 23, the council's next regular meeting, to discuss Green's appointment.

Worthge repeatedly tried to interrupt Mrs.

Ketcham, but was rebuffed by an obviously incensed vice mayor.

At one point, Worthge joined in a shouting match with Mrs. Ketcham in an attempt to rule Ketcham out of order.

"You can call me out of order if you want," Mrs. Ketcham shouted trying to outmatch Worthge and then she continued her tirade.

"I'm embarrassed about what went on (with the appointment process)," she said. "I am saddened that, if I'm going to miss two council meetings, you don't bother to hold items over, although there is a dire need to have extra city council meetings.

"It concerns me that the three of you don't realize that this is a five-member board."

Green was appointed on a 3-0 vote at the council's Sept. 27 meeting, despite the request to hold up the appointment until last night when Mrs. Ketcham could participate. When the request was denied on Sept. 27, Councilwoman Buckley walked out of the meeting in protest.

The majority faction, of a predictably 3-2 split on most major issues, has been accused in the past of virtually ignoring the input of Mrs. Buckley and Mrs. Ketcham, who make up the minority.

Mrs. Ketcham, noting that a number of members of the Citizens Advisory Committee were in the audience wishing to be heard on the subject, repeatedly demanded that the council decide when to put the issue on the agenda.

"I want a decision made now about when this item can be put on the agenda," she de-

manded. "I'm not going to wait until midnight or one o'clock.

"There is no reason to continue. You can't erase what's going on. This is a typical Richard Nixonian attitude and I just want to clear the air."

"I hope we can rise above that," responded Worthge. "We are receptive to the idea of discussing the CAC problems we have, but it's not appropriate to discuss this during the approval of the minutes."

SAN MATEO TIMES
OCT. 24, 1978

Time Running Out for Belmont's Citizens Advisory Committee?

By JANET PARKER

Belmont's beleaguered Citizens Advisory Committee withstood a sharply divided hearing before the City Council Monday night but there was still no assurance that the days of the 13-member group are not numbered.

One faction within the city blasted the CAC and told the council members they were elected to do the kinds of tasks being passed on to the citizens group.

But, CAC supporters said it's a vital instrument for citizen input and that it would be wrong to eliminate the 2-year-old committee. They chided the council members for not adhering to their own rules.

Councilman William Hardwick, however, gingerly suggested that the CAC as it presently is known should be eliminated. Apparently no other council member was ready to take that step as no motion was made.

The hearing was called in the wake of a growing conflict between the CAC and the City Council.

CAC members — angered by the council's recent appointment to the

Planning Commission of someone they had flatly recommended against — have vowed to find out what the council wants from them in the future.

The CAC's primary responsibility is to interview candidates for boards and commissions and make recommendations to the council.

But, on Sept. 27, the three councilmen in attendance bypassed the CAC's recommendation and appointed Joe Green.

CAC members were especially aggravated because Mayor Walt Worthge had solicited Green's application which was submitted to the CAC after a council established deadline.

It's been Worthge's position that the application Green filed for the commission a year ago was still alive and that the CAC should have taken it into consideration.

"I resent the innuendos that I am against citizen participation in Belmont," Worthge said in his defense at the end of the hearing.

He and Councilman Frank Gonsalves objected to the CAC airing its griev-



ances in the newspapers. However, Councilwoman Meg Buckley noted that she and Councilwoman Pam Ketcham tried to get a public hearing to air the issue two weeks ago when the controversy surfaced but the councilmen favored a delay.

Mrs. Buckley said she's concerned about the way the appointments were made at the meeting last month when she and Mrs. Ketcham were absent. The specific appointment of Green, she said, is not the issue.

"I can't think of anything more political than the mayor himself intervening and circumventing the entire process," Mrs. Buckley said. She noted she and Mrs. Ketcham had requested the appointments be delayed in their absence

but their request was ignored.

"I also wonder at the fact appointments were made in blocks of threes and fours," she said. The state's open meeting laws, she said, require public discussions and interviews of all commission and board candidates and it appeared the three councilmen had conferred before the meeting.

Worthge, however, said voting in blocks — with three or four appointments made at a time — is typical.

"What bothers me is when the council who approved the rules chooses in midstream not to abide by those rules," said former CAC member Lida Paetzke. "It leaves me in the position of not knowing

what to expect next from the council."

The CAC, which has a meeting of its own scheduled Wednesday night, asked the council to decide immediately if it wants to continue with or dissolve the citizens group. Members said they don't want to devote another evening to the CAC for nothing.

Former CAC member JoAnn Berridge said the CAC made a "very reasoned, non-political analysis" of Parks and Recreation Commission candidates, too. That recommendation also was ignored, she said.

But, there were as many CAC critics as supporters. One of them, Henry Wiseman, said the CAC is becoming too vocal.

"We the people elected the City Council to conduct our business," Wiseman said. "When the CAC attempts to seize power from our council, the CAC should be relieved of its duties and be dissolved immediately."

"I'm frankly surprised things didn't come to a head before," said Floyd Sampson. He suggested in the future that the council

decide which incumbents will be reappointed and then allow the CAC to make recommendations concerning the remaining vacant slots.

The intent of the CAC was good but it has made a lot of political decisions, Denny Lawhern said.

"Your responsibility is to your electorate — not the CAC. In the last few weeks, I see the tail trying to wag the dog," he said.

A charge by long-time CAC critic Rose Ozwirk that the citizens group broke the law when its entire membership met at a member's home for a "party" two weeks ago went unanswered.

"If this committee isn't dissolved, I will continue pursuing this with the district attorney," Mrs. Ozwirk said.

Councilman Hardwick suggested that an ad-hoc committee of the council set up once a year to interview candidates would be more appropriate than a CAC.

"I personally feel this is one of the most political committees we've ever had in this city," he said.

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figure since the 9.7 reading recorded in June.

from 8.5 to 9.5 percent will bring future job layoffs.

(See Page 2, Column 3)

11-3-78 Times

Belmont Rejects Federal Cash; 'Too Bureaucratic'

Belmont has decided to turn down \$50,000 in federal money next year because of the bureaucratic inefficiencies connected with accepting it.

The City Council Thursday night decided it wasn't worth the trouble to accept a fifth year of funding under the Housing and Community Development Act Program.

City Planner Neal Martin told them the federal guidelines for using the money are so specific he's not sure the city could find a way to use the next allocation.

In fact, Martin said, there hasn't been even one applicant for a housing rehabilitation loan program set up with last year's \$50,000 allocation.

The council decided to pull out of the HCD program for 1979. It also decided to try and find another way to use last year's money, possibly organizing a program to provide home smoke detectors for low and moderate income families.

Mayor Walt Worthge asked that the city write letters to legislators responsible for the HCD program, voicing the council's frustration with strings attached to the funding and with unreasonable deadlines that must be met.

"Let's make them aware of what they're doing," Worthge said.

"The whole thing is ludicrous."

"We need the \$50,000 in Belmont. But the laws are such that we can't use it," he added.

But, Councilwoman Pam Ketcham noted that Belmont is not exactly a city that could be classified low income.

If it can't find a way to use that money and still meet federal guidelines, it's something the council will have to accept' she said. Martin said that for the past four years, Belmont has participated with San Mateo County and about 10 other cities in the block grant program. The funds are specifically marked for housing and community development projects. Over the years, Martin said, Belmont has used the funds for such projects as improving the Lodge Building in Twin Pines Park, downtown sidewalk replacement and beautification, and traffic diverters in the Homeview area. The fourth year, he said, the funds were directed into the housing rehabilitation loan program which is being administered by San Mateo County.

"As of this date, we have no knowledge of applicants from Belmont seeking loans for this purpose," Martin said. He noted that restrictions for using the funds have increased over the years. More than half the total families benefiting

from the project must have moderate (less than \$15,350 a year) or low (less than \$9,600 a year) incomes. "The restrictions imposed severely limit Belmont's ability to utilize the funds," Martin related. The loan project was the only one the city could come up with in the fourth year that would meet the qualifications.

He added that the city has been faced with extremely short deadlines, extensive record keeping and massive evaluation forms "quite costly to the city." The city was notified on Oct. 19 that it needed to submit by Nov. 3 a three-year plan for use of funds. At one point, a change in personnel at the county level forced the city to completely reproduce all its HCD records, he said. The new personnel claimed they had lost all the city's files, he added. And, each year a 50 to 60 page evaluation form is required to be prepared by the city and submitted to the county. Martin said that a major objective of the federal program is to disburse low and moderate income housing throughout the county.

At the present, Belmont has only one project which could be classified as low or moderate income — the 50-unit Bonnie Brae apartment complex for senior citizens.

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November
14, 1978

Belmont Upgrades Park/Recreation Jobs; Councilwoman Chastises City Manager

Three parks and recreation department positions in Belmont were upgraded by the City Council Monday night, one at a cost of about \$755 a month.

At the same time, the council told City Manager James DeChaine that it wants to be formally notified of every vacancy that occurs in City Hall so it can ask for a review of the need for that position if desired.

Councilwoman Meg Buckley, in particular, wanted the council to review every position that becomes vacant. She was angered that DeChaine began recruiting to fill the assistant city manager post immediately after Warren Shafer announced his resignation two weeks ago.

Mrs. Buckley said it was a perfect opportunity for the council to consider if it really can afford to retain the position of assistant city manager.

"I think very bad judgment was used in rushing out for recruitment of an assistant city manager," Mrs. Buckley said. "I just question the

judgment of not even giving the council an option."

However, the majority of the council said it didn't want to be bothered with a formal review of every vacant position throughout the year. Simple notification is enough, it was decided.

The upgraded positions were a result of increased responsibilities since the resignation of Parks and Recreation Director Frank Billante this summer. Billante's position was not filled and other personnel in the department have taken over the director's duties.

DeChaine recommended upgrading the three positions in recognition of the increased responsibilities.

The council upgraded Bob Davis from recreation supervisor to recreation superintendent, Karl Mittelstadt from park supervisor to park superintendent, and Rick Silva from recreation specialist to activities coordinator.

DeChaine explained that the two superintendent positions will not cost the city anything this year, since

the two employees already received 10 percent salary adjustments this fiscal year because of increased duties.

DeChaine said the two reclassifications will provide room for "long-term financial growth" for the two employees in salary step adjustments in future years.

However, the new activities coordinator's salary will increase from \$4.35 an hour to a range of from \$1,082 to \$1,316 a month.

The adjustment will cost the city about \$430 a month in base salary and about \$325 a month in fringe benefits, DeChaine explained.

He said Silva has been working up to 30 hours a week on community center duties and up to 30 hours a week on youth activities.

DeChaine said that since Billante's departure, the need for a full-time activities coordinator has become apparent. Silva, he noted, holds a bachelor of arts degree in recreation administration.

Councilwoman Pam Ketcham was concerned that upgrading three posi-

tions at this time — particularly with the large increase for the activities coordinator — would be demoralizing for other city employees who received no salary increase in the post-Proposition 13 budget. She said she would prefer to wait until January to make a decision, when the council could begin considering next year's budget and evaluating many staffing needs.

After approving the upgradings, Mrs. Buckley noted her dissatisfaction that the council didn't get to consider filling the assistant city manager position until it asked for that chance.

DeChaine said he was "following council policy" in immediately seeking a replacement for Shafer.

"I can name you 10 top positions in this state now being held open," Mrs. Buckley said. "The fact is you didn't give us an option."

Mrs. Ketcham later asked DeChaine to produce that dated "council policy" so the council can reconsider its merit.

SM James Dev 1, 1978

Belmont Lot Tangle Snares A Councilman

Belmont Councilman Frank Gonsalves is caught up in a land use dilemma that recently confronted many other unsuspecting Belmont residents, it was learned this week.

Gonsalves is building a new house on a lot that was merged two years ago with the adjacent lot, on which his present house stands. Consequently, his construction plans result in two homes being situated on one single-family lot, an illegal situation.

The councilman had also made a motion Monday night to establish

The Times Peninsula

criteria for separating many such lots throughout the city. He didn't realize at the time, he said Thursday, that his own lot was one of them.

"It's an embarrassing situation," said Gonsalves, a licensed architect.

He had no idea, he said, that one of his two lots on Lyndhurst Court was substandard — meaning that it meets less than the current minimum requirements for construction.

Where two or more contiguous lots had the same owner and one of the lots was substandard, the lots were merged into a single lot on Jan. 1, 1977 due to state Map Act amendments.

"All along, I assumed I had conforming lots," Gonsalves said. "I assume a similar assumption was made at the building department level."

Gonsalves' own house is on a 14,560-square-foot lot. The adjacent lot is only 8,043 square feet. The minimum standard for lots zoned R-1A like his is 9,600 square feet.

He has been building on the second lot for several months and the house has reached the framing stage, he said.

The two lots, he added, were subdivided in 1966. Gonsalves said he "assumed" they were subdivided into two standard lots.

"Whether I should have known or not is irrelevant," Gonsalves related. If he had known they were merged into one lot two years ago, he would have applied for a resubdivision, he said.

The merger of lots has been a touchy issue in Belmont since the process began.

At that time, many lots were identified in the San Juan Canyon area as "substandard" and many property owners protested the mergers, which essentially decrease the opportunity for development.

As a result, many property owners were able to construct only one house where they had previously expected to construct two or more.

However, the city didn't specifically identify merged lots outside of the San Juan area. The council has learned in recent months that mergers in other neighborhoods have resulted in confusion over ownership.

Some property holders who owned adjacent parcels sold individual lots not realizing that they had been merged with another lot. Other times, homes were actually constructed on the basis of old lot lines, ending up with two or more homes on what is now a single lot.

City Zoning Administrator Richard Shaw said title companies apparently fail to recognize the mergers when they conduct title searches as property sales occur.

Gonsalves was not on the council when the mergers became effective in early 1977. He has, however, been through many council sessions when mergers have been criticized and evaluated.

"We apparently weren't aware they had merged," said Shaw, who signed Gonsalves' building permit on June 12.

Shaw said that if there is any suspicion at the planning level that two or more lots may have been merged, the city manager is notified and a public hearing to get the merger on the record is held.

Shaw noted that many substandard factors in lots are obscure and not easily detected by simply looking at a map.

He said there is no real explanation why a merger goes undiscovered except that "the procedures have been changing as we go through time."

City Planner Neal Martin's staff is currently conducting a citywide study identifying all those merged lots once and for all.

The motion by Councilman Gonsalves Monday night asked the staff to prepare an ordinance for the council to consider on Dec. 11. It would, among other things, break up property in situations where construction has occurred on both or all of the old, original lots.

Councilwoman Pam Ketcham and Mayor Walt Worthge joined in approving the motion. Councilwoman Meg Buckley dissented; while Bill Hardwick was absent.

Gonsalves pointed out that several council members have "felt all along" that lots were merged capriciously in many cases.

"Now, I especially realize this because I am one of those victims who received a building permit and now finds the lot is nonconforming," he said.

Gonsalves said he wasn't aware of the square footage of the lot because he didn't work from the final map but rather from a topographical map.

It was his intent, he said, to sell the house he now lives in and move into the newly constructed house next door.

Meanwhile, City Manager James DecChaine has asked the city clerk to schedule Gonsalves' lot for a public hearing to officially record the merger.