

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to execute a lease on a year by year basis to George W. Ladd of approximately 1.8 acres of tide and submerged lands at Buckley's Cove, Stockton, to be used for a marine railway and mooring of boats at an annual rental of \$76.54 but to no later date than date of termination of Lease P.R.C. 324.

6. (Pacific Gas and Electric Company - Application for right of way easement for overhead electric wires over Noyo River, Mendocino County - W.O. 383) The Commission was informed that the Pacific Gas and Electric Company has applied for a right of way easement for overhead electric wires over Noyo River, Mendocino County. The area desired is 100 feet in width and approximately 390 feet in length. Rental based on the policy of \$40.00 plus two cents per lineal foot will amount to \$47.80 per annum.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to execute a right of way easement to the Pacific Gas and Electric Company 100 feet in width and approximately 390 feet in length over Noyo River in Mendocino County for the installation and maintenance of an overhead electric transmission line for a period of fifteen years at an annual rental of \$47.80 with the right of renewal for an additional ten years at such rental as may be fixed by the Commission.

7. (Division of Highways - Application for Easement for Carquinez Bridge - Carquinez Strait - Solano and Contra Costa Counties - W.O. 437) The Commission was informed that the Division of Highways, Department of Public Works, has applied for an easement for the Carquinez Bridge over Carquinez Strait in Solano and Contra Costa Counties. This bridge was originally built by a private corporation and operated as a toll bridge. Title to the bridge was transferred to the State and since that time has been under the jurisdiction of the Division of Highways. To get the record straight the Division of Highways has now applied for an easement over Carquinez Strait of that area occupied by the bridge.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to execute an easement permit to the Division of Highways for a right of way across Carquinez Strait in Solano and Contra Costa Counties, this right of way now occupied by Carquinez Bridge, with the consideration that no fee or rental be charged in accordance with Section 101.5 Streets and Highways Code.

8. (Sale of Vacant School Land, Application No. 10434, Los Angeles Land District, Imperial County - Mr. Hugh L. Hubbard - Correction of calendar item No. 16 of meeting of February 25, 1949) The Commission was informed that the price given in calendar item 16 was \$3,565.28, whereas it should have been \$3,065.28. The minute item, however, was prepared correctly.

Upon motion duly made and unanimously carried, a resolution was adopted recommending that the Minute item covering this matter be ratified and confirmed.

9. (Request for Discharge of Accountability, Merritt I. French, 292.69, Personnel) The Commission was informed that on March 1, 1948, the Division of State Lands employ Merritt I. French in the classification Junior Civil Engineer, appointment being made by Form 612 Temporary Authorization Appointment. Mr. French was referred to this Division by the State Personnel Board and brought with him a record of previous employment on a County Civil Service form which indicated that he had been employed from "April 19, 1947 to present" with the Road Maintenance Division of Los Angeles County. He signed the customary Form 612, the information section of which under Item 12 indicated no previous State Service. This document was processed through

the State Personnel Board and returned to the Division without indication of a limitation as to the T.A.U. employment time.

On June 3, 1948, the Division filed a second Form 612 on Mr. French changing his classification from Junior to Assistant Civil Engineer. The agency copy of this document when returned indicated the authorization to be limited to "2 months 28 days, or until August 31, 1948". The Division employed Mr. French until the above-mentioned date, thereupon releasing him and filing a Form 620, Report of Separation. On October 14, 1948, a letter was received from Mr. John F. Fisher, Executive Officer, State Personnel Board, which letter is quoted herewith:

"In processing the recent layoff from your Commission for Merritt I. French, we discovered that he had previously been employed under temporary authorization from January 1 through January 26, Noon, 1948, by the Division of Architecture. This causes an overpayment of 25½ days, since an employee is allowed only six months' temporary authorization employment in any one calendar year. We suggest that you attempt to collect the overpayment from Mr. French since the temporary appointment document, effective March 1, 1948, which he signed, showed that he had no prior State service."

At the time that this communication was received the final salary claim for Mr. French had been paid by the State Controller with the approval of the State Personnel Board, thus reimbursing the Division of State Lands' Revolving Fund for the amount of salary overpayment, August 6 Noon through August 31, in the amount of \$292.69. This amount was paid from the State Lands Act Fund from which it was properly payable, but in violation of Section 24 of the Constitution of the State of California.

The entire matter was referred to the Department of Finance for consideration and resolution. Under date of February 23, 1949, the Division of State Lands was advised by Mr. Fred W. Links, Chief, Division of Budgets and Accounts, Department of Finance, that inasmuch as the Revolving Fund of this Division had been reimbursed for the salary overpayment, a letter should be addressed to the Board of Control requesting permission to be relieved of accountability for collecting the overpayment to Mr. French.

In accordance therewith, this Division established on its records a receivable item from Mr. French in the amount of the \$292.69.

Garnisheements filed against Mr. French's wages during the course of his employment with the Division indicate that he is not a responsible person, and it would appear that the State would have a difficult time collecting from him the amount of the overpayment. In view of these facts, the Attorney General's office has advised that the account be written off by means of a request to the Board of Control for a discharge of accountability.

To summarize, Merritt I. French, through no fault of the Division of State Lands, was illegally employed for 25½ days, and payment was made to him in the amount of \$292.69 from the State Lands Act Fund in violation of Article 24 of the

Constitution. It further appears that this overpayment is not collectible from Mr. French.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to request a discharge of accountability from the State Board of Control in the amount of \$292.69, said amount being the amount of a receivable item established on the records of the Commission as a salary overpayment to Merritt I French, the cause of said overpayment being a violation of Section 24 of the Constitution of the State of California.

10. (Service Agreement - Paving Grounds - Huntington Beach Office - State Lands Commission - W.O. 133) The Commission was informed that, after consideration by the engineering and executive staff of the Division of State Lands, it has been deemed advisable to complete landscaping of the grounds of the Huntington Beach office of the Division of State Lands by paving in areas still unfinished.

The Commission was further informed that, in accordance with this conclusion, specifications were drawn, and bids secured for the work to be performed from four contractors in the Huntington Beach area. Bids were submitted by O. E. Seeber Asphalt Paving, \$975.00; The Griffith Company Contractors, \$925.00; Cox Brothers Construction Company, \$991.00; and the Sully-Miller Contracting Company, \$729.00. As a result of the bids submitted, a contract has been drawn in favor of the Sully-Miller Company, the low bidder.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to award, to the Sully-Miller Company, a contract in the amount of \$729.00 as per their bid of February 22, 1949, for the completion of the paving of the grounds of the Huntington Beach office of the State Lands Commission; said work to be performed in accordance with the specifications and plans furnished them by the State Lands Commission.

11. (Legislation - W.O. 344) The Commission was informed on February 25, 1949, that certain legislation had been introduced at the current session of the Legislature which would affect the State Lands Commission, and were furnished with copies of the bills and abstracts of the contents thereof.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the staff to follow each bill as follows:

ASSEMBLY BILL

ACTION

347

No opposition providing our amendment to description accepted.

1125

Watch-oppose in present form and have amended to require Commission approval of area used.

1431

Watch - no present interest.

1453

Support.

1535

Watch and report.