

April 5, 2002
385 El Dorado Avenue
Palo Alto, CA 94306

Mr. Frank Benest, Palo Alto City Manager
250 Hamilton Avenue
Palo Alto, CA 94301

RE: Code Enforcement Case Number 0108-ENC-14
Criminal Complaint Warrant Number BB256960

Dear Mr. Benest:

The shrubs in the planting strip near my Palo Alto home have been singled out for unnecessarily strict, selective code enforcement. This seems to have been done under political pressure and in a vindictive manner, possibly because the Chief Planning Official and the Special Legal Counsel for Code Enforcement were offended by my questions and pleas for fairness.

While I was waiting for answers to my questions from the Special Legal Counsel and daring to hope that someone at City Hall had come to his or her senses, the Special Legal Counsel filed misdemeanor charges against me in Superior Court. This heavy-handed treatment has put my crime in a category with DUI, shoplifting, and check fraud. This is totally inconsistent with how the city has handled such cases during the last thirty years. Of course I am upset to be arrested in my own home when Section 9.56.060 of the Palo Alto Municipal Code appears to offer me the right to a non-criminal, city-level hearing.

In an effort to reach a compromise solution that combines both a concern for safety and fairness, I have done substantial pruning in the city's planting strip and on my property. I have had phone conversations with the Code Enforcement Officer and correspondence with the Chief Planning Official. I would have talked with the Special Legal Counsel also if he had returned my phone call. Because the memos included in the court case are brief and possibly therefore misleading, I ask you to examine the information on <http://leibrand.netdojo.com/paloalto/enforcement.html> where I have documented my concerns and copies of communications. I have not made this URL public. I have given it to the city officials involved, a couple of city council members, and to a few friends when asking for advice.

I expect that you are not particularly proud of this sledgehammer approach. I would like your opinion before I talk about this to others. Yes, I know it's policy, but do you think it's sensible and fair? If you are unable or unwilling to comment on this, please at least acknowledge that you received this letter.

Sincerely,

Kay Leibrand

CC: Stephen Emslie, Director of City Planning and Environment