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County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda June 27, 2000

To: Board of Supervisors

Re: Claim of Kathleen Waidhofer, Douglas Waidhofer & John Grinder, No. 900-143

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- X 1. Reject the claim of Kathleen Waidhofer, Douglas Waidhofer & John Grinder, No. 900-143 and refer to County Counsel.
2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
4. Approve the claim of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.
- 5 . Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Alvin James, Planning Director

RISK MANAGEMENT

By Janet McKinley

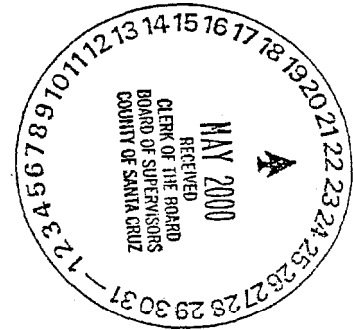
COUNTY COUNSEL

B y Samuel Torres Jr

900-143

KATHLEEN WAIDHOFER
DOUGLAS WAIDHOFER
JOHN GRINDER

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Claimants in Pro Per

BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ

KATHLEEN WAIDHOFER, DOUGLAS WAIDHOFER & JOHN GRINDER)	CLAIM FOR PERSONAL INJURIES
)	
Claimants,)	
)	
vs.)	[GOVERNMENT CODE § 910]
)	
COUNTY OF SANTA CRUZ, MARDI WORMHOUDT, ALVIN JAMES, MICHAEL FERRY, DENISE HOLBERT, STEVE LEDESMA, and other employees named in Exhibit "a".)	
)	
)	

Pursuant to Government Code § 910 claimants presents the following claim to the County of Santa Cruz:

you are hereby notified that Kathleen Waidhofer and Douglas Waidhofer whose addresses are 508 Shasta Park Ct., Scotts Valley, Ca. 95066 and John Grinder whose address is P.O. Box 67359, Scotts Valley, California 95067 claim damages from injuries inflicted by the County of Santa Cruz, County of Santa Cruz Board of Supervisors and by the ILLEGAL acts of it's employees, in excess of the \$10,000.00, computed as of the date of presentation of this claim.

These claims are based on personal injuries and injuries to real property sustained by the claimants on causes of action which accrued on December 22, 1999, February 18, 2000, February 24, 2000 March 29, 2000 and May 19, 2000. This claim is also based on the continuing injuries inflicted from those dates until a future date

uncertain when the County of Santa Cruz, Board of Supervisors and their employees cease to attempt to enforce and implement invalid zoning and planning regulations in the County of Santa Cruz, cease to illegally use deceit and fraud in the daily conduct of the County Planning Department and cease to illegally expend taxpayers money to fund the illegal activities of the County Planning Department, the illegal enforcement activities of the County Counsel' office and the illegal enforcement activities of the County Hearing Officer. Injuries to the claimants were caused under the following circumstances:

GENERAL ALLEGATIONS

1. Claimant, Kathleen Waidhofer, is a married woman who is owner of real property "as her sole and separate property" located at 1089 Smith Grade, Santa Cruz, CA. and is a resident of the County of Santa Cruz, and is a person interested in having the state laws executed and the duties in question enforced. She is a beneficially interested party and is a Santa Cruz County taxpayer.

2. Claimants, Douglas Waidhofer & Kathleen Waidhofer, are Santa Cruz County taxpayers and are persons interested in having the state and federal laws executed and the illegal expenditure of taxpayers funds cease.

3. Claimant, John Grinder, is a Santa Cruz County taxpayer, is a person interested in having the state and federal laws executed and is a person interested in having the illegal expenditure of taxpayers' funds cease.

4. At all times herein the Does 1 through 2,000 were and are landowners in the County who have been issued violations of non-existing and/or invalid zoning or planning regulations.

5. At all times herein the County of Santa Cruz, hereinafter

"County", was and is a general law county subject to the general laws of the State of California through Const. Article XI § 7 and is a public entity as defined by Government Code § 900.4. and which cannot adopt ordinances in conflict with the Constitution and the laws of the State or the United States as stated in Government Code § 37100.

6. At all times herein, MARDI WORMHOUDT was and is a County Supervisor, ALVIN JAMES was and is the Planning Director of the County of Santa Cruz County, DENISE HOLBERT, and STEVE LEDESMA, hereinafter "employees", were receiving paychecks from the County of Santa Cruz for compensation for services and/or occupations that carry out illegal county policies.

I.

DEVELOPMENT PERMIT APPLICATION No. 99-0528

C.C.P. § 1085

7. Claimant, Kathleen Waidhofer, hereby incorporates the allegations contained in paragraphs 1 through 6 of this claim as though fully set forth again here.

8. Claimant filed an application to build a single family home on a parcel, A.P.N. 062-211-32, located at 1089 Smith Grade, Santa Cruz, Ca. on July 23, 1999.

9. The County was required to issued a letter of completeness or incompleteness on this application pursuant to Government Code § 65943 (a) or (b) within 30 days of submittal. The County did not respond within the required time. Therefore, the application was "deemed complete" as a matter of law.

10. Claimant is informed and believes and thereon alleges that "Development of single family homes is categorically exempt from CEQA."

11. Claimant is informed and believes and ⁰⁰²⁷thereon alleges that a letter from eight neighbors (all members of the Moore Ranch Road Association and including all neighbors in the Association from whose parcels any of the structures on the Waidhofer parcel can be seen and/or heard) supporting this project satisfies the due process requirements, if any, of a hearing because it meets the definition of "notice and an opportunity to be heard".

12. Claimant is informed and believes and thereon alleges that Government Code § 65950 (a) (4) identifies the time limits for a development permit to be 60 days after the determination that the project is exempt from CEQA and if a public hearing is needed and has been held or if no public hearing is required.

13. Claimant is informed and believes and thereon alleges that Government Code § 65956 (b) automatically approves a permit 60 days after the application is complete and if a public hearing is required and has been held. The application was "deemed complete" August 23, 1999 as a matter of law since no notice of incompleteness was issued within the 30 time period. The development permit was then issued, by operation of law, on October 24, 1999 since a "public hearing" was signed by all neighbors on October 9, 1999 or "no public hearing" was required.

14. Claimant is informed and believes and thereon alleges that on February 18, 2000 the County's Zoning Administrator held an hearing on this project and denied the approval of a development permit after it had been approved by operation of law. That action injured the claimant and constitutes both a fraud and constitutes the illegal expenditure of public money.

15. The Claimant has no plain, speedy, or adequate remedy in the ordinary course of law since she has requested the Respondent

County to acknowledge the validity of the permit issued "as a matter of law" but they have refused to do so.

Wherefore, Claimant prays for damages as set forth below.

II.

BUILDING PERMIT APPLICATION No. 35011H

C.C.P. § 1085

16. Claimant, Kathleen Waidhofer, hereby incorporates the allegations contained in paragraphs 1 through 15 of this claim as though fully set forth again here.

17. Claimant received planning and zoning approval to build the single family home as a matter of law by operation of statutes as identified in paragraphs numbers 7-15 above on or about October 23, 1999.

18. Claimant filed an application for a building permit (No. 35011H) to build a single family home on this parcel, A.P.N. 062-211-32, located at 1089 Smith Grade on December 29, 1999.

19. The County was required to issue a letter of completeness or incompleteness on this building permit application pursuant to Government Code § 95943 (a) or (b) within 30 days of submittal of the building permit application. Instead the County issued a "letter of deficiency" on February 24, 2000. Since the County failed to issue a letter of completeness or incompleteness the application was "deemed complete" by operation of law on January 29, 2000.

20. Claimant is informed and believes and thereon alleges that Government Code § 65950 (a) (4) identifies the time limits required for action on a permit as 60 days if the project is exempt from CEQA and no hearing if necessary. Thus the building

department must issue a building permit within 60 days of January 29, 2000 since no hearing is required. Although this building permit issued as a matter of law has all of the authority of a paper permit issued by the County, the County has refused to acknowledge the validity of this building permit issued by law.

21. The Claimant has no plain, speedy, or adequate remedy in the ordinary course of law since she has requested the Respondent County to acknowledge the validity of the permit was issued "as a matter of law" but they have refused to do so.

Wherefore, Claimant prays for damages as set forth below.

III.

BUILDING PERMIT APPLICATION No. 29858H

C.C.P. § 1085

22. Claimant, John Grinder, hereby incorporates the allegations contained in paragraphs 1 through 6 of this claim as though fully set forth again here.

23. Claimant received planning and zoning approval to build the single family home on parcel A.P.N. 062-211-32 in Santa Cruz County on June 29, 1998.

24. Claimant filed an application for a building permit to build a single family home on this parcel, A.P.N. 062-211-32, located at 1089 Smith Grade on September 14, 1998.

25. The County was required to issue a letter of completeness or incompleteness on this building permit application pursuant to Government Code § 95943 (a) or (b) within 30 days of submittal of the building permit application. The County simply acted too late by sending the letter of incompleteness on November 10, 1998, and thus the application was "deemed complete" on October 14, 1998.

Since the county did not send the letter of completeness or incompleteness by the required date the application was "deemed complete" by operation of law:

26. Claimant is informed and believes and thereon alleges that Government Code § 65950 (a) (4) identifies the time limits required for action on a permit as 60 days if the project is exempt from CEQA and no hearing if necessary. Thus the Building Department was required to issue a building permit on December 15, 1998.

27. Claimant is informed and believes and thereon alleges that although this building permit issued as a matter of law has all of the authority of a paper permit issued by the County of Santa Cruz, the County has refused to acknowledge the validity of the state statute issued permit.

28. The Claimant has no plain, speedy, or adequate remedy in the ordinary course of law since he has requested the Respondent County to acknowledge the validity of the permit issued "as a matter of law" but they have refused to do so.

Wherefore, Claimant prays for damages as set forth below.

IV.

INJURY BY FRAUDULENT & ILLEGAL GOVERNMENT ACTIVITY 1994 GENERAL PLAN IS VOID

C.C.P. § 526(a) & C.C.P. § 1085

29. Claimants hereby incorporate the allegations contained in paragraphs 1 through 6 of this claim as though fully set forth again here.

30. Government Code §§ 65000-65300 establishes the authority of most local government entities to regulate the use of land and

compels these local entities to undergo the discipline of adopting a general plan that includes all of the MANDATED state elements.

31. Article 10.6, commencing with Government Code § 65580 requires local governments to adopt a housing element within the time requirements of Government Code section 65'583.

32. In a written and published appellate court decision Resource Defense Fund v. Santa Cruz County (1982) 133 C.A.3d 800 the court ruled that:

"We hold that issuance by the state Office of Planning and Research of an extension of time for completion of an adequate general plan (Gov. Code § 65302.6) does not validate or immunize a city's or county's prior approval of land use permits from the requirement of conformity to a valid general plan.", and

"Since consistency with the general plan is required, absence of a valid general plan, or relevant elements or components thereof, precludes enactment of zoning ordinances and the like." supra page 806.

Also, the county application for an extension of time had to include a set of proposed policies and procedures "to ensure, during the extension of time ... that the land use permit or and building permit will be consistent with the general plan elements and will be consistent with the new elements". (supra) page 812.

Thus, the County of Santa Cruz could not issue a minor sub-division permit because it had not adopted a valid general plan since the General Plan it had adopted in 1980 lacked a valid housing element.

33. Claimants are informed and believe and thereon allege that in Campbell et al, vs. Santa Cruz County Board of Supervisors C.V. 97276 the County stated that it had not adopted the first revision to the housing element by July 1, 1985 as required by the Government Code. The housing element adopted June 18, 1985 expired

June 30, 1985.

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34. Claimants are informed and believe and thereon allege that the County of Santa Cruz did adopt a valid housing element for the first revision by Resolution No. 97-90 on February 2, 1990 but that housing element expired on June 30, 1991 pursuant to Government Code 65588 (b) (3) which requires the adoption of the second housing element revision.

35. Claimants are informed and believe and thereon allege that the "second revision" housing element was required to be adopted by July 1, 1991 pursuant to Government Code § 65588 (b) (3). The County did not adopt this required housing element.

36. Claimant are informed and believe and thereon allege that the "third revision" of the housing element was required to be adopted by July 1, 1998 pursuant to Government Code § 65588 (e) (3). The County did not adopt this required housing element.

37. Claimant are informed and believe and thereon allege that Government Code § 65588.1 (added by 1993 statutes) extends the planning period for the third revision, cited in paragraphs 33 above, one (1) year.

38. Claimant are informed and believe and thereon allege that a letter from the Acting Deputy Director of the Division of Housing Policy, Department of Housing and Community Development for the State of California clarifies the current status of the County's housing element as "out of compliance" with Article 10.6 of the Government Code and therefore the "rebuttable presumption provisions of Government Code § 65589.3 do not apply.

39. Claimants are informed and believe and thereon allege that, every zoning ordinance adopted, every development permit issued, every notice of zoning violation issued, from 1980 to the

present (except those ordinances enacted, development permits issued and notices of violation issued, between February 2, 1990 and June 30, 1991, are invalid *ab initio* - being beyond the authority - of the Board of Supervisors to enact and beyond the authority of the Planning Department issue since the County did not adopt a valid housing element.

40. Claimants are informed and believe and thereon allege that the 1994 General Plan is likewise void, when adopted, since it was adopted using an expired housing element.

41. Claimants are informed and believe and thereon allege that, there is no statute of limitations barring suits to prevent or enjoin the continuing or future illegal expenditure of public funds, as here, to prevent the future illegal expenditure of public funds.

42. Claimants are informed and believe and thereon allege that, this claim is a valid notice to the County to return all monies illegally spent by the County on planning activities since 1980 to the taxpayers pursuant to Civil Code 1713, with interest thereon and valid notice to all planning department employees that each and every paycheck, benefit and contribution to employee retirement funds were fraudulently obtained and must be returned. .

43. The Claimant has no remedy in the ordinary course of law since the State of California has requested the Respondent County to acknowledge the invalidity of the General Plan "as a matter of law" but they have refused to do so.

Wherefore, Claimants pray for relief as set forth below.

INJURY BY ILLEGAL GOVERNMENT ACTIVITY
COUNTY ZONING ORDINANCE IS NOT APPLIED
IN A UNIFORM MANNER

C.C.P. § 526(a)

44. Claimants hereby incorporates the allegations contained in paragraphs 1 through 6 and paragraphs 30 through 43 of this claim as though fully set forth again here.

45. Government Code § 65852 requires uniformity in each class, to wit:

"All such regulations shall be uniform for each class or kind of building or use of land through each zone, but the regulation in one type of zone may differ from those in other zones."

46. Claimants are informed and believe and thereon allege that the County cannot applied zoning regulations in a uniform manner since it has applied the zoning laws in the cases of: as reported by the Santa Cruz County Grand Jury in the 1989-90 Report (page 22 and 23 "An employee of the County Planning Department failed to obtain a required permit in the process of reconstructing his home."; Richard Alderson C.V. 130399 was retroactively allowed to keep two houses without permits, County of Santa Cruz v. Saratoga Capital C.V. 1222019 defendant was allowed to keep a dwelling, carport and sewage system installed without permits, County of Santa Cruz v. Walliser C.V. 121578 a house built without permits was allowed to be occupied after an injunction was issued, Kavoosi was allowed to keep several houses built without permits, and 9,600 other cases as logged by the Planning Department's violations log.

47. The Claimants have no plain, speedy, or adequate remedy

in the ordinary course of law since they have requested⁰⁰³⁵ the County to apply the zoning ordinances in a uniform manner but the County has refused to do so.

Wherefore, Claimants pray for relief as set forth below.

VI.

DAMAGES FOR INJURIES OCCASIONED BY ILLEGAL ACTS

C.C.P. § 1095

47. Claimants hereby incorporates the allegations contained in paragraphs 1 through 46 of this claim as though fully set forth again here.

48. Claimants are informed and believe and thereon allege that they will be entitled to damages pursuant to Code of Civil Procedure § 1095 and attorney fees (if any) pursuant to Government Code § 800 at the end of the court proceedings that will commence upon the denial of this claim.

Wherefore, claimants pray for relief as set forth below.

VII.

INJUNCTION FOR ILLEGAL EXPENDITURE
OF PUBLIC FUNDS

C.C.P. § 526(a)

49. Claimants hereby incorporates the allegations contained in paragraphs 1 through 48 of this claim as though fully set forth again here.

50. Claimants are informed and believe and thereon allege that Defendants, and all of them, have enforced, attempted to enforce and will continue to attempt to enforce illegal County

zoning ordinances, including but not limited to, the Uniform Code for the Abatement of Dangerous Buildings, Santa Cruz County Zoning Ordinance, Santa Cruz County Code Chapter 16 and other illegal local ordinances.

51. Claimants are informed and believe and thereon allege that Defendants, and all of them, have signed, entered into contracts and threaten to execute those illegal contracts to employ people to execute illegal and void county zoning ordinances, an illegal adoption of the Uniform code for the Abatement of Dangerous Buildings, an administrative hearing program that enforces an invalid 1994 General Plan which was adopted in conflict without the required state housing element.

Wherefore, claimants pray for relief as set forth below.

VIII.

FRAUD

Civil Code § 1709

52. Claimants hereby incorporate the allegations contained in paragraphs 1 through 51 of this claim as though fully set forth again here.

53. Claimants is informed and believes and thereon alleges that Civil Code § 1709, § 1710, and § 1711 make one who uses deceit liable for any damages caused thereby, define the elements of actionable fraud and make the intent to defraud the public a cause of action.

54. Claimants is informed and believe and thereon allege that a various times the Defendants, and all of them, used deceit to explain the 1994 General Plan to individuals and the public by the suggestion, as a fact, of that which is not true, by one who does not believe it to be true, to wit: 1. The 1994 General Plan

was valid; 2. zoning ordinances adopted to implement the 1994 general plan were valid; 3. the Administrative Hearing Officer's proceedings were and are lawful vehicles to enforce the violations of the zoning ordinances; and 4. the County has the right to issue development permits pursuant to the 1994 General Plan and charge fees for applications and permits; 5. the County has the authority to deny development permits based on the void zoning ordinances and the invalid and void 1994 General Plan.

55. Claimants is informed and believe and thereon allege that a various times the Defendants, and each of them, used deceit to explain the 1994 General Plan and zoning ordinances that implement them to the public by: The assertion, as a fact, of that which is not true, by one who has no reasonable ground for believing it to be true, to wit: 1. Claimant incorporates all of the allegations contained in paragraphs 1 through 41 above, as if fully set forth here again.

56. Claimants is informed and believe and thereon allege that a various times the Defendants, and each of them, used deceit to enforce and implement the 1994 General Plan and its implementing zoning ordinances to the public by: The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact, to wit: 1. that County did not adopt a housing element as required by October 1, 1981, nor did they one for the second or third required revision and that the housing element the county adopted on February 2, 1990 for the first revision expired on June 30, 1991 and the County was required to adopt the second revision by July 1, 1991; and, 2. that without the required housing element the 1994 General Plan is void; 3.

the Defendants, lacking a valid General Plan. housing element and zoning ordinances to implement them have not authority at all over the use or development of land in the county. Claimants incorporate all of the allegations contained in paragraph 1 through 60 above, as if fully set forth here again.

57. Claimants are informed and believe and thereon allege that a various times the defendants, and each of them, used deceit on the public by making: A promise, made without any promise of performing it, to wit: 1. to promote slow growth; 2. implement measure "J"; and control growth in the County.

Wherefore, Claimants pray for relief as set forth below.

IX.

FRAUD

Civil-Code § 1712 & 1713

58. Claimants hereby incorporate the allegations contained in paragraphs 1 through 57 of this claim as though fully set forth again here.

59. Claimants are informed and believe and thereon allege that Civil Code §§ 1712-1713 creates a duty on one who uses obtains a thing unlawfully to return it to its rightful owners upon notice of the mistake.

60. Claimants are informed and believe and thereon allege that this claim constitutes proper notice that: 1. every dime received from the federal government through HUD or through HCD for planning, development and/or housing related activities was illegally obtain by fraud from the taxpayers; 2. every dime received from the state government through HCD for planning, development and/or housing projects was obtained by fraud from the

taxpayers; 3. every dime received from builders, owners or developers for applications, fees, hearings, permits or any other zoning or planning activities was obtained by fraud; 4. every dime received through fines or penalties from owners for zoning violations was obtained by fraud; 5. every dime paid in salaries to employees of the planning department and contributions to their retirement fund constitutes an unlawful obtaining of money by the employees; and all taxes levied received in taxes of any kind paid to support any Planning Department activity, employee salary, maintain office space or any expense of any kind for this illegal activity from October 1, 1981 to the present, excluding the period of February 2, 1990 to June 30, 1991, was fraudulently obtained. All of those funds must be returned.

Wherefore, claimants pray for relief as set forth below.

X.

NEGLIGENCE

61. Claimants hereby incorporate the allegations contained in paragraphs 1 through 60 of this claim as though fully set forth again here.

62. Civil Code §§ 1708 & 1714 creates a duty to avoid injuring persons, responsibility for one's willful acts and responsibility for one's injury to other occasioned by his or her want of ordinary care or skill in the management of his or her person.

63. Claimants is informed and believes and thereon alleges that Defendants, and all of them, have engaged in an pattern of outrageous conduct (cited in paragraphs 7-60 above) upon every citizen of the County and particularly whose residents who wish to develop property. This outrageous conduct was and is designed to

inflict emotional distress, either intentionally or recklessly, and was designed and executed with reckless disregard of the probability of causing emotional distress.

64. Claimants is informed and believes and thereon alleges that Defendants, and all of them, have engaged in an orchestrated pattern of behavior (cited in paragraphs 5-6-2 above) designed to negligent inflict emotional distress upon every citizen of the County and particularly the residents who wish to develop property located in the County, of which group claimants is one.

Wherefore, claimants pray for relief as set forth below.

XI.

VIOLATION OF FEDERAL CIVIL RIGHTS

42 U.S.C. § 1983

65. Claimants hereby incorporate the allegations contained in paragraphs 1 through 64 of this claim as though fully set forth again here.

66, United States Code 42 § 1983 creates a duty on every person to avoid from depriving any citizen from any rights, privileges, or immunities secured by the laws of the United States.

67. The United States Supreme Court has held that local governments are "persons" for purposes of the Federal Civil Rights Act (42 U.S.C. § 1983) and that local governing bodies and local officials sued in their official capacities 'can, therefore, be sued directly through Section 1983 for monetary, declaratory, and injunctive relief in those situations where a policy (ordinance, regulation, statute) is alleged to violate civil rights.

68. Claimants are informed and believe and thereon allege that Defendants, and all of them, have engaged in a conspiracy

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to deprive residents of Santa Cruz County of their property right guaranteed by fifth amendment of the federal constitution. These violations include, but are not limited to, due process, equal protection, takings, inverse condemnation, arbitrary and unreasonable legislation, selective enforcement, vague and indefinite legislation.

69. Claimants are informed and believe and thereon allege that Defendants, and all of them, have engaged in a conspiracy to deprive residents of Santa Cruz County of the right to be free from unreasonable searches in their houses without probable cause by trespassing, enter upon, searching, posting, photographing, and collecting "evidence" on the private property of citizens of Santa Cruz County, who are-citizens of the United States of America. The illegal searches and seizures on this particular property occurred, without a warrant as required by California Code of Civil Procedure 1822.50 et seq., on November 17, 1995, July 7, 1999 and August 27, 1999.

Wherefore, claimants pray for relief as set forth below,

XII.

INJUNCTION FOR ILLEGAL EXPENDITURE
OF PUBLIC FUNDS
TRESPASSING

C.C.P. § 526(a)

70. Claimants hereby incorporates the allegations contained in paragraphs 1 through 72 of this petition as though fully set forth again here.

71. Claimants are informed and believe and thereon allege that Defendants, and all of them, have engaged in a conspiracy to trespass on defendants property, thereby causing injury to

claimant. County continues to carry out this illegal policy.

72. Claimants are informed and believe and thereon allege that Defendant, Stephen A. Ledesma, illegally and- with malice of forethought, enter onto claimants land without benefit of either a search warrant issued pursuant to Code of Civil Procedure § 1822.50 or prior permission of the property owner or occupants of the said property.

Wherefore, claimants pray for relief as set forth below.

STATEMENT OF DAMAGES

1. As a consequence of the wrongful rejection of the claimants' position expressed at the hearing and expressed in correspondence with the County Planning Department, Zoning Administrator, and other County employees, as well as other actions taken by the County Board of Supervisors and County employees that are illegal and were not in good faith, the claimants have suffered, and will continue to suffer, the following damages:

- A. Loss of income from her property;
- B. Unnecessary expenditures made on her property to appease the County Planning Department;
- C. Extreme emotional distress inflicted by the County, its Board of Supervisors and its employees as a consequence of their negligent, fraudulent and intentional and illegal acts;
- D. Loss of civil and property rights;
- E. Incurred attorneys fees, and court costs; and,
- F. Loss of time and loss of business opportunities retroactively and prospectively due to the actions of the County Planning Department, Zoning Administrator and other County employees, as well as other action; taken by the County Board of Supervisors acting jointly and severally, including any future actions by the County Hearing Officer and administrative hearing process;

- G. Loss of property due to the continuing illegal expenditure of taxpayer's money by the County and its Board of Supervisors on any and all planning activities and enforcement of illegal ordinances.

2. As a consequence of the negligent, fraudulent, deceitful, unconstitutional and illegal acts of the County Planning Department, Zoning Administrator, and other County employees, as well as other actions taken by the County Board of Supervisors, acting jointly and severally, the claimants has suffered and will continue to suffer a loss of rights guaranteed by the Federal Constitution which results from the County's failure to adequately train its employees, adopt valid laws and conduct fair hearings based on Due Process, claimants are thus subjected to a illegal policies which allow County employees to act recklessly, intentionally and with gross negligence so that substantial deprivations of rights occur and injuries are inflicted.

3. As a consequence of the above actions, claimants state claims against the County of Santa Cruz, its employees and its Board of Supervisors, jointly and severally, in an amount in excess of \$10,000.00 according to proof at trial. An estimate of any prospective injury, damage, or loss is dependant on the future acts of the County and/or its Board of Supervisors and therefore cannot be guessed by the claimants today.

4. All notices or other communication with regard to this claim should be sent to claimants at:

KATHLEEN and DOUGLAS WAIDHOFER
508 Shasta Park' Ct.,
Scotts Valley, CA. 95066
(831) 438-0960
fax (831) 438-0922

JOHN GRINDER
P.O.' Box 67359
Scotts Valley, Ca. 95067

Dated: 5/22/00

K Waidhofer

Kathleen Waidhofer - Claimant

Doug Waidhofer

Douglas Waidhofer - Claimant

John Grinder

John Grinder - Claimant