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ITEM 8, B&F 9/9/13

E. Pulst

**STATEMENT of J.H. McQUISTON on
REPORT on 2014 MERGER of DEVELOPMENT DEPARTMENTS**

Honorable Chairman and Members of the Committee:

I believe there is a mismatch developing for 2014, whereby the City may again thumb its nose at California law and Constitution, much to my dismay.

The purpose of Building & Safety is not development, but rather PUBLIC SAFETY. It is part of the City's POLICE FUNCTION.

It may issue Citations to Appear in Criminal Court, for PUBLIC-SAFETY VIOLATIONS.

The constitutional-purpose of Planning and Transportation-planning is Public Welfare and Convenience. **They are not a part of the City's "police force"**. Actually, I have overheard some Planning employees **encourage developers to violate State and City planning laws** which have criminal penalties.

Public Safety enforcers do not have legal power to plan the City. Conversely, Planners do not seem to observe their constitutional *raison d'etre* to govern the USE of real-estate: Public Welfare as set forth in law and not otherwise.

Planning and the City have tried to buck the California Supreme Court's many orders to conform to State law, unsuccessfully every time case-by-case.

Probably a great amount of the waste is caused by City's scofflaw attitude, and a great amount of loss of development in our City is from Planning's unlawful-encouragement of development-law violators.

If developers knew for-certain that developments must comply with State law there would be fewer attempts to "beat the system" by soliciting "special privileges", which attempts are of course unconstitutional per Article I Section 7 of the California Constitution, decided long-ago in Court.

If Building & Safety is to be merged with another Department, the worst place would be to merge it with Planning. The only excuse to do so would be to jeopardize PUBLIC SAFETY.

If Building & Safety should be merged anywhere, it is more-logical to combine it with a "Police" Department. Building & Safety is required to "enforce law". It is a "Police Department".

It must be insulated-from, and it must enforce the Laws-upon, every City Department which engages in any sort of development activity. Its work should not be susceptible to corruption by another City agent.

Respectfully submitted,

J. H. McQuiston

c: Interested parties