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Tortoise perishes in Highlands heat lamp fire

By MARY SCHLEY

THE HEAT lamp in a shed where a pet tortoise lived sparked a fire Sunday morning, killing the animal and causing an estimated \$100,000 in damage to a Carmel Highlands home, according to Cal Fire Battalion Chief Dennis King.

The man who was renting the Cypress Way residence, retired Los Angeles police officer Robert Overhault, tried to put out the fire with a garden hose and called 911 shortly after 10:30 a.m. June 24, King said.

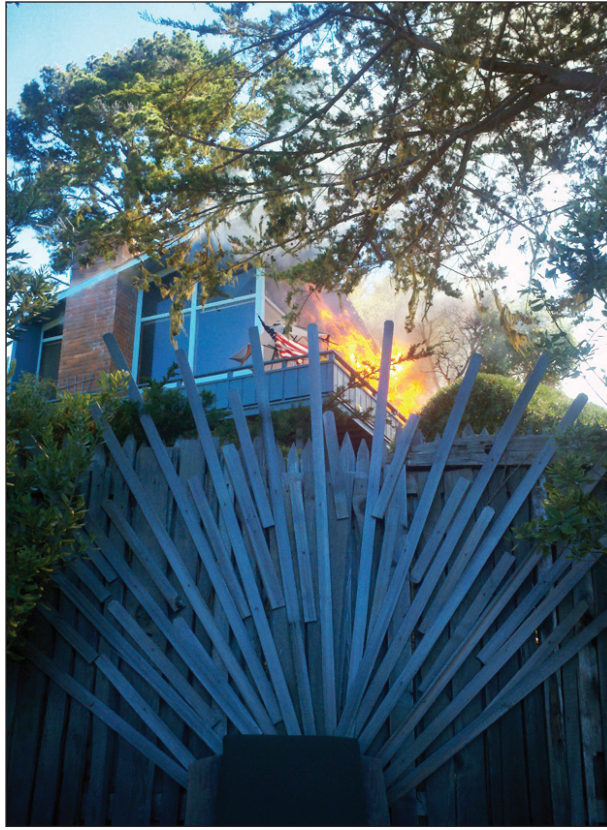
When the first engine from the Carmel Highlands station arrived, firefighters saw “a portion of the deck was on fire, and there was a shed that had been built on the deck that was totally involved, and part of the house as well,” he said.

The flames had burned the plywood siding on the wall, crept up under the eaves and were heating the floor-to-ceiling plate-glass windows along the deck, causing them to break into huge shards that fell near firefighters on the ground 18 feet below. King speculated the house was constructed in the 1950s, before building codes required tempered glass for such large windows.

Most of Carmel Highlands is mountainous, heavily wooded and accessed by narrow, curving roads, all of which present challenges when battling blazes. While avoiding the falling glass, firefighters labored to carry hoses 50 feet onto the property, which contains a larger home and the smaller second unit where the fire was burning, according to King.

A firefighter who arrived on the engine from the neigh-

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PHOTO/CHARLES OSBORNE

Flames consume the deck of a Carmel Highlands home Sunday morning. A pet tortoise was killed by a lamp intended to keep him warm, a fire investigator said.

Water district imposes user fee

■ Concessions made, but opposition groups may still sue

By KELLY NIX

WITH LITTLE fanfare, the Monterey Peninsula Water Management District adopted a controversial user fee Wednesday that most property owners on the Peninsula will be required to pay on their annual property tax bills.

The board voted 6-1, with board chairman Dave Potter dissenting, in favor of adopting the fee, which district officials say will raise \$3.7 million to pay for two projects it contends are necessary to provide the Peninsula with water.

The user fee, which opponents say is a tax that should have been brought before voters, has been a hot button issue. Two widely attended meetings in June drew heated opposition from individuals, the Monterey County Association of Realtors and the Monterey Peninsula Taxpayers' Association.

Hoping to soften the blow to those opposed to fee, the water board approved several modifications to the fee ordinance, including the creation of a citizens' advisory group and an ending date for the fee.

The groups met with the water district last week to discuss the concessions.

“I think one of these issues has been with the past [mistrust] of the district,” water director Jeanne Byrne said Wednesday. The citizens' group “gives the community another opportunity for the public to be part of the district.”

But the changes didn't pacify the realtors' group, which had previously talked about filing suit against the district over the fee.

“MCAR will be meeting with other interested parties, including the Monterey Peninsula Taxpayers' Association, Howard Jarvis Taxpayers' Association and Pacific Legal

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County may soon fire back over Collins' \$25M lawsuit

By KELLY NIX

A MONTH after former water official Steve Collins filed a \$25 million lawsuit against the county saying he'd been slandered and libeled, the county should soon reveal

what could be up its sleeve — including an aggressive legal move against Collins.

On May 17, Collins, who is facing felony charges stemming from the defunct regional desalination project, alleged in a lawsuit that county officials had defamed him. He is seeking compensation for lost wages and millions of dollars in punitive damages.

However, county counsel Charles McKee told The Pine Cone this week that the county is preparing to respond to Collins' suit, which could entail its own civil action against the former county water board director.

“There are a number of options,” McKee said. “We are looking at both being defensive and aggressive at the same time.”

A likely option is for the county to convince a judge that Collins' claim is a Strategic Lawsuit Against Public Participation — lawsuits intended to stifle free speech, which California's anti-SLAPP law regards as nuisances and provides for their quick dismissal.

“We have used that mechanism in cases where the lawsuit is seeking to shut-up a public official,” McKee said.

If the county pursues an anti-SLAPP motion against Collins and prevails, he could be forced to pay the county's legal bills in defending the suit.

In some instances, a defendant of a SLAPP suit can also turn around and sue the plaintiff for maliciously filing the suit.

In 2010, the county used an anti-SLAPP motion against two alleged art heist victims in Pebble Beach who sued the county for defamation after a sheriff's official called them scam artists.

An attorney hired by the county requested a judge throw out the defamation lawsuit as a SLAPP because the sheriff's deputy who made the comment was only exercising his right as a public official to offer an opinion on the case. State law also provides immunity for law enforcement officials, even those who make statements that are malicious and untrue.

The judge ruled in favor of the sheriff's official and the county and threw out the men's lawsuit.

Collins was charged by the Monterey County District Attorney's Office in November 2011 with several felony conflict-of-interest counts related to the failed regional desalination project. Prosecutors contend that while Collins served

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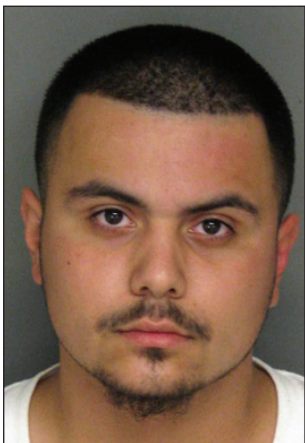
Fresno gang members arrested in brazen heist

By MARY SCHLEY

POLICE JAILED two suspected Norteño gang members early Tuesday after they broke into the Coach store on Ocean Avenue and then led deputies on a short vehicle chase that ended with they crashed in a North County cauliflower field, Carmel P.D. detective Rachelle Lightfoot told The Pine Cone.

Shortly before 1 a.m. June 26, 21-year-old Gabriel Orneles and 23-year-old Martin Juarez, both reportedly members of the Fresno Bulldogs, pulled up in front of the upscale store at Ocean and San Carlos in a rented Ford Escape SUV, broke a display window with a sledgehammer

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Gabriel Orneles



Martin Juarez

MORE OPINIONS SOUGHT ON 9/11 MEMORIAL

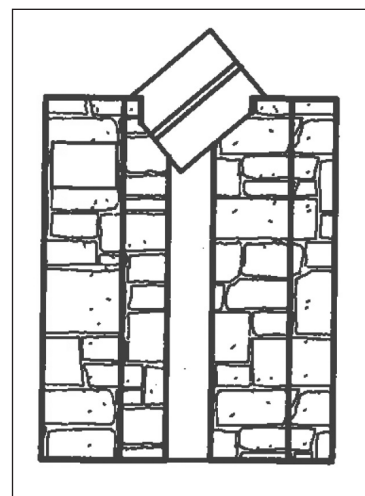
By MARY SCHLEY

JUST A couple of the usual local activists were there to comment on it, and even they disagreed over the proposed design for a 9/11 memorial in Devendorf Park when the planning commission considered it earlier this month. The centerpiece of the memorial will be a 12-by-15-inch, 80-pound piece of steel from the World Trade Center procured by Carmel resident CarrieAnn.

After building designer John Mandurrango and CarrieAnn (her full name) presented a few different designs calling for Carmel stone pillars inspired by the Twin Towers, with the flat piece of steel mounted between them, Carmel Residents Association President Barbara Livingston called it “very, very bad.”

“I was present when the city council met to discuss this. They were very, very clear they wanted something very discreet. Something very non-monumental,” she said. “I think this would look horrible in Devendorf Park.”

She said it would overshadow the other memorials in the



With its twin, 4-foot stone towers supporting a remnant from the World Trade Center, this design for a 9/11 memorial was one of several considered by the planning commission.

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