

May 12, 2009 Board of Supervisors Meeting Protest Speeches

9:00 Open Mic:

Dan Bronson Acting Chair of the Building and Fire Code Board of Appeals
(Taken from BOS website – audio – 0:32:25)

“I am one of the five people that the Board of Supervisors saw fit to appoint to the Building, Accessibility and Fire Code Appeals Board. And I am going to keep this short. Three minutes isn’t enough time to adequately introduce my personal and professional qualifications, however, I will mention to place myself in context of Santa Cruz County: that I was born in Santa Cruz and raised in Santa Cruz on the Westside, near Bay and King Street. And my, later my mother raised six children there, and completed a degree at UCSC, my oldest brother completed the first comprehensive pollution study of the San Lorenzo River watershed and for the Planning Department of the County of Santa Cruz before getting his PhD at Berkeley. I received basic legal training from Judge John Marlow and training and investigations from Assistant District Attorney, Art Danner III and I am a retired Army reserve officer and a local business person. Today I am here to pass on one simple message. In the process of working with other members of our board to get it organized and operating in conformity with State laws and regulations and in the face of completely over and obvious **attempts by the Planning Director and his senior staff to obstruct our purpose** and a result of my efforts to learn the legal basis of and authority provided to our board, the appeals board, I have found that substantial portions of the County Code are in conflict with State law and regulations having the force of law and may be invalid and create a liability for the County of Santa Cruz in a time of financial crisis. And I bring to your attention, particularly and not exclusively Ordinance # 4894, November 2007 and Ordinance # 5024, November, 2008 regarding the main subject which is regarding **the Building Accessibility and Fire Code Appeals Board. Interestingly enough, at several meetings and in an email on last Thursday to the Appeals Board members, the Planning Director appears to lay responsibility and any consequent liability for this on the Board of Supervisors for passing this ordinance, these ordinances and others.** Therefore it seemed important to bring this to your attention. Thank you very much. (0:35:23)

Taken from BOS website – audio Cove Britton – (0:35:30) “Cove Britton, Matson Britton Architects. Um, there is a serious problem with the situation

of processing appeals to the appeals board, building appeals board. This problem is **based on the fact that the Planning Director has placed himself as the gatekeeper.** Essentially the individual who I am appealing is deciding whether I can appeal. This has now occurred four times where my appeals dually paid for and dually directed to the appeals board has not reached them. Four times. I am submitting one today, another one, so we'll have five, but they're not reaching the appeals board. This is despite the fact the appeals board agendaed, called a special meeting for Wednesday night. Staff chose not to reserve the space. My understanding, staff also tore down the public notice because they disagree with the appeals board about what they can hear. I would liken this to, let's say, the city of Santa Cruz when they said we are a nuclear free zone. Of course they had no jurisdiction over it but they still were allowed to agenda it and do so. You could argue, I disagree totally, but you could argue maybe the appeals board doesn't have jurisdiction, it's not staff's place to decide this. I would put to this board, would you accept staff deciding what could be on your agenda and once you even place that agenda, to tear it down; to not give your board space to have a hearing? Due to that, I am going to request that my appeal that was scheduled for Wednesday, be continued to the next regular meeting because I don't want to see this appeals board subject to a violation of the Brown Act for improper notice. **But it is the responsibility of staff to post that notice and to reserve this room. I don't believe this board would have had any intention at any time to give the Planning Director the authority to block lawful appeals.** Thank you. (0:37:47)