

Politics may play in Danner equation

District Attorney

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SANTA CRUZ — The auditor-controller has filed his report. The district attorney has submitted a strongly worded 28-page response to criticism that he flouted county policies and should personally pay back \$25,000 in county funds.

Now it's up to the county Board of Supervisors to decide what — if anything — it will do.

And while board chairman Gary Patton may be chomping at the bit to take on the man he once said is "at the bottom of the feeding chain" his fellow supervisors sound less than eager for such a spectacle when they discuss the report at 2 p.m. Tuesday.

"I suspect some people would like to see a circus," said Aptos Supervisor Walt Symons. "I would rather see a dignified analysis."

Symons said he prefers to wait until he hears what Danner has to say Tuesday before commenting further.

So did Live Oak Supervisor Jan Beautz, and San Lorenzo/Scotts valley Supervisor Fred Keeley. Patton was out of town Friday, and Watsonville Supervisor Ray Belgard did not return phone calls.

"There's already enough heated comment about this," Keeley said. "Perhaps the time has come for some calm reflection, that hopefully will lead to a reasonable resolution."

The report by Auditor-Controller Gary Knutson examines seven allegedly improper personnel actions taken by Danner's office. The most serious involve sending home a prosecutor for drug use and continuing to pay her for four months, and letting his chief inspector have a county car while he also drew a salary that included a \$320-a-month car allowance.

The supervisors have a wide range of responses they can make.

- They could agree with Danner's reasoning, make a few changes in personnel policies, and the matter would end there.

- They could tell Danner to pay all or part of the money back. If he refused, they could take him to court; they could attempt to recover it from the bond he and other elected officials must post; or they could withhold future salary increases.

- They could admonish him formally.

- They could come up with a compromise that attempts to save face on both sides, or try to reframe the deeper issues to produce a solution all sides can live with.

The decision likely will be colored by far more than the bare facts.

Personalities, policies, and precedent — not to mention politics — all may play a part. So will public



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outcry, or the lack of it.

Expect Patton to lead the charge Tuesday.

Bad blood between Patton and Danner, both attorneys who are veterans in public office, goes back years.

Both recall the time when Danner's office investigated Patton for using a county typewriter to type up materials related to his re-election campaign. Ultimately, Danner asked Patton to reimburse the county for the typewriter ribbon. Ultimately, Patton said he decided Danner was right and repaid the money.

The two are well-matched opponents, and their wrangling over the District Attorney's budget has become as much of a June tradition at the county building as wedding bells and school graduation ceremonies.

With Patton stepping down this month after 20 years, Tuesday will be his last shot at Danner, and he can be expected to make the most of it.

But to take any action against Danner, Patton must get at least two other supervisors to agree with him.

County personnel policies relating to mandatory leaves will go under the microscope, and probably be revised.

But allowing Danner to put the blame exclusively on faulty policies would ignore the auditor's comment that the best system in the world will not work if managers choose to override it.

And if the supervisors accept Danner's claim that as an independently elected official, he has the authority to selectively ignore county policies, it sets a precedent certain to be keenly felt by other elected officials.

"The question for me is, what is the correct action for the board to take to fulfill its legal responsibility to be in charge of the budget, and for the District Attorney to fulfill his legal responsibility as chief prosecutor?" said Keeley. "We need to make sure the separation of roles is clearly defined, so we don't have this kind of problem in the future."

Danner's immediate response Thursday was adversarial. He reduced the auditor's report to a "hyper-technical reading" of county policies.

He was a bit more conciliatory Friday, characterizing the dispute as a "good faith difference of opinion" that can be worked out.

"The basis for resolution is in the auditor's report," Danner said, referring to several recommended changes in county policies and procedures. "... The

way in which this has proceeded I think is all out of proportion."

But he repeated Friday that he does not expect to repay either the \$5,440 for an employee car he authorized, nor the auditor's suggested figure of \$20,000 paid to a prosecutor he put on leave for four months without clearance.

"There's no reason the board has to go after the money," he said.

If Danner won't give an inch, however, he may effectively be upping the stakes far beyond the money involved.

If Danner refuses to repay any of the money, if he refuses to concede any error on his part, if he refuses to assure the supervisors he will never again ignore county policies, supervisors may think they have no choice but to bring an out-of-control public official to heel.

At the same time, Danner is a tough litigator. Besides the public embarrassment of an open fight, there is the cost in public dollars to be weighed.

Unquestionably, politics will be part of the equation.

Danner has called the investigation a "witchhunt" orchestrated by his political enemies.

The race for the Third District supervisor's seat now held by Patton, for example, pitted Annette Hopkins, the wife of Danner's chief lieutenant, against Mardi Wormhoudt, who had Patton's blessing to fill his seat in January.

Some of the barbs against Danner were intended to hurt Hopkins, he said. And he thinks leaks of information from within the county building have come from his political enemies as well.

On the other side, both Danner's former opponent in the June 7 election and the woman he fired six weeks later say Danner purposely delayed firing her so she would not be a campaign issue.

And even though Auditor-Controller Knutson was ready to sit down with Danner by the end of October, Danner did not meet with him until Nov. 23 — the day after the final ballot counting decided the Third District race in Wormhoudt's favor.

Last but far from least is the reaction from the public, voters who gave Danner another term six months ago. A strong outcry could not be ignored by the five people who must decide. Silence also could be persuasive.

So far, the public has been mostly quiet.