

**SANTA CRUZ COUNTY  
BOARD OF SUPERVISORS INDEX SHEET**

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**Creation Date:** 1/16/04

**Source Code:** BDSUP

**Agenda Date:** 1/27/04

**INVENUM:** 53956

**Resolution(s):**

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**Ordinance(s):**

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**Contract(s):**

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**Continue Date(s):** [1] 2/24/04

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**Index:** --Letter of Supervisor Wormhoudt dated January 12, 2004  
--2003 Annual Report Building Board of Appeals Commission

**Item: 74.2** ACCEPTED AND FILED annual report of the Building Board of Appeals Commission; with an additional direction staff provide a report February 24, 2004, to be placed on the consent agenda, which replies to David Smith's letter, a full report to Mr. Smith regarding his appeal filed in August 2003, and why it did not fall under the chapter relating to interpretations of the code and technical issues; additionally directed staff to report back on who is on the Building Board of Appeals Commission, what their slot is, and who prepared the Building Board of Appeals Commission 2003 Annual Report

**COUNTY OF SANTA CRUZ**  
**STATE OF CALIFORNIA**



AT THE BOARD OF SUPERVISORS MEETING

On the Date of January 27, 2004

REGULAR AGENDA. . . . . Item No. 74.2

Upon the motion of Supervisor Beautz, duly Seconded by Supervisor Pirie, the Board, by unanimous vote, accepted and filed annual report of the Building Board of Appeals Commission; with an additional direction staff provide a report February 24, 2004, to be placed on the consent agenda, which replies to Mr. Smith's letter, including whether or not the appeal filed in August 2003 by Mr. Smith, was under this chapter and a full report to him, who is on the Commission and what their slot is, and who prepared the Building Board of Appeals Commission 2003 Annual Report

cc:

Planning Department

CAO

Building Board of Appeals Commission

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State of California, County of Santa Cruz-ss.

*I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.*

by \_\_\_\_\_, Deputy Clerk ON January 29, 2004



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# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ  
FIRST DISTRICT

ELLENPIRIE  
SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

TONY CAMPOS  
FOURTH DISTRICT

MARK W. STONE  
FIFTH DISTRICT

AGENDA: 1/27/04

January 12, 2004

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: ANNUAL REPORT OF THE BUILDING  
BOARD OF APPEALS COMMISSION

Dear Members of the Board:

Attached is the Annual Report of the Building Board of Appeals Commission. I recommend that the Board accept and file this report.

Sincerely,

MARDI WORMHOUDT, Chair  
Board of Supervisors

MW:ted

cc: Building Board of Appeals Commission

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**BUILDING BOARD OF APPEALS COMMISSION  
2003 ANNUAL REPORT**

**I. ROLE OF COMMISSION**

The board shall exercise the following responsibilities within the jurisdiction of the County; except that, for purposes related to the fire code, the board shall have no responsibilities with respect to the unincorporated area of the county, which lies within the jurisdiction of a fire protection district:

- A. Determine the suitability of alternate building materials and methods and types of construction for use in the county;
- B. Interpret the provisions of the fire code adopted by Chapter 7.92, the provisions of the uniform codes adopted by Chapter 12.10, and the provision of the grading regulations adopted by Chapter 16.20 of the Santa Cruz County Code;
- C. Consider recommendations to the board of supervisors concerning improvements of building, grading and fire regulations for the county;
- D. Hear all appeals filed by persons pursuant to provisions of Chapter 7.92 and 12.12 of this code;
- E. Hear all appeals filed by persons regarding actions taken by the building department of the county in the enforcement of the requirements of Sections 19955 et seq. of the Health and Safety Code related to access to public accommodations by physically handicapped persons;
- F. Render final decisions on all appeals brought before the board;
- G. Exercise any other responsibilities which may be set forth in the board bylaws and rules of investigation, approved by the board of supervisors. (Ord. 3620 Sec. 25, 26, 1985; Ord. 3602 Sec. 25 and 26, 1985; prior code Section 3.51.020; Ord. 2280, 4/20/76; Ord. 2368, 12/7/76; Ord. 2518, 1/10/78).

**II. MEETING DATES**

Special meetings of the board shall be held from time to time as necessary to hear appeals, or upon request of the building inspection chief of the community resources agency, the fire marshal, or of a member of the board.

III. COMMISSION STRUCTURE

A. The board shall consist of five at-large members, who are residents of the county, appointed as follows:

1. Two members shall be persons with disabilities;
2. Two members shall be persons experienced in construction; and
3. One member shall be a public member.

No member of the appeals board shall be a county employee

IV. COMMISSION STAFF

The building inspection division of the community resources agency shall provide staff support for the board for all building appeals, and the fire marshal shall provide staff support for the board for all fire code appeals. The building inspection chief or the fire marshal, as appropriate, shall serve as the administrative secretary to the board and prepare and mail the agendas, take minutes of each meeting, and perform other duties as directed by the board.

V. ATTENDANCE

Three members represent a quorum.

VI. GOALS

See Item I

VII. FUTURE GOALS

See Item I

VIII. RECOMMENDATIONS

Not applicable

IX. 2003 ACTIONS

No hearings were required or held during Calendar Year 2003.

January 27,2004

Agenda 1/27/04

Santa Cruz County Board of Supervisors  
701 Ocean Street  
Santa Cruz, ca. 95060

Dear members of the Board,

I object to the acceptance and filing of the report entitled **BUILDING BOARD OF APPEALS COMMISSION 2003 ANNUAL REPORT** on the following basis:

1. The commission does not now nor ever has had full membership. State mandated membership of two disabled persons has never been complied with.
2. The commission has never met as a body since its inception. One Board member said he was told the body was only for emergencies.
3. The Report is not signed by any member or secretary. No one knows who the State designated secretary is.
4. David R. Smith appealed to the board in August 2003 yet IX. 2003 ACTIONS states : No hearings were required or held during Calendar Year 2003.

I request that you not accept this report as it is not a report from the board only a description of it. I believe this report is fraudulent and that the Planning Department does not want it to function under the California Health and Safety Code.

#### **PUBLIC RECORDS REQUEST**

Pursuant to **the public records act**, I hereby request all written appeals made to the county requesting review by the **Building Board of Appeals Commission** since June 2002. Kindly provide this within 10 days or a written response if more time is needed. Mail to the address listed below.

Sincerely,



David R Smith  
P.O. Box 436  
Mt. Hermon, Ca. 95041  
(831) 335-0581

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