

1 William Vannerus  
1611 Branciforte Drive  
2 Santa Cruz, CA 95065  
Voice - (831) 425-1945  
3 Fax - (831) 425-1954

4 Plaintiff in Pro Per  
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6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF SANTA CRUZ  
9

10 WILLIAM VANNERUS, ) No. CV 149654  
11 Plaintiff, )  
12 vs. ) PETITIONS FOR ALTERNATIVE WRITS  
13 ) OF MANDATE C.C.P. § 1085; REMOVAL  
14 ) OF ILLEGALLY RECORDED LIEN & TO  
15 ) STOP ISSUING BUILDING AND BUILDING  
16 ) APPROVALS, and COMPLAINTS FOR  
17 ) DECLARATORY RELIEF C.C.P. § 1060;  
18 ) INJUNCTION TO PREVENT THE ILLEGAL  
19 ) EXPENDITURE OF TAXPAYER FUNDS  
20 ) C.C.P. § 526(a); CIVIL RIGHTS  
21 ) VIOLATIONS C.C. § 52.1; SLANDER  
22 ) OF TITLE, NEGLIGENCE and FRAUD.  
23 )  
24 )  
25 )

Defendants.

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Plaintiff alleges:

1. Plaintiff, WILLIAM VANNERUS, is an owner of the property located at 1611 Branciforte Drive, Santa Cruz, California, upon which the County of Santa Cruz has alleged that building code violations and zoning violations exist.

2. Plaintiff, WILLIAM VANNERUS, is a County taxpayer by virtue of

1 his ownership of property located at 1611 Branciforte Drive,  
2 Santa Cruz, California -A.P.N. 068-151-06.

3 3. Defendant, SANTA CRUZ COUNTY (hereinafter "County"), is a general  
4 law county and political subdivision of the State of California.

5 4. Defendant, SANTA CRUZ COUNTY BOARD OF SUPERVISORS (hereinafter  
6 "Board"), is the Board of Supervisors for the County and has the  
7 responsibility of adopting laws and ordinances for the County that  
8 do not conflict with the general laws of California and have the  
9 responsibility to acknowledge that local laws are invalid when a  
10 state law can be made applicable.

11 5. Defendants: JEFF ALMQUIST, JANET K. BEAUTZ, TONY CAMPOS, ELLEN  
12 PIRIE, MARDI WORMHOUDT, MARK STONE, DAVE LAUGHLIN, and TOM BURNS are  
13 named as individuals, have taken an oath of office to uphold the  
14 Constitution and the laws of California.

15 6. Defendant, Dave Laughlin, is a County Planning Department employee  
16 and County Code Enforcement Division Chief and Tom Burns is the  
17 County Planning Director, both of whom have taken an oath of office  
18 to uphold the Constitution and the laws of California.

19 7. Defendant, County Recorder is a department of the Santa Cruz County  
20 Government which can only record documents on a title that are  
21 allowed by law.

22 8. The true names and capacities of the defendants named as Does 1  
23 through 500, inclusive, are unknown to plaintiff, who therefore sues  
24 said defendants by such fictitious names. Plaintiff will amend this  
25 complaint to show their true names and capacities when they are

1 ascertained. Plaintiff is informed and believes and thereon alleges  
2 that each of the defendants, whether named as individuals, government  
3 officials or government entities are liable to plaintiff for the  
4 injuries alleged herein.

5 9. Plaintiff is informed and believes and thereon alleges that the  
6 Defendants, and all of them, by ignoring the facts that: (a) the  
7 County does not have a valid General Plan; (b) the county does not  
8 enforce violations of regulations on existing buildings in accordance  
9 with the Uniform Housing Code, and (c) the County does not prosecute  
10 local building violations as infractions or misdemeanors, have acted  
11 under color of law in a manner that is beyond their authority and  
12 have acted in a conspiracy with other Defendants to deprive the  
13 Plaintiff and others of their civil rights.

14 10. Plaintiff is informed and believes and thereon alleges that the  
15 alleged violations of the County building code are infractions as  
16 stated in Santa Cruz County Code § 12.10.140, 1.12.140, and 19.01.120.

17 11. Plaintiff is informed and believes and thereon alleges that  
18 pursuant to County Code 19.10.080 the Code Compliance Division of the  
19 County Planning Department requested the County Recorder to record a  
20 Notice of Code Violation on the title of Plaintiff's property on  
21 8/28/02 and it was recorded on 8/30/02. Exhibit "A".

22 12. Plaintiff is informed and believes and thereon alleges that  
23 Notice of Violation is void being in conflict with the requirements  
24 Health and Safety Code § 17980.6 and that the recordation is in  
25 conflict the requirements of Health and Safety Code § 17985(a).

1 13. Plaintiff is informed and believes and thereon alleges that in  
2 California, a local government must adopt a General Plan before it  
3 has authority to regulate land use through zoning ordinances and if a  
4 General Plan does not contain a valid housing element then no general  
5 plan and zoning ordinances exist at all.

6 14. The third revision of the housing element was required to be  
7 updated by Government Code § 65588 (e)(4) before December 31, 2002.  
8 This requirement has not been and can longer be achieved.

9 15. The Santa Cruz County Grand Jury Final Report 2001-2002  
10 (Findings page 3-16 to page 3-17) states that a housing element is an  
11 integral part of the General Plan and the state law requires that the  
12 housing plan be certified by the state and that the Santa Cruz County  
13 Board of Supervisors with full knowledge and understanding are, and  
14 for a number of years, have been out of compliance with the  
15 California Housing laws.

16 16. Plaintiff is informed and believes and thereon alleges that the  
17 current Draft Housing Element being circulated by the County, upon  
18 which a public hearing on October 21, 2003 was held, plans for the  
19 future construction of 2,261 new housing units while AMBAG has  
20 allotted 3,441 for the unincorporated County of Santa Cruz required  
21 regions "fair share" of housing needs for the planning period 2000-  
22 2007. This Draft Housing element was sent to the Department of  
23 Housing and Community Development for review on or about March 28,  
24 2004 and the Department denied certification on June 4, 2004.

25 17. Plaintiff is informed and believes and thereon alleges that the

1 obvious conclusion to these facts, stated in paragraph 12-15, are  
2 that Santa Cruz County's Planning Department does not have the  
3 authority to issue planning, zoning, use permits or other types of  
4 land use or zoning approval and the Board of Supervisors does not  
5 have the authority to adopt zoning ordinances.

6 18. Plaintiff is informed and believes and thereon alleges that the  
7 County code enforcement department is without jurisdiction to enforce  
8 zoning regulations while the housing element was absent from the  
9 General Plan.

10 19. The County of Santa Cruz is required to adopt the Uniform  
11 Housing Code pursuant to Health and Safety Code § 17922(a)(1). Health  
12 and Safety Code § 17958 provides that if the local jurisdiction fails  
13 to adopt the codes adopted by the California Building Standard  
14 Commission within 180 days after the commission's adoption then the  
15 uniform codes are adopted by the local jurisdiction by law.  
16 Resolution No. 202-99 did not adopt the Uniform Housing Code as  
17 required. Thus the 1997 Uniform Housing Code is the local housing  
18 code, as a matter of law being adopted as of June 30, 1999.

19 20. Plaintiff is informed and believes and thereon alleges that the  
20 County of Santa Cruz has adopted an abatement program governing the  
21 maintenance and use of existing building that differs with and is in  
22 conflict with the required and preemptive controlling state law - the  
23 1997 Uniform Housing Code, Health and Safety Code § 17920.3,  
24 § 17922(e), § 17922(g), § 17980.6, § 17986.

25 21. Plaintiff is informed and believes and thereon alleges that the

1 County has adopted and is enforcing housing occupancy regulations  
2 that differ from the mandatory state requirements found in the  
3 Uniform Housing Code, including but not limited to, Commencement of  
4 Proceedings, Recordation of Notice and Order, notice of right to  
5 appeal, Appeal from Notice and Order and Staying the Notice and Order  
6 during appeal.

7 22. Plaintiff is informed and believes and thereon alleges that the  
8 the Santa Cruz Code Enforcement Program is attempting to enforce void  
9 zoning ordinances and are attempting to enforce local regulations  
10 governing the maintenance of existing buildings not as misdemeanors  
11 nor substandard buildings but as civil penalties under a local  
12 ordinance and that these local methods of enforcement are prohibited  
13 by Health and Safety Code § 17922 (g).

14 23. Plaintiff is informed and believes and thereon alleges that the  
15 County is attempting to enforce penalties which conflict with state  
16 laws Penal Code § 19, § 684, § 853.6, and § 1462.2 and the County is  
17 attempting to enforce invalid locals where state statutes can be made  
18 applicable pursuant to California Constitution Article IV § 16 (b).

19  
20  
21 ///

22 FIRST CAUSE OF ACTION

23 ALTERNATIVE WRIT OF MANDATE

24 REMOVAL OF RECORDATION

25 24. Plaintiff hereby incorporates the allegations contained in

1 paragraphs 1 through 23 of this complaint as though fully set forth  
2 again here.

3 25. Plaintiff is informed and believes and thereon alleges that  
4 Government Code § 27201 allows the County Recorder to record only  
5 those records that are "authorized" and permitted by law to be  
6 recorded and prohibits all other recordations.

7 26. Plaintiff is informed and believes and thereon alleges that  
8 a "Notice and Order" which conforms to the requirements of the  
9 Uniform Housing Code and/or Health and Safety Code § 17980.6 has  
10 **never** been issued for the property described in paragraph 1.

11 27. Plaintiff is informed and believes and thereon alleges that  
12 the Uniform Housing Code provides in Section 1102 for the recordation  
13 of a certificate describing the property, that the building is  
14 substandard and that the owner has been notified of the substandard  
15 condition and that no other recordations of building code violations  
16 are allowed on existing buildings by law except the recordation of  
17 pending actions allowed by Health and Safety Code § 17985(a) after a  
18 notice or order meeting the requirements of Health and Safety Code §  
19 17980.6 has been issued.

20 28. Plaintiff is informed and believes and thereon alleges that  
21 Health and Safety Code § 17985(a) allows recordation of notices of  
22 pending actions - pursuant to this state statute - only or in  
23 accordance with section 1102 of the Uniform Housing Code.

24 29. Plaintiff is informed and believes and thereon alleges that  
25

1 the statute of limitation on this First Cause of Action is 3 years  
2 from the initial enforcement of preempted local ordinance as to this  
3 property.

4 30. Plaintiff has no plain, speedy or adequate remedy in the  
5 ordinary course of law to compel the County to obey the mandatory  
6 state laws governing the adoption of the Uniform Housing Code nor  
7 compliance with its mandatory and preemptive sections.

8  
9 Wherefore, Plaintiff prays for an order from this Court  
10 commanding that the recordation of building and zoning violations on  
11 the title of this property be expunged.

12  
13 SECOND CAUSE OF ACTION

14 ALTERNATIVE WRIT OF MANDATE

15 GENERAL PLAN IS VOID

16  
17 31. Plaintiff hereby incorporates the allegations contained in  
18 paragraphs 1 through 23 of this complaint as though fully set forth  
19 again here.

20 32. Government Code § 65587 and § 65751 provide that an action by  
21 any interested party to review whether a housing element substan-  
22 tially complies with the requirements of this article shall be  
23 brought pursuant to Code of Civil Procedure § 1085.

24 33. Plaintiff is informed and believes and thereon alleges that  
25

1 the statute of limitation on this Second Cause of Action is 3 years  
2 from the initial enforcement of preempted local ordinance (Santa Cruz  
3 County General Plan, Chapter 13 of the County Code - including the  
4 second unit ordinance and illegally adopted rent restrictions - ,as  
5 to this property. The County General Plan was preempted on December  
6 31, 2002 when the County was required to adopt a new housing element  
7 and they did not do so.

8 34. Plaintiff has no plain, speedy or adequate remedy in the  
9 ordinary course of law to compel the County to obey the mandatory  
10 state laws governing the adoption of a General Plan except this writ.

11 35. Plaintiff is informed and believe and thereon alleges that no  
12 government agency has responded over the last 25 years to the  
13 constant complaints that the county was in violation of state housing  
14 laws in a way that forced the County to perform their mandatory  
15 duties of adopting the required housing element.

16  
17 Wherefore, Plaintiff prays for relief as set forth in Government  
18 Code § 65755 (a) and damages under Code of Civil Procedure § 1095,  
19 and for cost, attorney fees and for any and all other relief as the  
20 Court deems necessary and/or proper.

21  
22 THIRD CAUSE OF ACTION

23 DECLARATORY RELIEF

24 GENERAL PLAN and ZONING LAWS

25 36. Plaintiff hereby incorporates the allegations contained in

1 paragraphs 1 through 23 of this complaint as though fully set forth  
2 again here.

3 37. Plaintiff is informed and believes and thereon alleges that  
4 the statute of limitation on this Third Cause of Action is 3 years  
5 from the initial enforcement of the preempted General Plan and Zoning  
6 Ordinances as to this property.

7 38. An actual controversy exists between the parties over the  
8 validity of the 1994 Santa Cruz County General Plan and its continued  
9 application to land use decisions since that General Plan was adopted  
10 using an expired housing element.

11 39. An actual controversy exists between the parties over the  
12 validity of the currently used General Plan and zoning ordinances and  
13 their continued application to land use decisions since that General  
14 Plan has not incorporated the updated housing element required to be  
15 adopted by December 31, 2002 by Government Code § 65588(e)(4). The  
16 Plaintiff believes that the county has no authority to affect land  
17 use planning without a valid general plan that contains the required  
18 housing element. The County believes that it has the authority to  
19 effect property in the County through its police power without  
20 adopting a housing element; without adopting AMBAG's housing quota  
21 and without complying with other state laws contained in The Planning  
22 and Zoning Law.

23 40. The Plaintiff is informed and believes and thereon alleges that  
24  
25

1 Santa Cruz County does not currently have and has not had a valid  
2 General Plan since 1996 because it was required by law to update its  
3 housing plan and failed to do so.

4 41. Plaintiff is informed and believes and thereon alleges that the  
5 County of Santa Cruz knew or should have known that their General  
6 Plan was invalid unless and until they adopted a valid housing  
7 element since they were parties to the lawsuit **Resource Defense Fund**  
8 **v. County of Santa Cruz** (1982) 133 C.A.3d 800 which stated that very  
9 principal of law in its published appellate decision.

10 42. Plaintiff is informed and believes and thereon alleges that the  
11 County zoning laws adopted under invalid, void or defective General  
12 Plans are themselves invalid, null, defective and void being outside  
13 of the County's jurisdiction to adopt.

14 43. Plaintiff is informed and believes and thereon alleges that the  
15 County's current version of Draft Housing Element is void because it  
16 plans for 2,621 new housing units whereas AMBAG's "fair share" of  
17 regional housing needs is 3,441 to be planned for before 2007.

18  
19 Wherefore, Plaintiff prays for a declaration of the respective  
20 rights and duties of the parties under the County zoning laws adopted  
21 or amended since 1978 and additional relief as set forth below.

22  
23 FOURTH CAUSE OF ACTION  
24 DECLARATORY RELIEF  
25 HOUSING CODE ENFORCEMENT

1 44. Plaintiff hereby incorporates the allegations contained in  
2 paragraphs 1 through 23 of this complaint as though fully set forth  
3 again here.

4 45. Plaintiff is informed and believes and thereon alleges that  
5 the statute of limitation on this Fifth Cause of Action is 3 years  
6 from the initial enforcement of preempted local ordinance as to this  
7 property- that is three years from July or August 28, 2002.

8 46. An actual controversy exists between the parties over the  
9 validity and application of the 1997 Uniform Housing Code and its  
10 enforcement and application in the County.

11 47. Plaintiff is informed and believes and thereon alleges that  
12 the statute of limitation on this Fourth Cause of Action is 3 years  
13 from the initial enforcement of preempted local ordinance as to this  
14 property- that is three years from July or August 28, 2002.

15 48. Plaintiff is informed and believes and thereon alleges that the  
16 1997 Uniform Housing Code is the local law by the force and effect of  
17 California state law whether the County acknowledges that fact or not  
18 as set forth above.

19 49. Plaintiff is informed and believes and thereon alleges that the  
20 County: is not complying with the definition of overcrowding contain-  
21 ed in the 1997 Uniform Housing Code § 503.2; is not complying with  
22 the enforcement procedures contained in the 1997 Uniform Housing Code  
23 Chapter 10; is not complying with the "Notice and Order" contained in  
24 Chapter 11 and the County is not limiting its enforcement to  
25 prosecution of misdemeanors or substandard buildings as required by

1 Health and Safety Code § 17922 (g); and is not enforcing orders of  
2 the building official in accordance with Chapters 14, 15, 16 of the  
3 Uniform Housing Code.

4 50. The Plaintiff is informed and believes and thereon alleges that  
5 the County has adopted and is enforcing a Code Compliance program  
6 that is in conflict with the 1997 Uniform Housing Code, Health and  
7 Safety Code § 17920.6 and Health and Safety Code § 17980 et seq.

8 51. The Plaintiff believes that the County Code Compliance Program  
9 is void and illegal being prohibited by Article IV § 16, Article XI §  
10 7 and Article I § 26 of the State Constitution because it does not  
11 use the Uniform Housing Code to identify substandard buildings, issue  
12 "Notice and Orders" or limit the recordation of certificates  
13 identified in 1102. The County believes that its adopted County Code  
14 § 1.12.070 is valid and binding even though it allows penalties that  
15 cannot not be found in Chapters 14, 15, 16 of the Uniform Housing  
16 Code or in Penal Code § 19.

17  
18 Wherefore, Plaintiff prays for a declaration of the respective  
19 rights and duties of the parties under the California Constitution,  
20 County Code, the 1997 Uniform Housing Code, Health and Safety Code  
21 and Penal Code and for additional relief as set forth below.

22  
23 FIFTH CAUSE OF ACTION  
24 DECLARATORY RELIEF  
25 VESTED PROPERTY RIGHTS  
VIOLATED BY ILLEGAL GENERAL PLAN

1 52. Plaintiff hereby incorporates the allegations contained in  
2 paragraphs 1 through 23 of this complaint as though fully set forth  
3 again here.

4 53. Plaintiff is informed and believes and thereon alleges that  
5 the statute of limitation on this Fifth Cause of Action is 3 years  
6 from the initial enforcement of preempted local ordinance as to this  
7 property- that is three years from July or August 28, 2002.

8 54. An actual controversy exists between the parties over the  
9 meaning and application of property rights secured by the 5<sup>th</sup>  
10 Amendment of the U.S. Constitution and California Constitution  
11 Article I § 1, Article I § 15, Article I § 19 and Article 1 § 24.

12 55. The County of Santa Cruz has adopted zoning ordinances without a  
13 valid general plan, has attempted to enforce zoning ordinances  
14 without a valid general plan and has attempted to apply zoning  
15 ordinances without a valid general plan during the period after  
16 December 31, 2002 and before November 15, 2003.

17 56. The Plaintiff contends that the County cannot adopt, enforce or  
18 apply zoning ordinances unless the County has a General Plan that has  
19 a housing element that accepts AMBAG's quota of regional "fair share"  
20 of housing. The Plaintiff also contends that when the government  
21 interferes with the property of a citizen without the authority of a  
22 valid General Plan then that government is violating the 5<sup>th</sup>  
23 Amendment property rights of the Plaintiff. The County of Santa Cruz  
24 believes that it has the authority to enforce, adopt and apply zoning  
25

1 ordinances whether or not the County adopts a housing element that  
2 conforms to the requirements of the state housing element law.

3  
4 Wherefore, Plaintiff prays for a declaration of the respective rights  
5 and duties of the parties under the County Code and California  
6 Constitution.

7  
8 SIXTH CAUSE OF ACTION  
9 DECLARATORY RELIEF  
10 VESTED PROPERTY RIGHTS  
11 ILLEGAL COUNTY CODE ENFORCEMENT

12 57. Plaintiff hereby incorporates the allegations contained in  
13 paragraphs 1 through 23 of this complaint as though fully set forth  
14 again here.

15 58. Plaintiff is informed and believes and thereon alleges that  
16 the statute of limitation on this Sixth Cause of Action is 3 years  
17 from the initial enforcement of preempted local ordinance as to this  
18 property- that is three years from July or August 28, 2002.

19 59. An actual controversy exists between the parties over the  
20 meaning and application of property rights secured by the 5<sup>th</sup>  
21 Amendment of the U.S. Constitution and California Constitution  
22 Article I § 1, Article I § 15, Article I § 19 and Article I § 24.

23 60. The County of Santa Cruz has adopted the Uniform Housing Code  
24 by operation of law and has adopted a conflicting County Code  
25 1.12.070 that the County uses to abate violations of regulations on  
existing buildings.

1 61. The Plaintiff contends that the County cannot adopt, enforce or  
2 apply **HOUSING OCCUPANCY STANDARDS** on existing buildings unless the  
3 County is declaring an existing building to be substandard or the  
4 County is prosecuting the violation of regulations on existing  
5 buildings as misdemeanors. The County of Santa Cruz believes that it  
6 has the authority to enforce, adopt and apply building regulations on  
7 existing buildings whether or not the County adopts and enforces the  
8 Uniform Housing Code or the definition of substandard building found  
9 in Health and Safety Code § 17920.3.

10  
11  
12 Wherefore, Plaintiff prays for a declaration of the respective rights  
13 and duties of the parties under the County Code, Uniform Housing  
14 Code, Santa Cruz County code § 1.12.070 and California Constitution.

15  
16 SEVENTH CAUSE OF ACTION

17 INJUNCTION TO PREVENT THE ILLEGAL  
18 EXPENDITURE OF TAXPAYER'S FUNDS  
19 FUTURE PLANNING EXPENDITURES ARE ALL ILLEGAL

20 62. Plaintiff hereby incorporates the allegations contained in  
21 paragraphs 1 through 23 of this complaint as though fully set forth  
22 again here.

23 63. Government Code § 65000 et. seq. establishes the authority of  
24 most local government entities to regulate the use of land and  
25 **COMPELS** these local entities to undergo the discipline of adopting a  
general plan that includes all of the seven mandated elements.

1 64. Petitioner is informed and believes and thereon alleges that on  
2 May 24, 1994 the County Board of Supervisors adopted the 1994 Santa  
3 Cruz County General Plan using the expired 1985 second revision of  
4 the housing element.

5 65. Petitioner is informed and believes and thereon alleges that the  
6 County cannot adopt laws that conflict with the general laws of the  
7 state and if they do those local laws are void upon adoption.

8 66. California Code of Civil Procedure § 526(a) allows the Plain-  
9 tiff to obtain an injunction for the future illegal expenditure of  
10 taxpayer's funds.

11 67. Plaintiff is informed and believes and thereon alleges that  
12 since the County of Santa Cruz cannot adopt a housing element before  
13 December 31, 2002 then the future expenditure of all taxpayer money  
14 to fund Planning Department activities are illegal except as provide  
15 in Government Code § 65755 or until the County does adopt a valid  
16 housing element accepting AMBAG's "fair share of regional housing  
17 needs".

18  
19 Wherefore, Plaintiff prays for an injunction preventing all  
20 expenditures of taxpayers funds for zoning, zoning application and  
21 zoning enforcement not allowed by Government Code § 65755.

22 ///

23 EIGHTH CAUSE OF ACTION

24 INJUNCTION TO PREVENT THE ILLEGAL  
25 EXPENDITURE OF TAXPAYER'S FUNDS  
FUTURE LOCAL HOUSING CODE ENFORCEMENT EXPENSES ARE ALL ILLEGAL

1  
2 68. Plaintiff hereby incorporates the allegations contained in  
3 paragraphs 1 through 23 of this complaint as though fully set forth  
4 again here.

5 69. As stated above, the Health and Safety Code § 17922(a)(1)  
6 requires that local governments adopt the Uniform Housing Code,  
7 except its definition of substandard building, to govern regulations  
8 of the occupancy and maintenance of existing buildings. The County  
9 has not formally adopted the Uniform Housing Code. The County  
10 enforces a conflicting local regulations, the Santa Cruz County Code  
11 § 1.12.070.

12 70. Plaintiff is informed and believes and thereon alleges that the  
13 County Code enforcement is not submitting to the restrictions found  
14 in Health and Safety Code § 17922(g) which prohibits any local  
15 ordinance from allowing actions or proceedings to abate violation of  
16 regulations governing maintenance of existing buildings unless the  
17 building is a substandard building or the violation is a misdemeanor.

18 71. Plaintiff is informed and believes and thereon alleges that the  
19 Health and Safety Code § 17922 (e) allows sub-standard conditions  
20 listed in Health and Safety Code § 17920.3 that do not endanger the  
21 health, safety or welfare of the inhabitants or the general public.

22 72. Plaintiff is informed and believes and thereon alleges that the  
23 County is required to adopt the 1997 Uniform Housing Code and to  
24 proceed in accordance with that locally applied state law but that  
25 the County has refused to do so and has proceeded in a manner which

1 conflicts with the requirements of the Uniform Code. Specifically:  
2 the County does not have a Housing Advisory and Appeals Board which  
3 hears and decides appeals of orders, decisions and determinations;  
4 the County does not have a member of the Board run the hearings; the  
5 County has adopted a different definition of overcrowding; the County  
6 does not issue "Notice and Orders" with the required statement that  
7 the order must be appealed within 30 Days or your right to do so is  
8 waived; the County records liens on property in conflict with the  
9 requirements of the Uniform Housing Code § 1102; the County has  
10 adopted a procedure for a decision that differs with and is in  
11 conflict with Section 1305 Method and Form of Decision; the County  
12 has adopted a different definition of NUISANCE than the one contained  
13 in Section 401; the County does not permit substandard conditions  
14 that are allowed by Health and Safety Code § 17920.3; and the County  
15 has adopted a RIGHT OF ENTRY procedure that conflicts with Section  
16 201.2 and Code of Civil Procedure § 1822.50; the County has adopted  
17 enforcement procedures that differ from the methods contained in  
18 Chapters 14, 15, 16 of the Uniform Housing Code and the County's  
19 Building Code 12.10.140 states that violations are infractions.

20 73. Petitioner is informed and believes and thereon alleges that the  
21 County cannot adopt laws that conflict with the general law of the  
22 state and if they do those local laws are void upon adoption.

23 74. Petitioner is informed and believes and thereon alleges that the  
24 County's ordinances, like Santa Cruz County Code § 1.12.070, are  
25 invalid if a state law can be made to be applicable.

1 75. Plaintiff is informed and believes and thereon alleges that  
2 Code of Civil Procedure § 526(a) allows the Plaintiffs to obtain an  
3 injunction for the future illegal expenditure of taxpayer's funds.

4 76. Plaintiff is informed and believes and thereon alleges that  
5 since the County of Santa Cruz has not acknowledged its adoption of  
6 the Uniform Housing Code and has not proceeded in accordance with  
7 that Code then the future expenditure of all taxpayer money to fund  
8 Code Compliance for existing buildings are illegal.

9 77. Plaintiff is informed and believes and thereon alleges that all  
10 enforcement activities currently being under taken by the County Code  
11 Compliance program are illegal because the County does not enforce  
12 housing standards in accordance with Health and Safety Code §  
13 17922(g) - either as misdemeanors or as substandard buildings.

14  
15 Wherefore, Plaintiff prays for an injunction preventing all  
16 expenditures of taxpayer's funds for County Code Compliance for  
17 housing code enforcement and for additional relief as set forth  
18 below.

19  
20 NINTH CAUSE OF ACTION

21 INJUNCTION TO PREVENT THE ILLEGAL  
22 EXPENDITURE OF TAXPAYER'S FUNDS  
23 FUTURE HEARING OFFICER EXPENSES ARE ALL ILLEGAL  
FUTURE ADMINISTRATIVE HEARING EXPENSES ARE ILLEGAL

24 78. Plaintiff hereby incorporates the allegations contained in  
25 paragraphs 1 through 23 of this complaint as though fully set forth  
again here.

1 79. Plaintiff is informed and believes and thereon alleges that  
2 Code of Civil Procedure § 526(a) allows the Plaintiffs to obtain an  
3 injunction for the future illegal expenditure of taxpayer's funds.

4 80. Plaintiff is informed and believes and thereon alleges that the  
5 County Hearing Officer cannot legally conduct hearings to enforce  
6 County zoning regulations since the General Plan is absent a housing  
7 element and that these zoning laws were enacted to implement a  
8 General Plan that did not contain the required housing element.

9 81. Plaintiff is informed and believes and thereon alleges that the  
10 County Hearing Officer cannot legally conduct hearings to enforce  
11 County housing laws that conflict with the 1997 Uniform Housing Code  
12 since Article XI § 7 only allows the County to enact laws that do not  
13 conflict with the general laws of the state. Local laws are invalid  
14 if a state law can be made applicable -Article IV § 16.

15 82. Plaintiff is informed and believes and thereon alleges that the  
16 County Hearing Officer cannot legally conduct hearings adjudicated by  
17 a contractor with such strong ties to the County Planning Department  
18 that the Hearing Officer is almost a County employee and where the  
19 contractor is such in name only and where the relationship presents  
20 an actual or inferable bias of the hearing officer appointed.

21 83. Plaintiff is informed and believes and thereon alleges that the  
22 County hearing officer cannot illegally conduct hearings that  
23 conflict with Health and Safety Code § 17922 (g) which does not allow  
24 local ordinances to permit actions or proceedings to abate violations  
25 of regulations governing maintenance of existing buildings, unless

1 the building is a substandard building or the violation is a  
2 misdemeanor.

3 84. Plaintiff is informed and believes and thereon alleges that the  
4 County hearing officer cannot legally levy fines for misdemeanors  
5 because that conflicts with Penal Code § 19 which states that the  
6 punishment for a misdemeanor will not exceed \$1,000.00 dollars.

7 County Code § 12.10.140 states building violations are infractions.

8 85. Plaintiff is informed and believes and thereon alleges that the  
9 County has attempted to set up an agency where any ordinance adopted  
10 by the County is subject to an administrative fine or penalty but  
11 since land use planning in California requires a housing element in  
12 the General Plan, the adoption of the Uniform Housing Code,

13 compliance with Health and Safety Code § 17922 (e) & (g) and all  
14 other state laws, then the County system is illegal because it does  
15 not conform or submit to those binding and controlling state laws.

16 86. Plaintiff is informed and believes and thereon alleges that the  
17 County hearing officer cannot base decisions on illegally collected  
18 evidence gathered without permission of the property owner or not  
19 gathered under a search warrant issued under Code of Civil Procedure  
20 § 1822.50.

21 87. Plaintiff is informed and believes and thereon alleges that the  
22 County hearing officer cannot legally issue decisions that ignore the  
23 people's right to a jury trial in all civil cases like the current  
24 case. Where she could have been convicted of a misdemeanor, Plaintiff  
25 must be provided with the right to have a jury trial as provided by

1 the 6<sup>th</sup> Amendment to the United States Constitution and California  
2 Constitution Article 1 § 16.

3 88. Plaintiff is informed and believes and thereon alleges that the  
4 County hearing officer cannot legally issue decisions that convict  
5 people in a civil format for crimes that are misdemeanors because a  
6 hearing officer format is not the appropriate forum.

7  
8 Wherefore, Plaintiff prays for an injunction to prevent the  
9 future illegal expenditure of taxpayer's funds for the payment of a  
10 hearing officer to conduct code compliance hearing pursuant to Santa  
11 Cruz County Code § 1.12.070.

12  
13 TENTH CAUSE OF ACTION

14 VIOLATION OF CIVIL RIGHTS  
15 CIVIL CODE § 52.1 (b)

16 INTERFERENCE WITH CIVIL RIGHTS

17 89. Plaintiff hereby incorporates the allegations contained in  
18 paragraphs 1 through 88 of this complaint as though fully set forth  
19 again here.

20 90. Plaintiff is informed and believes and thereon alleges that he  
21 has a cognizable property right to use his property in any way that  
22 is not a public nuisance unless and until the local government  
23 restricts his land use through the adoption of a valid general plan  
24 which was adopted pursuant to Government Code § 65000 et seq.

25 91. Plaintiff is informed and believes and thereon alleges that the

1 Defendants, and each of them, have acted under the color of local  
2 affirmative laws: zoning ordinances, building ordinances, and local  
3 enforcement ordinances, to deprive him and others of the right to the  
4 full use and enjoyment of their property and to the full protection  
5 of Due Process of Law by enforcing these invalid local laws.

6 92. Plaintiff is informed and believes and thereon alleges that in  
7 the United States of America and the State of California courts have  
8 concurrent jurisdiction of federal civil rights claims.

9 93. Plaintiff is informed and believes and thereon alleges that the  
10 State torts claims act cannot override federal law and that the state  
11 personal injury statute of limitations applies to the U.S.C. § 1983  
12 claims - which is two years in California - Code of Civil Procedure  
13 § 335.1.

14 94. Plaintiff is informed and believes and thereon alleges that the  
15 he is not required to exhaust state administrative remedies.

16 95. Plaintiff is informed and believes and thereon alleges that the  
17 Defendant County and their agents are liable for civil rights  
18 violations by enforcing invalid local laws which amounts to a taking  
19 of private property and a violation of Due Process of Law.

20 96. Plaintiff is informed and believes and thereon alleges that the  
21 Defendant County employees can and are being sued in this action in  
22 their individual capacities and are liable for punitive damages  
23 because they acted together to the fully use and enjoyment of his  
24 private property by placing a slander on his title to his property.

25 97. Plaintiff is informed and believes and thereon alleges that

1 absolute and qualified immunity does not apply to the individual  
2 County employees because they did not act reasonably since they were  
3 told many times that the General Plan was void and that they were  
4 required to apply the Uniform Housing code to violation on existing  
5 buildings but did not correct the problem by adopting a housing  
6 element or commencing action under the Uniform Housing Code.

7 98. Plaintiff is informed and believes and thereon alleges that  
8 he has sustained actual damages of approximately 125,000.00 in actual  
9 damages resulting from the unconstitutional activities of the  
10 defendants.

11 99. Plaintiff is informed and believes and thereon alleges that  
12 remedies available include: preliminary injunctions, permanent  
13 injunctions, declaratory judgments, general compensatory damages,  
14 special damages, and punitive damages against individuals.

15  
16 Wherefore, Plaintiff prays for injunctive relief pursuant to  
17 United States Code § 1983, Civil Code § 52.1 and damages, including  
18 exemplary damages, pursuant to Civil Code § 52.

19  
20 ///

21 ELEVENTH CAUSE OF ACTION

22 FRAUD

23 100. Plaintiff hereby incorporates the allegations contained in  
24 paragraphs 1 through 99 of this complaint as though fully set forth  
25 again here.

1 101. The County of Santa Cruz did not have a housing element during  
2 Any of the year 2003. Defendants, and all of them, knew or should  
3 have known this fact since it was the subject of and Jury  
4 Investigation and newspaper articles.

5 102. The County of Santa Cruz's Housing Code was the Uniform Housing  
6 Code, by operation of law, although the County didn't proceed to  
7 enforce it through its hearing officer in the plaintiff's case.  
8 Defendants knew or should have known of this fact.

9 103. Plaintiff is informed and believes and thereon alleges that the  
10 Santa Cruz County Code § 12.10.140 lists building violations as  
11 infractions.

12 104. Plaintiff is informed and believes and thereon alleges that  
13 the Defendants, and all of them as individuals, and as employees of  
14 the County, knew or should have known, that every person is bound  
15 without contract, to abstain from injuring another person or  
16 infringing upon their rights and that the conduct of the Defendants  
17 in prosecuting the Plaintiff for zoning violations without the  
18 authority of a valid General Plan was fraudulent.

19 105. Plaintiff is informed and believes and thereon alleges that  
20 the Defendants, and all of them as individuals, knew or should have  
21 known that every person is bound without contract, to abstain from  
22 injuring another person or infringing upon their rights and that the  
23 conduct of the Defendants in prosecuting the Plaintiff for local  
24 Building Code violations which conflict with state laws (Uniform  
25

1 Housing Code and Health and Safety Code § 17922(g)) was fraudulent  
2 and deceitful.

3 106. Plaintiff is informed and believes and thereon alleges that the  
4 Defendants, and all of them as individuals, and employees of the  
5 County, knew or should have known, that anyone who willfully deceives  
6 another with intent to induce him to alter his position to his injury  
7 or risk is liable for damages which the Plaintiff thereby suffers and  
8 that recording a NOTICE OF BUILDING CODE VIOLATION AFFECTING THE  
9 HEREIN DESCRIBED LANDS is deceitful and harmful when that recordation  
10 was affected without a hearing to defend against the allegations.

11 107. As a direct and proximate result of the forgoing fraudulent  
12 misrepresentations, the plaintiff has suffered financial damages in  
13 excess of the jurisdictional minimum of Superior Court.

14 108. Plaintiff is informed and believes and thereon alleges that the  
15 1994 General Plan is a fraud because it does not allow for the  
16 building of 15,771 granny units (second units) as it pretends to do.  
17 This fraud lead to the County's adoption of a housing element to  
18 satisfy the State requirements but through the occupant restriction  
19 of rent control and restrictions on permissible tenants of the second  
20 owners did not build hardly any (maybe as many as 150) second units  
21 since 1994 to the present.

22 109. Plaintiff did not discover the fraud in the County Housing  
23 Element and General Plan until he received the Notice of Building  
24 Code violation in 2002 and started researching the new county rules  
25 for second units being adopted in the summers of 2002 and 2003.

1 110. As a further direct and proximate result of the forgoing  
2 fraudulent misrepresentations, the plaintiff has suffered severe and  
3 persistent emotional distress and mental suffering.  
4

5 Wherefore, Plaintiff prays for damages in excess of the  
6 jurisdictional minimum of Superior Court, attorney fees, costs, and  
7 all other relief as the Court may deem as necessary and proper.  
8

9 TWELFTH CAUSE OF ACTION

10 NEGLIGENCE

11 111. Plaintiff hereby incorporates the allegations contained in  
12 paragraphs 1 through 110 of this complaint as though fully set forth  
13 again here.  
14

15 112. The Defendants breached their duty as employees of the County of  
16 Santa Cruz, and as individuals, who occupied a superior position of  
17 knowledge than the Plaintiff on zoning, housing and law and, as such,  
18 had a duty to act with good faith and fairness toward the Plaintiff.

19 113. The Defendants breached their duties toward Plaintiff by  
20 committing the acts previously described in paragraphs One through  
21 One hundred ten, and incorporated by reference herein.

22 114. Plaintiff is informed and believes and thereon alleges that the  
23 Santa Cruz County Code § 12.10.140 lists building violations as  
24 infractions and the maximum penalty thereon is \$100.00.

25 115. Plaintiff did not willfully or by want of ordinary care bring

1 the Defendants to enforce illegal zoning ordinances, enforcement of  
2 illegal and void building ordinances or bring the Defendants to  
3 record illegal slanders on the title of the Plaintiff, not induce the  
4 County or its employees to adopt a fraudulent housing element in 1994  
5 or to ensure that the housing goals of the 1994 housing would not be  
6 implimented. The Plaintiff did not induce the Defendants to ignore  
7 the requirements of Government Code § 65588 (e)(4) that requires the  
8 adoption of a revision of the housing element by December 31, 2002.  
9 116. As a direct and proximate result of the willful actions of the  
10 Defendants, Plaintiff suffered financial losses as a result of the  
11 diminution of value in the property because of the illegal lien.

12 117. As a further direct and proximate result of the willful, wanton,  
13 and gross actions undertaken by Defendants in disregard for the  
14 Plaintiff's rights and interests, Plaintiff has suffered sever  
15 intentional infliction of emotional distress and the negligent  
16 infliction of emotional distress.

17  
18  
19 ///

20 Wherefore, Plaintiff prays for:

- 21
- 22 1. A Writ of Mandate as set forth in Government Code § 65755(a)
  - 23 commanding that the County stop issuing building and zoning permits
  - 24 as directed by this writ;
  - 25 2. Damages under Code of Civil Procedures § 1095;

- 1 3. A declaration of the rights and responsibilities of the parties  
2 under the California State Planning and Zoning Law - Government Code  
3 § 65000;
- 4 4. A declaration of the rights and responsibilities of the parties  
5 under the statewide Uniform Housing Code and provisions of the Health  
6 and Safety Code §§ 17920.3, 17922 (a)(1), 17922(g) & 17922(e);
- 7 5. A declaration of the respective rights of the parties under the  
8 County Code 1.12.070 and under state laws pertaining to holding  
9 hearings to enforce invalid local laws and to order penalties that  
10 are in conflict with the Uniform Housing Code; Penal Code § 19; Santa  
11 Cruz County Code § 12.10.140 and Government Code § 53069.4;
- 12 6. A declaration of the rights and responsibilities of the parties  
13 under Permit Streamlining Act - Government Code § 65920-65963.1;
- 14 7. A declaration of the rights and responsibilities of the parties  
15 under property rights granted by the US Constitution's 5<sup>th</sup> Amendment  
16 and property rights provisions of the state constitution;
- 17 8. An injunction under the seal of this court ordering the County to  
18 cease the expenditure of taxpayer's funds for the zoning and planning  
19 except as allowed by Government Code § 65755;
- 20 9. An injunction under the seal of this court ordering the County to  
21 cease the expenditure of taxpayer's funds for Code Compliance  
22 activities that are in conflict with the Uniform Housing Code, Penal  
23 Code § 19, Government Code § 53069.4 and County Code 12.10.140;
- 24 10. An injunction under the seal of this court ordering the County to  
25

1 cease the expenditure of taxpayer's funds for Code Compliance under  
2 Santa Cruz County Code § 1.12.070;

3 11. An injunction under the seal of this court ordering the County to  
4 cease interfering with property rights by threats, intimidation, or  
5 coercion pursuant to Civil Code § 52.1 and for damages, including  
6 exemplary damages, pursuant to Civil Code § 52;

7 12. A writ issued from this Superior Court to the Santa Cruz County  
8 Recorders Office ordering that the "Notice of Violation" be  
9 removed from the property involved in this suit;

10 13. Damages in excess of the jurisdictional minimum of Superior Court  
11 for actual damages, and further for exemplary damages for fraud,  
12 subject to proof at trial;

13 14. Damages in excess of the jurisdictional minimum of Superior Court  
14 for actual damages, and further for exemplary damages for negligence  
15 damages for emotional distress and mental suffering, subject to proof  
16 at trial;

17 15. Attorney fees for all attorneys who work on this case;

18 16. All cost incurred in the prosecution of this case; and

19 17. Any and all other relief that the court feels is necessary or  
20 proper.

21 **VERIFICATION**

22  
23 I, the undersigned, say I am the Petitioner and Plaintiff in the  
24 above entitled matter; the foregoing document is true of my own  
25

1 knowledge, except as to matters which are stated on my information  
2 and belief, and those matters I believe to be true.

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Dated:

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William Vannerus  
Petitioner in Pro Per.