

Statement by DANIEL BRONSON
Delivered to the Board of Supervisors of Santa Cruz County
Meeting on June 2nd 2009 about 3pm
Regarding Agenda Items 73 and 73.1

Session Time Mark - 1h;11m;11s

My name is Daniel Bronson. I am the newly elected Chairperson for the Building Accessibility and Fire Code Appeals Board. And I have a few comments I'd like to make with regard to these agenda items. You delivered the letter to our [Appeals] Board meeting when I was freshly elected the Chair and delivered it to us. And with regard to your letter I am not certain who wrote it but I am saddened and disturbed by the tone of your letter. I notice it mentions County Code and county policies and county directions with regard to operating procedures but it doesn't mention state laws.

And I also am furthermore extremely disturbed by the Board of Supervisors being willing to even entertain the Item labeled 73.1. It is literally shameful. It is literally an open door to abuse suggesting an open door to [more] abuses. As a member of the public I have to have trust in you as a Board [of Supervisors] that you are in charge in this county but when you are delivered something shameless and abusive as this and you allowed it to appear before you I have to question who's in charge of this county. [Applause from audience]

Now I have come to you respectfully on several occasions and I have a statement I'd like to make. I wish to point out that the jurisdiction of the Building & Fire Code Appeals Board, the Board in question in this Agenda item, comes from state law not from the part of the Building Standards Code that was deleted by the County Ordinances. It comes from [Health & Safety Code] 17920 and 17925. I delivered to you a couple of executive briefs on state laws and a short history of the building standards appeals process.

I came onto this [Appeals] Board with no notion there would be any controversy surrounding it. Then I came to find out even before our appointments were made that the Planning Department and County Counsels Office had been working behind the scenes for a couple of years to limit our effectiveness.

Since January when our appointments were final we have encountered an unending series of abuses and obstruction by the Planning Department that have slowed and prevented our appeals from being heard and other [Appeals] Board business from being accomplished.

After the fires started last year and it looked as if I was going to be appointed to this Appeals Board I began to do a lot of study of the laws, regulations and local ordinances.

I attended a few Board of Supervisor meetings and heard hundreds of people giving testimony about problems within the Planning / Building Department. Many seemed responsible and sensible. I had this in mind when I began to examine state laws and local ordinances.

As I progressed through the Health & Safety Code and California Building Standards Codes and County Code I found what has turned out to be many indications that the County of Santa Cruz is denying appeals to many people where the law provides that they have the right to one.

What was originally to me just trying to be well prepared has turned literally into an education in the practices of the County staff and especially the Planning and County Counsels offices. Members of our

Board have slowly come to the realization that there is a great deal more wrong here than we had any idea of. And this is not [of] our making.

We have been trying to make progress in the face of the Planning Department withholding information, shutting out Appellants, losing records, cancelling meetings, refusing to make room reservations, sending harassing emails, attempting to control our Agenda, and fabricating complaints against our Board and taking them to the Board of Supervisors with the assistance of the County Administrative Officer and the County Counsel.

There are so many conflicts with state law in the county code that if you took them out of those sections the County Code would look like Swiss cheese.

Now I am not going to make any assumptions as to the motivation or intention of anyone as to why this has occurred. I can't read minds. But the only 2 things that can logically be applied are incompetence; or an attempt to mislead the Board of Supervisors in it's actions and duties.

The most obvious ones are the County ordinances that adopt changes to State regulations having the force of law which cannot be changed by the county except in very narrow circumstances.

The most important instance is in this case is the County [Ordinance] deleting sections of the California Building Standards Codes and amending tem where it clearly may not do so. And I refer you to the case of *Briseno versus the City of Santa Ana* where the California Appellate Court clearly makes the argument with regard to these issues and [says] the County may not do so. In fact the County Counsels Office provided information to the Board of Supervisors on a couple of occasions. I believe it was Sept 9, 2008; and on another occasion and [Deputy County Counsel Rahn Garcia] said that, 'we can make changes to the standards with findings on construction standards but we can also make changes to the administrative part of the code without findings'. And that is absolutely erroneous.

The Building Standards carry the force of law. They cannot be changed [by the County] unless they fit within the permissible limits provided in state law for the counties and cities in the state of California.

The Planning Department has been issued a verbal warning by the [State] Housing & Community Development Department not to interfere with the appeals "due process" rights of Appellants. That's only in the last week or so.

You have now been placed in a situation by your staff that pits State Law and the Public Interest against the selfish interests of County Staff. This creates tremendous liabilities for you.

Our Board in studying the state laws, regulations and County Ordinances has determined and voted to support the laws of the State of California that we are sworn to uphold over County Ordinances that are on their face invalid.

The most obvious ones are County Ordinances that adopt changes to state regulations having the force of law. And the most important single instance in this case is the County deleting sections of the California Building Standards Codes or amending them where it clearly may not do so.

You've been placed in a position by your staff that pits State Laws, the Appeals Board and the General Public Interest against the selfish interests of the County staff. They have created tremendous liabilities for you.

You appear to have chosen a position revealed by the letter that Supervisor Coonerty placed on the Agenda today that is a lose-lose proposition for you. As I remarked to you at a Board [of Supervisors] meeting a few weeks ago the staff intends to make you the scapegoat for any decision you make with regard to the Appeals Board. You are going to carry the liability. The staff has said on many occasions, "Hey we didn't make the Ordinances; you did". Yet I don't think you wrote those Ordinances. But you passed them.

The County Staff has trumped up charges and lied to you in a vain attempt to mislead you and the public into removing this group of honest and ethical of volunteers from the duty you yourselves asked them to take up a few months ago. In fact most of the charges that have been directed against us result from the actions of the County Planning Senior Staff and County Counsels Office. The County Administrative Officer has chosen to make this a game of political hardball. Ultimately this is her fault as she directs staff and has created this hostile situation.

Your choice will be whether to support the public interest and this Appeals Board or some idea that the County and yourselves will reduce its' financial and political liabilities by acting against us as Appeals Board members when we are broadly supported by the citizens of this county.

I think the horse is already out of the barn. Trying to close the door on this issue will only harm the County, yourselves, and the public. The staff should have to stand accountable for its abuse of authority, misleading reports and invalid ordinances and malicious self serving behavior that prejudices it's position before you, the Appeals Board and the public.

State laws and regulations provide for the authority and jurisdiction and process by which these local Appeals Board operate. County ordinances may not restrict, change or interfere with these state laws which preempt county authority.

Turning this fair and impartial group of professionals, that you appointed to this Appeals Board into a whipping boy to protect the staff and the Board of Supervisors from liabilities and lawsuits will actually only create more angry citizens and more lawsuits that have a better chance of succeeding. The county staff is out of control and if you the Supervisors do not take actions that you were elected to exercise and use for the Publics' Interest, rather than the staffs' interests, you will find yourselves in court time after time.

The fact that these fabricated charges from the County Counsel and County Administrative Officer were even allowed to be posted to the Agenda says a lot about who is running this county. I have seen failures in executive leadership before but this takes first place. Allowing this counties staff to trash and abuse the citizens and voters of this county much less the qualified, ethical and generous group of volunteers that you yourselves selected tends to put in mind the picture of a runaway train with no one at the throttle leaving mangled people in its' wake.

If you will do what is right and proper and legal in support of the Building Appeals Board you will find that the liabilities and lawsuits will tend to go away.

Session Time Mark - 1h; 22m; 30sec