

Councilman Accuses Supervisors Of 'Tailweaking' On Jail Subject

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Two county supervisors Tuesday were not exactly accused of resorting to blackmail to get a new jail built, but they were accused of "tailweaking."

Vice Mayor Larry Edler leveled the charge against Supervisors' Chairman Ed Borovatz and Third District Supervisor Gary Patton during a regular Santa Cruz City Council meeting at city hall.

In letters to the council related to provision of requested county aid with solution of behavioral problems on the mall, both supervisors to Edler seemed to be linking that aid to city cooperation in getting a new jail built.

Edler's reaction to the letters was to put them into the wastebasket under the council bench. When Councilman Bert Muhly remonstrated against this summary disposition of the letters, Edler retorted he was

not about to sit there as a councilman and submit to tailweaking.

Supervisors are planning to build the new county jail on Coloma Street but need to have the city abandon this street before the work can be done.

According to Councilwoman Carole DePalma, the process for abandoning a street is a formal procedure and must be followed whether the request is made by the county governing body or some individual citizen.

Muhly got the process de-

tailed by Associate Planner Joe Hall and then asked if this has been presented to the supervisors. Muhly insisted that when one "body politic" addresses another "body politic" a formal answer should be given and that in any case the two bodies should cooperate.

Edler was distressed also over a response from District Attorney Phil Harry to a letter from Mayor Joseph Ghio concerning prosecution of persons charged with lawbreaking on

the Pacific Avenue Garden Mall.

"Judging from Harry's letter," Edler said, "you can get away with breaking the law there unless a lot of money is involved."

Edler's reference was to some statements by Harry on the economic facts of life as they relate to charges of misdemeanors.

Harry pointed out that a person accused of a misdemeanor offense, such as a minor consuming a single can of beer in

public, is entitled to a free lawyer if they can't afford one, and to a jury trial. But the usual penalty for conviction of such an offense is only \$25.

Harry pointed out that 45 citizens have to be taken from their jobs so that a jury of 12 can be chosen to hear the evidence in such a trial, and that such a trial usually ties up a municipal court department for a half day or more. Hence, he said, a decision to prosecute in such a case requires serious consideration of whether such a fine as \$25 for beer drinking or \$125 for possession of less than an ounce of marijuana "really produces effective enforcement when valuable court time is needed for armed robberies, burglaries, drunk driving, hit and run cases and theft cases."

Harry is to get together with city officials to discuss law enforcement problems, however, and the city may review its definitions of infractions and misdemeanors.

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