

Writ Sought To Block County Courthouse Priority Initiative

By Ron Miller

Supervisor Robert Burton was served with legal notice late yesterday afternoon that the explosive courthouse-juvenile hall priority issue has gone to the California supreme court.

A petition for a writ of mandate to stop the Burton initiative measure on the courthouse priority was filed this morning at the supreme court office in Los Angeles, according to Alice Earl Wilder of Ben Lomond.

Lowell West, Burton's partner in the initiative campaign, and County Clerk Tom Kelley also were put on notice.

Mrs. Wilder is being represented in the action by Attorneys Loyd Miller and Phil Boyle.

The move was made immediately after yesterday afternoon's board of supervisors session, in which the board once again voted 3-2 to place the Burton proposal on the ballot.

Burton's proposal asks that the courthouse be given a higher building priority than the juvenile hall and that no funds be spent on the hall until the courthouse is completed.

The matter came up again because the board's action in putting the matter on the ballot last week was declared "premature" by County Counsel Bill Card because the county clerk hadn't filed a certificate of sufficiency with the board.

If the writ of mandate is issued before September 27, the measure will be kept off the ballot. The 27th is the deadline for placing a matter on the ballot.

If the writ is issued after the deadline, but still before the November 6 election—County Clerk Kelley would be ordered to ignore the vote and not canvass the results.

If the writ is denied, the measure will be on the ballot.

Kelley yesterday afternoon asked permission of the supervi-

sors to hire an attorney at county expense in the event he was served with a writ. He asked that County Counsel Card be disqualified from representing him since Card has given an opinion that the initiative measure is illegal.

Kelley has found himself in the position of having to comply with a board order to put the issue on the ballot in the face of a possible mandate to keep it off the ballot.

Also, Card has found himself in the position of having to defend the board and Kelley against a possible action that he has already said is justified legally.

The board voted 2-1 to allow Kelley funds for private counsel. Hulda McLean and Vincent Locatelli abstained. Francis Silliman and Burton voted for authorization and Lewis Nelson voted against it.

But Auditor George Kriz informed the board and a perplexed Kelley that it takes a four-fifths vote of the board to take money out of the reserves for such an expenditure.

Board Chairman Silliman informed the board the matter would have to come up again when and if a writ was served on Kelley. Presumably, the item will be handled at next Monday's board meeting.

Silliman, backed by legal opinions from Card and the California attorney general's office, claims the courthouse priority is not a proper subject for an initiative. But yesterday Burton produced an opinion from the California Legislative council stating just the opposite.

Burton told the board and the large audience that the opinion had been solicited for him by the late Assemblyman Glenn Coolidge, who died last week.

Debate raged on the courthouse-juvenile hall issue for more than an hour. Several ministers from throughout the county appeared to speak on behalf of juvenile hall and an equal priority for both projects.

When the vote finally was taken to put the issue on the ballot, Silliman said he was ready to move immediately with an injunctive measure to stop the initiative. The result was Mrs. Wilder's petition to the supreme court.

Heavy Vote Today On Aptos Bonds

The usual heavy turnout in the Aptos school district was reported at noon today in the \$500,000 bond issue election.

A total of 403 persons—12.2 per cent of the registered 3305—had cast ballots by 12 o'clock.

Cabrillo Counts