

October 7, 2008

PLEASE PUT ON AGENDA IMMEDIATELY

Reverend Oracle
P. O. Box 969,
Aptos, CA 95001

Board of Supervisors
701 Ocean St., 5th Floor
Santa Cruz, CA 95060

Re: Ordinance 1.12.070 – Code Violations – Civil Penalties – Hearing Officers

This letter hereby requests the above Ordinance be placed on the Board of Supervisors Agenda immediately for review. A discussion is required to add wording so that the interpretation of the wording in the ordinance is understood by Code Compliance and adhered to.

1.12.070 section A.

*(1): a civil penalty not to exceed one hundred dollars for each **infraction** (or \$200 and \$500 for same infraction in same year) or*

*(2) a civil penalty not to exceed \$2,500 for each violation that would be a **misdemeanor**.*

The County Planning Department and Code Compliance are issuing as penalties, **Notices of Violations, that are the severest penalty of all** for minor infractions and misdemeanors that have either not taken place or even if they have, this procedure is extreme and is not proper practice as put forth in A. (1) and (2) above. The State mandates even and uniform enforcement throughout the State. This County exceeds the terms of this ordinance in using NOVs and the people request that Code Compliance adhere to \$100-\$1,000 max. penalties as the Health & Safety code section 17995 states the maximum penalty limit is \$1,000. NOVs shouldn't be used.

*D. (2) c.: Hearing Officer Disqualification: **Hearing Officers shall be licensed attorneys of the State Bar of California in good standing.***

Setting aside the discussion that due process has not existed here for some time without the appeals boards, Glenda Hill, the protest hearing officer offered to Notice of Violation recipient citizens, is NOT a licensed attorney with the State Bar of California and has not disqualified herself. She has made unfair judgments on thousands of cases that need to have FREE reviews by the appeals boards. A licensed attorney should be assigned this position and Glenda Hill replaced.

*E. (5): **The financial ability of the person to pay.***

Penalties in this county have been routinely set far beyond the property owners' financial ability to pay and the County goes as far as placing liens on the properties. Recording Notices of Violations slanders the title and reduces property value or income limiting ability to pay. These cases need to be remedied. Again, most are unjustified claims by the county in the first place. The people believe a full and fair audit must be made for all properties given liens by the Planning Department or Assessor office to determine if improper treatment has taken place.

In addition, Code Compliance officers and managers do not meet the job specifications for their positions and are not certified building or health & safety officials. These standards should be met by any employee of Code Compliance.

The Supervisors, County Administrator, Planning Department and County Counsel are overdue in the proper use of the terms of this ordinance and must correct their mistreatment of the public. A complete audit and updating of all ordinances is required, has been needed and the conflicts with higher general laws and precedent court cases removed. The public finds the Board of Supervisors, County Administrator, Planning Department and County Counsel errant in carrying out their accountabilities. Please place this on the Agenda for discussion and remedies promptly as acts official oppression and deliberate indifference must end.

For responsible governance protecting liberty,

Reverend Oracle