44th KZGN News Talking Points Editorial

Should the city waive legal costs for the Dale Howard code enforcement case?

At yesterday’s city council meeting, Mike Neel and his wife got up during public comment and discussed the Dale Howard code abatement case. They believe that the city has been abusive against him to get him to clean up his property. As we are achieving great strides in the clean-up, there is still more to be done. Mr. Howard has been courteous and cooperative in the clean up so far. However, the Neels also pointed out that the last court ruled that the city could recover certain legal fees associated with the case. The Neels asked the council to consider not going after him for the fees. The fees could be $100,000 or more, and the fees are an undue hardship, and even causing medical problems for the family. Mr. Neel even quoted from the Bible in his attempt to get the council to back off. No one wishes ill towards the Howards, including me.

A while back, I had a discussion with the chief of police about the case. He went over the sequence of events of the case with me. He pointed out from the beginning Mr. Howard had the option to just clean up the mess--no courts, no legal fees, no criminal cases, no 8-year battle for a lost cause. Even during the 8 years, the city made numerous offers to settle the case. All offers were rejected by Mr. Howard. He just did not want to clean up his properties. He declared he would fight to his last dollar to fight the city. I have even heard that he got legal advice that eventually he would lose the case. He still chose to continue to fight, and the continued fight cost him a lot. Don’t forget, it also cost the city a lot. Those are our tax dollars he forced the city to spend. He felt he had rights that trumped his neighbors’ rights. He refused to be a good neighbor. He refused to follow the Ridgecrest municipal code. It applies to everyone, equally. The fight was his choice. The city had no choice but to enforce the law. Just as they would give a ticket out for speeding, they cannot arbitrarily enforce laws. I should add that some people agreed with him under a constitutional basis, and that his fight against city hall was noble, and that the city was interfering with his right to peacefully use his private property. What they failed to recognize, was the same thing that Mr. Howard failed to recognize. The city had the statutory authority to pass laws. And then they have the requirement to enforce the laws, and the state and federal courts have upheld the city’s authority. Whether it’s right or wrong, if you don’t like a law, you need to act to change the law. You cannot just decide that the law doesn’t apply to you. You can’t decide a 70mph speed limit doesn’t apply to you and travel at 80mph. As far as the city waiving the court ordered recovery of legal fees, I say no. This was all his choice. He had numerous opportunities to stop and do the right thing. The city had no choice. They have to enforce laws. The city cannot apply the law to some people, and then exempt other people. That is not fair, or ethical. Sure, on a personal level, I do feel sorry for the Howards. They have spent a lot fighting city hall. But he made a bad decision to fight. Just like I have made some bad decisions over the years that cost me money. That was my choice. No one forced me to make the decision. He knew from the start that he might lose the case. He made a conscious decision to spend his hard earned dollars to fight. And guess what, that was his right to fight. And I support that he had that right. But now that the court has ruled, the ruling is as it is. It must be followed. Do I feel sorry for him? Yes. But the dollars he forced the city to spend on legal fees prevented the city of doing something like paving another street. The city spent hundreds of thousands of dollars enforcing the law. As far as the actually payment of the fees to the city, I would bet the city would be more than reasonable to discuss a payment plan. The city will not force him out of his home. The worst they’ll do if not paid is they’ll attach a lien on his property. That lien would get paid when the property gets sold sometime in the future.

In conclusion, the city, on our behalf, passes and enforces laws, fairly and equally. The laws apply to everyone, regardless of who you are, or who you know. If the court rules against you, then you have to follow the ruling.

I’m Tom Wiknich, and that’s what I think. I’d like to know what you think. If you have any comments about this editorial, or would like to discuss or recommend a topic, I’d like to hear from you. Please email them to [info@kzgn.net](mailto:INFO@KZGN.NET).