

Santa Cruz County Board of Supervisors & County Counsel Betray Citizens' Constitutional, Federal, and State Rights at Public Meeting June.9.09. Citizens' Protests Ignored.

Read this important transcript that exposes the violation of citizens' due process rights under State mandated **California Building Code 108.8**. The County has not exercised CBC 108.8 from 1976-2008. On June 9, 2009, the Supervisors appointed themselves to be Judge and Jury by disbanding a four month old, legally operating, **Building and Fire Code Appeals Board Commission**. In the prior few months they interfered so BAF CAB could not establish themselves with proper procedures and bylaws to proceed properly using State codes. The State Building codes have been developed to protect citizens from local city and county arbitrary, malicious and capricious treatment, knowing that this type of behavior is condoned and colluded by such rogue and corrupt county or city governments. The other localities mentioned below have also gone rogue, violating their citizens' rights. County Counsel sided with rogue unlawful governing bodies instead of Alameda County and City of Santa Cruz that do have building appeals boards subordinate to CBC 108.8.

June 9, 2009 Board of Supervisors Meeting Agenda Item 12

12. Adopt ordinance repealing chapter 2.100 and section 12.12.080; and amending sections 7.92.108.1, 12.10.150; subdivision (b) of section 12.10.215; 12.10.435; 12.12.010; 12.12.020; and 12.12.050 of the Santa Cruz County Code relating to the hearing of building, accessibility, and fire code appeals (approved in concept June 2, 2009 - item 73.1)

(Times Taken from the Board of Supervisors website Audio Feed for June 9, 2009, item 12)

(04:29:15) - Chair Supervisor Neal Coonerty

“So, just to clarify, the incompatibility of these ___(inaudible)__. The Board of Supervisors sits in many different roles, the re-development, local flood control, ___(inaudible)_____incompatibility___(inaudible)_____?”

County Counsel Dana McRae: “The doctrine of incompatible activities does not apply where State law expressly gives you permission to serve and that’s what we have here. And I would also just keep in mind that you have the power to bring any of the BAF CAB decisions up on special consideration so

to argue that you don't have the credentials doesn't, it just doesn't hold water."

Supervisor Neil Coonerty: "And the State law also contemplates the fact that we might serve as that board, so".

Dana McRae: "That is correct and that's why the doctrine of incompatible activities does not apply."

Neil Coonerty: "Okay, just to correct the record; I was clear when I read the letter to the BAFCAB Board that it was from myself as an individual. I did not speak, nor was it signed as the chairman of the board. I was speaking for myself as an individual Supervisor. Supervisor Pirie."

Supervisor Ellen Pirie: "Eric Zinn sent in an email in, that had a couple of issues I want to ask about. One was, it talks about adding the fire code official as an ex-officio member of the Board of Appeals, and I wondered where that came from and the concern is that he would be sitting, although without a vote, on the board, but fire code issues might well be appealed. Decisions that he had made might well be appealed. I don't know who might answer this but."

Dana McRae: "Is the question, if you are asking me where this came from."

Ellen Pirie: "Yes."

Dana McRae: "I don't know but we, there is precedent for having an ex-officio member of different decision making bodies. And I didn't expressly look this one up but if this is what we have to do to make those decisions, it's what we will do."

Ellen Pirie: "What do you mean?"

Dana McRae: "If we have to have an ex-officio member sit to hear fire appeals, that's what we'll do. We've done it, we do it in other."

Ellen Pirie: "So, is there someone who knows why this is added? Somebody from Planning perhaps? Perhaps somebody from the fire department? Well, hang on."

Assistant Counsel Chris Chelenden: “My recollection it’s a carry over from the prior codes that includes the building official as an ex-officio member, as well as the fire code official; that this wasn’t done as part of this ordinance amendment. It was already there.”

Ellen Pirie: “That the fire official, that the chief fire code official was”

Chelenden: “an ex-officio, non-voting member”

Ellen Pirie: “ex-officio member of BAF CAB?”

Chelenden: “Yes, that’s my recollection, yes.”

Ellen Pirie: “Oh, okay. There also asks about, it says, you amending the 2007 California Building Code by deleting section 108.8; and you may only do so by filing proper findings and filing procedures which you have not done. Can you address that?”

Chelenden: “We have looked statewide. There are many, many jurisdictions that have done this **in terms of amending 108.8** to be consistent with the existing appellate process for building codes. Large jurisdictions; **City of Oakland, County of Orange, numerous jurisdictions in Southern California** and the bottom line is that, **the belief is that the appellate process is not a building standard under State law. Therefore, the findings on local climactic, geologic and other conditions aren’t required to be made because they can’t be made because it’s fundamentally not a building standard.”**

Ellen Pirie: “Thank you.”

Coonerty: “Any further questions for discussion? Motion by Supervisor Stone. Second? Second by Supervisor Leopold. Further discussion? All in favor say Aye.”

Supervisors: “Aye.”

Coonerty: “Opposed?”

Silence

Coonerty: "Passes unanimously."