

# Silliman Blocks It With Ruling

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By Ron Miller

Armed with a legal opinion from the California attorney general's office, Board of Supervisors Chairman Francis Silliman this morning shot down the petition to place the courthouse priority issue on the November ballot.

Silliman told a disgruntled audience in the packed supervisors chambers that the attorney general's office had sustained County Counsel Bill Card's ruling that the initiative measure is illegal.

Though the meeting was still in session at press time, Silliman was adamant in refusing to consider any motion that would place the initiative proposal on the ballot.

Supervisor Burton, who initiated the petition, tried two motions following Silliman's lengthy statement of his reasons for refusing the petitions.

Burton's first motion was to rescind the board's action giving the county courthouse and juvenile hall equal building priority. It lost on a 3-2 vote. Vincent Locatelli sided with Burton.

His second motion was to place the measure on the ballot. Silliman refused to consider the motion on grounds it proposed an illegal act.

Card has ruled that the initiative method is not proper, to place the courthouse on a higher building priority than the juvenile hall.

The question of building priorities is administrative in nature, he has ruled, and only legislative decisions may be reviewed by the public through the initiative process.

Apparently, the attorney general's office concurs that the courthouse and juvenile hall priority matter is administrative rather than legislative. The attorney general opinion was given Silliman verbally Friday during a telephone call to Sacramento. A written opinion should arrive tomorrow, he said.

Burton criticized Card for telling him the matter could be placed on the ballot several weeks ago and then changing his mind and ruling it unlawful.

Card admitted he had advised Burton incorrectly in the first place. He said he was only half finished with his research when Burton asked for the first opinion.

"Three of you supervisors are slipping around us on a legal technicality," said Joe Hobson from the audience. "I think it's a pretty horrible thing to do."

Attorney John Barber, representing Lowell West, told the board it was his opinion Card's ruling could not be sustained in court. He argued the board can't determine whether the measure is legal without placing it on the ballot and then testing it in court.

Burton said he was not willing to "fall into the trap" of taking his case to court. Any court delay would keep the measure off the ballot this November.

Bernice Burns of Brookdale also accused the board of avoiding the wishes of the public on a legal technicality. She suggested the board might be trying to get the courthouse and juvenile hall built with available funds so the public would have to pass a bond issue to finish them.

Supervisor Hulda McLean told the board she is not willing to violate her oath of office by performing an illegal act and doesn't want to be subject to the \$500 fine each board member would be liable for if the measure were placed on the ballot.

Both Burton and Locatelli said they would put up \$500 each if the priority measure was found illegal in court. Their comments didn't get any action from Silliman.

County Clerk Tom Kelley delivered the 276 petitions to the board at the start of the debate. A total of 5663 signatures were included. Only 3200 are necessary for an initiative.

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