

**commentletters**

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**From:** Anthonie Voogd <avoogd@roadrunner.com>  
**Sent:** Wednesday, April 13, 2016 3:09 PM  
**To:** commentletters  
**Subject:** "Comment Letter – Urban Water Conservation Workshop."



In January of 2014 Governor Brown proclaimed a drought State of Emergency pursuant to Government Code 8558 (b) by reason of “conditions of disaster or of extreme peril to the safety of persons.” The Proclamation allows him to bypass the Legislature and exercise quasi-dictatorial powers to resolve the problem. He delegated those powers to the State Water Control Board. That Board did a crackerjack job in resolving the emergency. The conditions of disaster and extreme peril to the safety of persons have ended.

I recently received notice that the Board has “extended the Emergency Conservation Regulations on urban water use through October 2016, while making modest adjustments for climate, population growth, and drought resilient water supplies.” Its purported authority for doing so is the Governor’s further proclamation continuing the original state of emergency. In my opinion, Section 8558 (b) allows of such a continuation only where there is a continuation of the conditions of disaster and extreme peril. To construe it differently is to conclude that the Governor can continue his quasi-dictatorial powers indefinitely. Further, where the original Proclamation may have been constitutional, the continuation is probably subject to a different constitutional test.

Moreover, the Board’s “modest adjustments” are in effect tinkering, not the emergency resolving actions contemplated in Section 8558 (b). Tinkering for the Legislature.

If you go forward as contemplated you are depriving me of my civil rights to be governed by legislation. You are fully capable of

making your own determination whether the conditions of disaster and extreme peril presently exist; you need not accept the Governor's position. I commend to you that, at a minimum, you obtain a legal opinion on the subject. You may be subject to severe personal liability for denying civil rights to members of the public. Moreover, whatever legislative protections you might against liability may not be applicable to governance by proclamation.

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