

## Consolidation Asked:

# Water Job 9/1/45 Verdict

THE grand jury has asked county flood control district supervisors to consolidate the zone one manager's job with that of the district engineer's.

In short, the grand jury, without naming names, asked supervisors to give Zone One Manager Neil Stiver's job to Engineer Robert L. Ryan.

The ticklish recommendation came in a report read at the supervisors meeting yesterday afternoon; it was received in absolute silence. The silence was broken only when Supervisor Robert Leffever moved, and other supervisors followed suit, to have the recommendation taken under advisement.

### TOPIC OF CLOSED SESSION

It was apparently on this topic that supervisors huddled with the office committee of the grand jury for an hour yesterday before noon recess. Supervisors also met with the same committee last Friday. At neither time was any comment on topic of the meetings made public by either group.

Then suddenly yesterday afternoon supervisors heard read the grand jury recommendation.

The grand jury said it had been found after a thorough investigation "that there exists at present a duplication of effort between the zone one flood control manager and the zone one flood control engineer's office and a dissemination of misinformation on the part of the zone one flood control management."

### 'CHANGE IN POLICY'

In view of the present outlook, there does not appear to be a sufficient need for a separate manager of the zone one flood control district, the grand jury's report continued. Grand jurors unanimously recommended that "in the interest of efficiency, the taxpayers of this zone could be served to a much better advantage by a change in policy."

They then recommended that the flood control engineer, who

(See CONSOLIDATION Page 2)

## Consolidation of Water Jobs Asked

(Continued from Page 1)

is manager of zones two, three and four, should also be made manager of zone one. The engineer should be charged with this responsibility by the supervisors and held accountable only to the supervisors, they said.

Henry Borchard, grand jury foreman, signed the report.

No comment came from either of the two men who hold the two jobs. Stiver was present when the recommendation was read but Ryan was absent because he was showing Consultant Frank Bonner Matilija dam. Supervisors later in the afternoon met in executive session with Stiver, but they made no comment upon emerging.

This is not the first time there has been a question over the zone one dual manager-engineer posts. Shortly after Stiver took office he and Ryan went the rounds on who was going to handle what in the dam program. The county's personnel director was asked to set up definite lines for the two jobs, and supervisors then ordered Ryan to have charge of the construction phase of Matilija dam, with Stiver to take over on the water sale program. At that time, too, Ryan was retained as manager of the other flood control district zones.

# Warren Says Four Flood Supervisors Would Like to Settle Suit Over Dam

9/2/48

"Four of the county flood control district supervisors have expressed opinions that they would like to settle the district-Warren company suit."

So Donald R. Warren, former engineer on the zone one dam project stated last night at a dinner meeting at Pierpont inn. More than 20 county residents, representing a cross-section of vocations, were guests of Warren at the dinner in which he defended his handling of Matilija dam construction and design.

### COST \$50,000

Warren estimated it would cost both the district and his company \$50,000 to go to court over the issue of whether he should pay the district more than one million dollars or whether the district should pay him claims of \$179,000.

Warren intimated that the supervisors had been held back both from settling and for asking the state for approval to store water in Matilija dam "by certain persons who may or may not be doing so for personal reasons."

He said three of the supervisors conferred in Sacramento with the state division of dams about storage and were in a frame of mind to ask for storage upon their return. He implied the supervisors had been advised not to do so by their engineer (Robert L. Ryan) and the

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During another week a number of engineers before steps of choice architect a core Warren

Walter J. Fourt, attorney for the Warren company and the party that might conceivably ask for jury trial, indicated today that substitution of Judge Wagner is all right with his clients and that the choice was an eminently fair one. Fourt, without being dispar-

that he knows that the dam is safe.

Among those at the meeting were Assemblyman J. B. Cooke, State Senator J. J. McBride, County Treasurer Harry VanDelinder and County Purchasing Agent Byron Snyder.

# Sacramento Engineer Hired For Matilija Dam Survey

9/1/48

Engineer Frank Bonner of Sacramento was hired by county flood control district supervisors yesterday afternoon to study Matilija dam and report on whether or not he thinks an emergency low level outlet is needed.

In employing Bonner, supervisors are following out the recommendation of their dam consulting board—Dr. Charles P. Berkey, Dr. Thomas L. Bailey and A. W. Simonds. Early this summer the consultants suggested that a low level

let be designed and installed if the design engineer hired agrees that the outlet is needed.

District Engineer Robert L. Ryan told supervisors he did not think it would take Bonner long to do the review job and then announce his conclusions.

Formerly with the federal power commission and now a consultant, Bonner visited here yesterday from Sacramento. Before looking over Matilija dam he told supervisors he would help them if he could so long as he could

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Thursday, Sept. 9, 1948

Matilija Dam Action:

# Wagner Named Judge In Warren Suit

Superior Judge Ernest Wagner of Santa Barbara has been asked to take over duties of hearing the Ventura county flood control district-Donald R. Warren company action over the building of Matilija dam.

It was learned here yesterday that the chief justice of the judicial council had made the switch because the case will be time-consuming. Judge J. T. Warner of Tehuacume county asked to be relieved from the case because he could not spend so much time away from his home county, where he is the lone superior judge.

Choice of Judge Wagner has met with approval of both parties in the case. There is little possibility that the switch in judges will cause either party to ask for a jury trial instead of a trial by judge when the action is heard.

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Donal meeting tempted Matilija Ventura district. He sl and he in its ex financia held at with n Avenue being a tend.

Wagner, familiar with the natural surroundings in Santa Barbara, which are similar to those of Ventura county, would have a good understanding of the issues involved.

# THE TRUTH A

## An Open Letter and Report

WE WERE EMPLOYED BY you on December 26, 1945, as engineers to prepare the plans for and supervise the construction of Matilija Dam, Casitas Dam and the connecting conduit system. Matilija Dam has been completed and has been ready for use for a long, long time.

WE WERE DISCHARGED BY your representatives on February 6, 1948. Since that time we have heard and read many charges and allegations about Matilija Dam. Until now we have remained silent in the face of these charges because we had a dispute with your Board of Supervisors. Up until now only our rights were involved. But now the rainy season is approaching and unless the real truth is brought out in the open for all to see, your rights and welfare will be seriously jeopardized.

UNLESS THE BOARD OF Supervisors takes immediate action to secure the authorization and approval of the California State Bureau of Dams to store water in Matilija Dam, to its full height, another rainy season may pass without the storage of vitally needed water in the Matilija reservoir.

WE WERE ADVISED A long time ago on the very highest authority that the California State Bureau of Dams was ready, willing and able to accept Matilija Dam, certify it and authorize the storage of water to its full

height. On June 22, 1948, we saw Supervisors demanding that it take Matilija Dam by the California State Bureau of Dams. Only the Board of Supervisors has been taken. Only the Board of Supervisors by law to file the necessary papers.

THE BOARD OF SUPERVISORS has taken action to avoid security and attempts to avoid security by the California State Bureau of Dams by false charges. Matilija Dam is not properly built, some other type of construction will prejudice a law suit. The Board of Supervisors alleged excessive costs of the dam.

BECAUSE YOUR WELFARE is at stake we feel that you are likewise entitled to know the truth. In a democracy we would be derelict if we do not tell the truth and the whole truth. You are obligated to report to you, and in subsequent reports to demonstrate the truth. We have remained silent as long as we can remain silent no longer.

Here Is a Picture Taken On November 1, 1946, at the Matilija Dam. The Excavation Was Bared Before Concrete Was Poured . . .



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**BOUT MATILJA**

9-27-48

September 27, 1948

### GRAND JURY IS DEAD RIGHT

THE county grand jury brought into superior court a recommendation to the supervisors that, we believe, represents the informed public opinion of the community. It advises against any out-of-court settlement of the flood control district's suit against the Donald R. Warren company, urges that the controversy be officially and fully aired in the courts.

This course is advisable, the grand jurors unanimously decided, "in order to thereby fix the responsibility for said structure (the Matilija dam) in the event of any later failure of said dam."

The resolution declares "that the best interests of Ventura county require that the facts regarding the Matilija dam be openly and fully exposed by a court trial of the matter regardless of the financial outcome of said suit."

This view seems to us to be perfectly sound. The comedy of blunders that has cost the Zone 1 taxpayers to date nearly \$3,000,000 cannot be brushed off in any behind-the-scenes money compromise. There have been too many conflicting stories told, too many alibis uttered, too much passing of the buck. The people are entitled to hear a systematic presentation of evidence about the blunders and a determination of blame for their commission. This can only be done now by "openly and fully" placing the facts and the conflicting claims and charges before a public tribunal.

Nor could the present hang-over board of supervisors, including four of the members who initiated and carried on the zone project, appropriately make a settlement if one were to be made. Their judgment and their actions also are in question. The public wants and is entitled to obtain a judgment on their handling of an official responsibility as well as a judgment on the engineering of the project.

# Grand Jury Urges

## Company

# Face Suit on Dam

## Court Verdict Sought

THE Ventura county grand jury yesterday took action opposing settlement of the Matilija dam controversy out of court.

In a unanimous recommendation, the grand jury urged that the Ventura county flood control district and the Donald R. Warren company go into court and settle once and for all the multi-sided battle that has grown out of the dam's construction.

### ALL-DAY SESSION

Action of the grand jury came yesterday afternoon after the body had been in session nearly all day at the courthouse. At 4:52 p.m., the 16 grand jurors present filed into Superior Judge Louis C. Drapeau's court and announced they had a resolution to file with the court.

The resolution pertained to the district-Warren company controversy. It said:

"Whereas there has come to our attention the fact that settlement of the suit brought by the Ventura county flood control district against the Donald R. Warren company and others has been suggested and is being seriously considered by some, and

Folkman Henry M. Borchard presented the resolution for the grand jury.

Judge Drapeau ordered that the resolution be spread upon the minutes of superior court, making the resolution a public document.

Warren recently has held several meetings in Ventura at which he purported to give the true picture of Matilija dam, at which he charged the district has no case against him and at which he implied that settlement of the controversy is being held back by "certain persons."

Grand jurors gave no details as to what settlement suggestions had come to them, but presumably the matter arose over Warren's recent meetings.

During their meeting, grand jurors asked S. V. O. Prichard, special legal consultant who is representing the district in its action against Warren, to come before them. They also met with Dr. J. A. DeSerpa and William Sessions, who recently opposed a recommendation made by the grand jury.

The grand jury asked that zone manager and the district engineer jobs be consolidated because of "duplication of effort" and because of "dissemination of misinformation on the part of the zone one management." DeSerpa and Sessions, representing a committee that is attempting to form a water district to buy Matilija dam water, opposed the move, feeling it might have a bad effect on the people of Ojai and saying that the zone manager, Neil Stiver, had been helpful to them.

# Matilija Plans Sought

9/27/42  
COUNTY flood control district supervisors will attempt to iron out one point in their fight with the Donald R. Warren company before the Matilija dam action comes to trial, probably in January.

That was indicated yesterday afternoon at a flood control district meeting. Supervisors gave Legal Consultant S. V. O. Prichard, District Attorney M. Arthur Waite and Engineer Robert L. Ryan permission to negotiate with the Warren company attorneys about obtaining from the Warren company completed, revised drawings showing construction of the dam.

## REPORT BACK

The negotiators are to report back to supervisors the outcome of the conference, whether the district can buy the "as-built" drawings, at what price and so forth.

Prichard told supervisors that the state division of engineers requires the drawings and that the district has not yet obtained them. The Warren company, in its cross-complaint to the district's dam suit, demands payment of approximately \$2,500 for the drawings.

Prichard said the district must have the drawings to send on to the state even if it has to make its own drawings afterwards. He also declared that negotiations on this one point would not in any way effect the district's dam suit, that this matter arose after Warren's resignation and is purely collateral to the main issues.

## MIGHT BE SETTLED

He indicated that this one problem might be settled before the case ever comes to trial. He also told supervisors that the district can not ask for dam storage until the drawings are obtained and presented to the state.

That led Supervisor Robert Leffer to ask if the district would send to the state notice of completion of the dam after the drawings are obtained. Whether we do is a bridge to be crossed a little later in the proceedings, Prichard answered.

Other developments in the dam suit revealed that Superior Judge Lawrence Turentine of San Diego county has accepted the assignment to hear the district-Warren company action. The date of Jan. 10 is being considered as time to start the trial, but no date yet has actually been confirmed.

Preceding start of the trial, Judge Turentine will come to Ventura the morning of Oct. 25 to hear the Warren company's demurrer to the district suit and other motions. The Warren company also indicated yesterday it will move in superior court Oct. 7 to amend its cross-complaint to the district suit.

The amended cross-complaint does not differ materially from the first action; amounts of requested damages remain the same.

# THE TRUTH AB

## An Open Letter And Report To

Wednesday, Sept. 29, 1948

(Report

In our opening letter to you, published in this newspaper on September 25, we told you the truth about the safety of the Matilija Dam.

We will now tell you the truth about some other charges:

### IT IS CHARGED:

The Donald R. Warren Co. estimated Matilija Dam would cost only \$680,000 and had the Board of Supervisors known what Matilija Dam would actually cost it would never have built it.

### THE TRUTH:

The final estimate of the Donald R. Warren Co. before the letting of contracts for the construction of Matilija Dam was at least \$1,000,000. The Supervisors knew this. They paid our fees on that basis.

The original bond issue passed by the voters on October 16, 1945 for the entire project was \$3,400,000. But, on June 18, 1946, the very day the contract was signed with the construction contractors for the construction of the dam, the minutes of the Board of Supervisors read as follows:

"Z1-1. In the Matter of the Ventura County Flood Control District, Zone One. General. This is the time fixed for

the meeting with members of the Zone One Advisory Board, Mr. Donald R. Warren, Special Engineer, and Robert L. Ryan, District Engineer, for consideration of Zone One expenditures in relation to the construction of the Matilija and Hoffman Dams. Members of the Advisory Board present are Mr. Waite Gerry, Mr. Charles Klatt and Mr. Earl Yant. The meeting hears the report of Mr. Warren that because of rapidly rising construction costs the contract for the Matilija Dam as awarded to the Guy

the entire Matilija site and before one drop of concrete was poured, the Donald R. Warren Co. wrote a full report to Robert L. Ryan, the engineer for the Board of Supervisors. The minutes of the Board read as follows:

Z1-4. In the Matter of the Construction of Matilija Dam. A letter is read and presented from Donald R. Warren, addressed to Robert L. Ryan, Engineer of the Ventura County Flood Control District. Said letter states as follows, to-wit:

"The overburden at the base of the right abutment of the Matilija Dam is more than 20 feet deeper than originally estimated. This will increase the excavation quantities to approximately 83,000 cu. yd.

This information is for your authorization to increase the contract items accordingly."

Upon motion of Supervisor Cook seconded by Supervisor Butts and unanimously carried, it is ordered and directed that the additional excavations mentioned, to be known as Extra Work Order No. 1, be and it is hereby approved, and directed to be performed."

(Minutes of Board of Supervisors, October 1, 1946, Volume 1, page 54.)

The Board of Supervisors then requested Donald R. Warren personally to report the situation to its Citizens Advisory Committee and urge such Advisory Committee to recommend to the Board of Supervisors that an additional bond issue of \$2,000,000 be passed. Donald R. Warren submitted an 8 page report to the Citizens Advisory Committee on December 6, 1946, stating in part as follows:

"The estimated completed costs for the projects are as follows:

placed on the Advisory Board recommendation, it requested that the following information be furnished: 'a thorough consideration of all the circumstances;' (Herein six categories of data

'After due consideration and conditions, it is recommended that the Advisory Board be requested for thorough study and recommendation. Please our heartiest cooperation in assisting you in reaching a conclusion in the interest of all concerned

Good cause appears to require a prompt decision and construction of the Matilija Dam by Supervisor Butts carried, it is ordered that Robert L. Ryan, Engineer of the Ventura County Flood Control District, and he is hereby authorized to furnish such information as may be requested by said Advisory Board, available, excepting, in his discretion, no information be released which if made available to the detriment of the Flood Control District

Isn't that a curious situation for a body seeking advice from its Citizens Advisory Committee?

The proposed additional \$2,000,000 was never recommended to the voters!! But the Supervisors knew before it was poured concrete in Matilija Dam that an additional \$2,000,000 would complete the entire project

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# OUT MATILIJA

## The People Of Ventura County

### No. 2)

ory Board in their is respectfully re- wving additional in- ed them to enable tion of all facts and e follows a list of e desired.)

ration of all facts- necessary that the given ample time before making any ease be assured of tion and sincere ef- ur Honorable Body sion to the best in- ed.'

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record for a public and assistance from Committee?

onal Bond Issue for ecommended by the mittee, nor submit- the Board of Super- poured one drop of Dam that an addi- be needed to com- t.

THE BOARD OF

cost at least one million dollars more than the original bond issue of October 16, 1945, and after it excavated the site at Matilija and before it poured concrete, it knew the entire project would cost at least two million more. Let's be frank and honest! The Board knew what the cost would be, and prompted by a proper and well founded desire to supply water to Ventura County proceeded to have the Dam constructed. However, when some criticism was made of the cost of the construction of the Dam, what happened? Did the Board come out frankly in the open and admit to you, the People, that they knew all the time that the cost of the Dam was to be much greater than originally estimated? Or did they, motivated by the principle of political self-preservation, seek to shift the responsibility to us? Is the Board attempting to pull a political Houdini? Are they attempting to throw all the blame on us and yet reap all the credit for the Dam?

You be the judge. Here are the facts:

#### IT IS CHARGED:

That the work of constructing the Matilija Dam was by reason of changes in design rendered different than originally contemplated—that the contractors therefore spent \$200,000.00 in excess of the contract—which claim for extras the lawyers for the district were successful in settling for \$95,000.00

#### THE TRUTH:

The contractor claimed that changes during construction of Matilija Dam rendered the work as performed different from that called for by the contract. In June, 1947, the contractors sued the District in the Superior Court of Ventura County, requesting a declaratory judgment that changes during construction

with provision of Articles 1—31c of the Specifications, we hereby state (formally) the amount of our claim, the sum of \$35,276.20 and forward to you the detailed data from which the above quoted figure is derived."

Our opinion and advice to the Board was that this was not a meritorious claim, that it should not be paid, as the work was covered by the "unit price" contract. After this date, December, 1946, all extra work performed by the construction contractors was performed and paid for under extra work orders specifically approved by the Board of Supervisors in advance.

Bear in mind three things:

(1) On December 21, 1946 the contractors admitted that their claim was only \$35,276.20 (which we said had no merit);

(2) After December 21, 1946, all extra work was performed under extra work orders approved by the Board of Supervisors in advance;

(3) In July of 1947, the Superior Court of Ventura County ruled that there was no change in the work.

WHY THEN DID THE BOARD OF SUPERVISORS ON FEBRUARY 6, 1948 PAY THE CONTRACTOR \$95,000, WHEN THE SAME CONTRACTOR ON DECEMBER 21, 1946 WOULD HAVE SETTLED THEIR CLAIM FOR \$35,276.20? We would like to know too.

You the people of Ventura County have a right to know what became of your \$95,000, or at least the difference of \$59,723.80. This was your money!!!!

Under the construction contract, we, as the engineers, had to pass upon and approve or reject the claims of the contractors for extra compensation. We rejected

Time payments may be arranged if desired.

Special attention given contracts for Apartment Houses, Hotels, Motels, Stores, Theatres and Public Institutions.

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