

Katherine Douglas *Public Comment - Solomon*

From: Richard Solomon <rcsolomon42@gmail.com>
Sent: Saturday, June 21, 2025 5:33 PM
To: sbcob
Cc: Jana Zimmer
Subject: Public comment item no. 25-00573; Zimmer v. County

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Dear Honorable Supervisors:

I represent Jana Zimmer in the litigation she was compelled to file against the County in January of 2024. I say "compelled" because she was never allowed any appeal of your staff's erroneous actions, in and after 2023, and none of the Board members were willing to meet with her or view the affected property to understand why staff's demands were not only illegal, but physically impossible to fulfill.

She was compelled to file a Tort Claim to preserve her rights and to give you the opportunity to correct your staff's errors. The matter could have been resolved without any payment of damages or fees. One of the purposes of the requirement of a tort claim is to allow the government to consider their position. The tort claim was rejected outright by the Risk Manager, and then by your Board on Nov. 7, 2023.

Ms. Zimmer was then compelled to file litigation because your legal staff refused to consider tolling the statutes of limitations to enable discussion. The matter *still* could have been resolved without payment of damages or fees. Your Board continued to demand that she comply with the conditions we contend were, and are simply illegal.

HCD has now provided an opinion on a key legal issue: whether you can force homeowners to fund or perform offsite improvements in SB 9 applications (which we provided to County Counsel). Therefore, we are convinced that the court will ultimately find that your refusal to process Zimmer's application, and approve it without requiring off-site improvements, were both in error. We are awaiting HCD's analysis of your SB 9 ordinance, of which you failed to give Zimmer notice, despite her obvious interest, and which was adopted when she was in the hospital for quadruple bypass surgery. We contend your ordinance has codified your staff's errors. Staff has claimed their communications about this ordinance are privileged under the Public Records Act.

Now, because of the way this has been handled, there are damages and fees. And they will continue to increase unless the matter is resolved. We will appreciate your careful consideration of our offer of settlement and urge your acceptance. And we request on behalf of other taxpayers and housing providers, that you revise your local ordinance to eliminate its flaws.

Sincerely,

Richard C. Solomon