

COUNTY OF LAKE

FILED
SUPERIOR COURT
COUNTY OF LAKE
OCT 25 2016
BY: *Arlo D. LeVier*
Deputy Clerk


Exhibit A
1 of 8

- 9) Testimony and photographic documentation of this case including photos dated *October 17, 2016 (Exhibit A)*, and Exhibit A is attached here and incorporated herein by this reference of the property located at: *7180 Bartlett Springs Road, Lucerne CA; Assessor's Parcel Number: 027-135-03* is sufficient proof of violations relating to public health & safety.
- 10) No special circumstances exist logistically which would require more than five (5) working days to complete this inspection.
- 11) A site visit conducted on *October 17, 2016* at approximately *9:25 a.m.* and it was observed that many violations exist. It was also observed that there were several people and vehicles on the property, possibly residing in the "tent like" cabins or structures preparing to participate in some type of event. While driving along Bartlett Springs Road, which parallels the subject property, various code violations were observed from the roadway, which are highly dangerous and hazardous to the public. Examples of these violations are as follows: extension cords running on top of damp/wet ground through leaves, providing power to the structure; a chimney was extending vertically through a cloth covered roof on one of the "tent like" cabins/structure indicating a stove or fire place inside. Another concern would be the cloth covered roof on the cabin/structure, if it has been treated with an "approved" fire retardant?
- 12) A 24 hour notice would allow the property owner and/or occupants to destroy any evidence prior to the inspection. Your affiant respectfully requests that the requirement of a 24 Hour Notice per **Code of Civil Procedure Section 1822.56** and *People v. Lepeilbet (App. 3 Dist. 1992)* be waived.

Wherefore, your affiant respectfully requests that an Inspection Warrant be issued pursuant to **Code of Civil Procedure Section 1822.50 et seq.** and *Gleaves v. Waters 175 Cal. App. 3d 413 (1985)* to permit an inspection, investigation of violations on the premises in the caption named above, as set forth fully in the Inspection Warrant.

And to allow the entry upon the premises of authorized representatives of the Lake County Community Development Department; Code Enforcement, Building & Safety Division; Lake County Environmental Health; Lake County Sheriff's Department; Peace Officers and Cal Fire.

Furthermore, due to an immediate threat to health and safety of the public caused by the apparent code violations, your affiant requests that the inspection be authorized in the absence of the owner pursuant to **Code of Civil Procedure Section 1822.56** and *People v. Tillery (App. 5 Dist. 1989)*, and that the use of reasonable force be authorized, if necessary to enter the property pursuant to **Code of Civil Procedure Section 1822.56**.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 25th day of October 2016, at Lakeport/Courthouse, California.

Processed


Michael Penhall
Code Enforcement Officer
County of Lake

Sworn to as true and subscribed before me

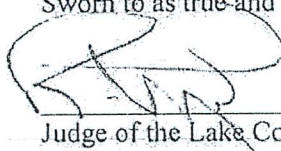
 on this 25th day of October 2016
Judge of the Lake County Superior Court.

Exhibit A
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WARRANT # WD10-16

"TENT LIKE" CABINS / STRUCTURES

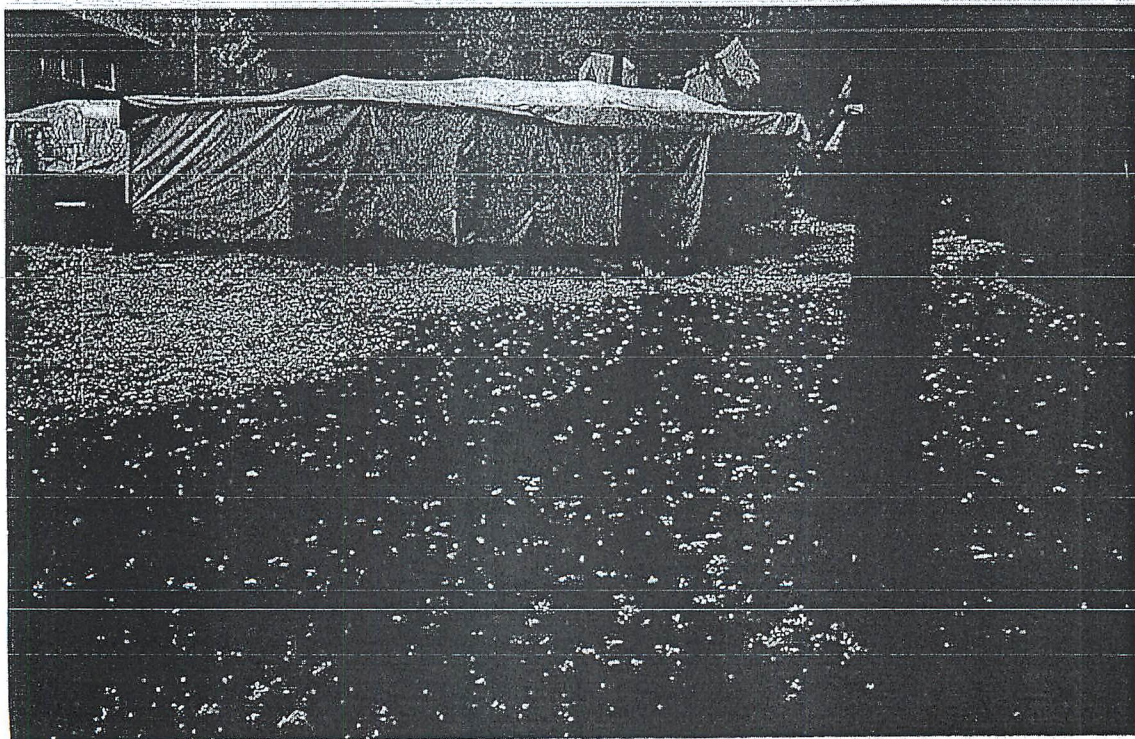
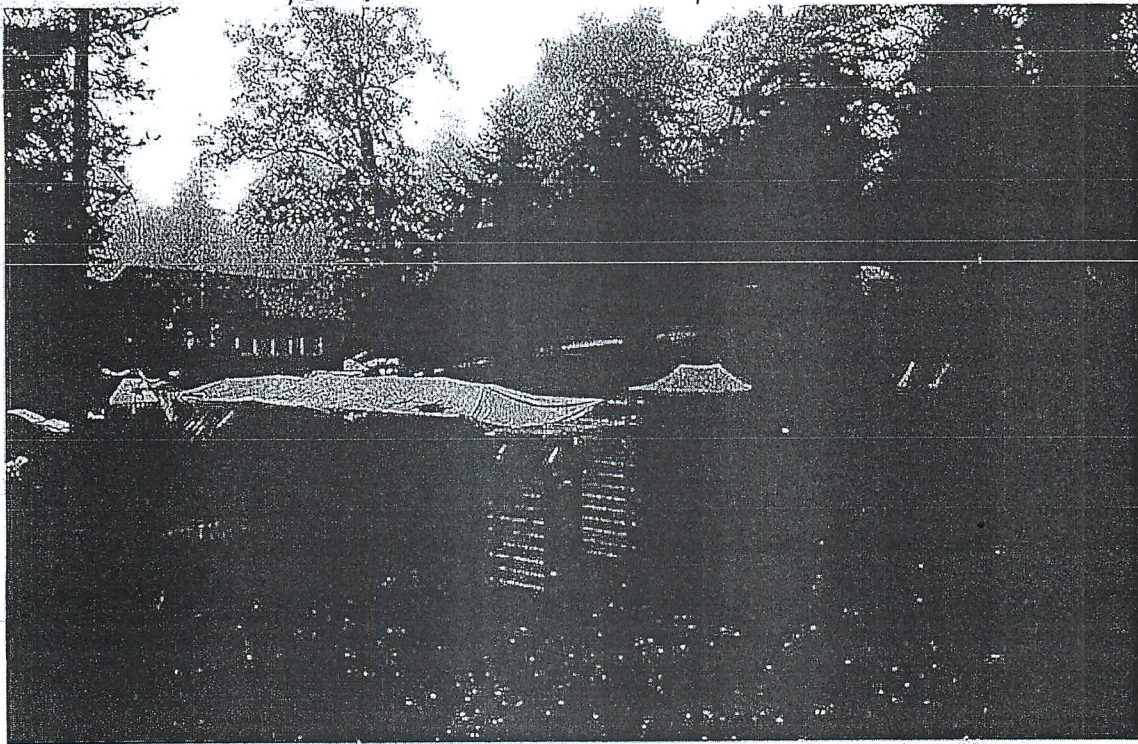
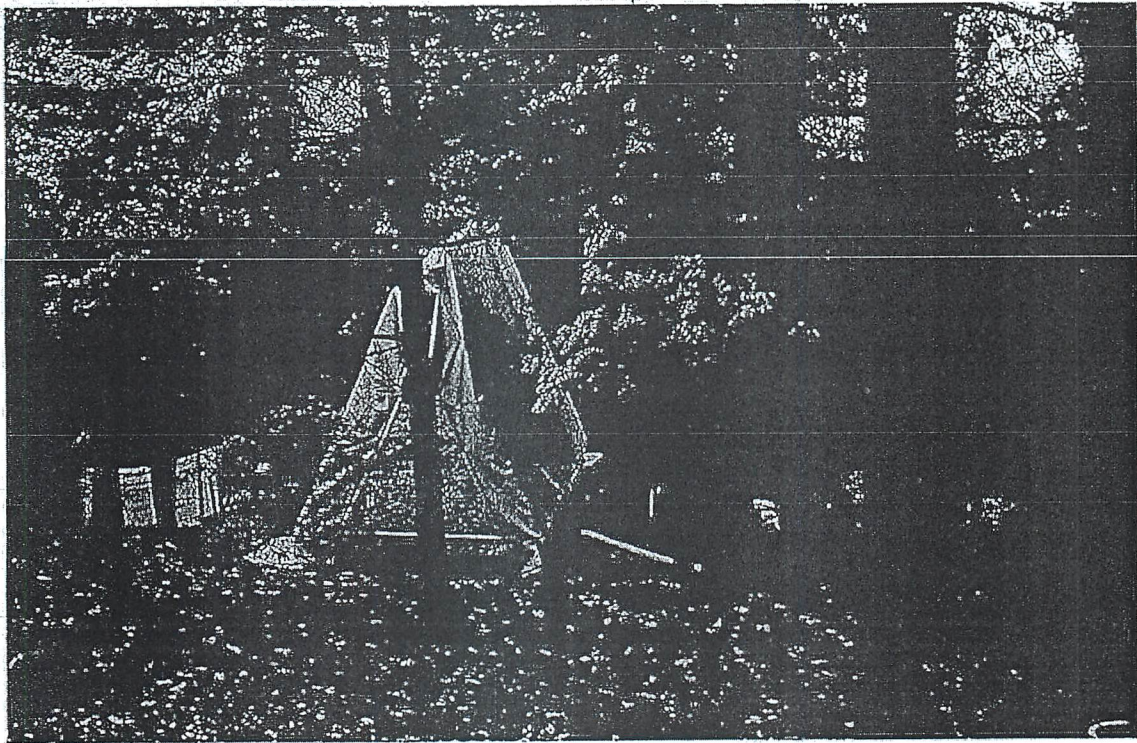


EXHIBIT A, 1 of 5

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WARRANT # W010-14

"TENT LIKE" CABIN / STRUCTURE.



EXTENSION CORD ON WET GROUND POWERING STRUCTURE



EXHIBIT A, 2 of 5

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WARRANT # W010-16
CHIMNEY TROUGH CLOTH LIKE ROOF, EXTENSION CORD

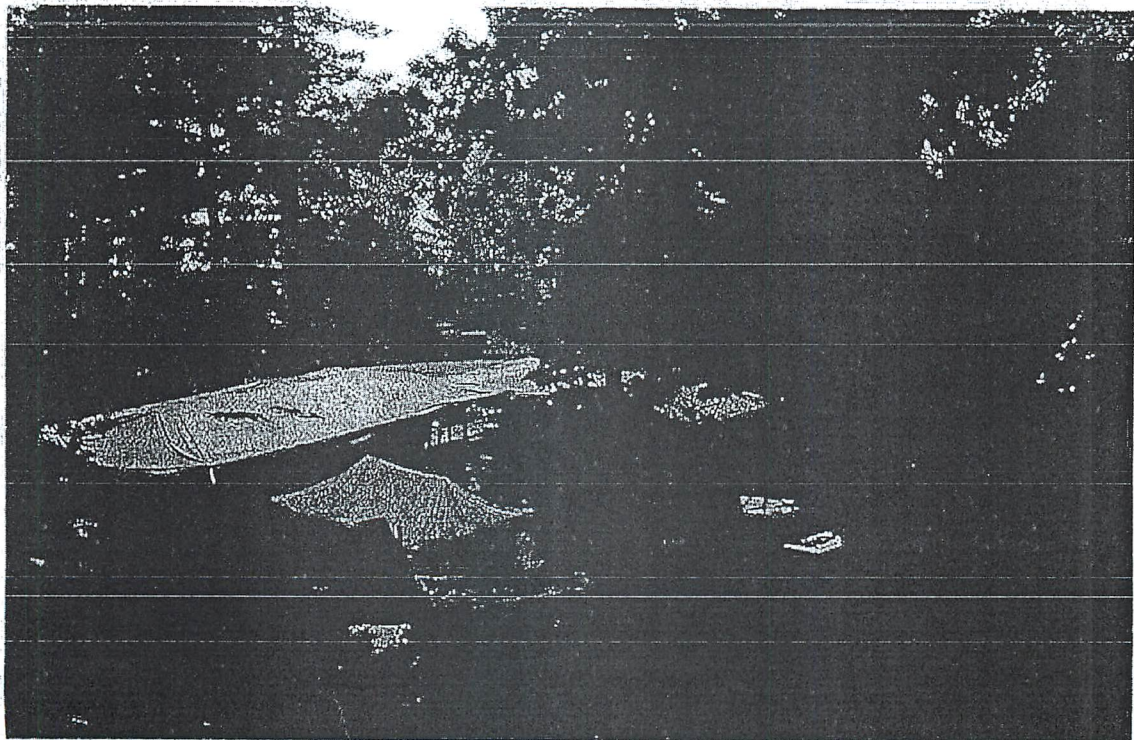
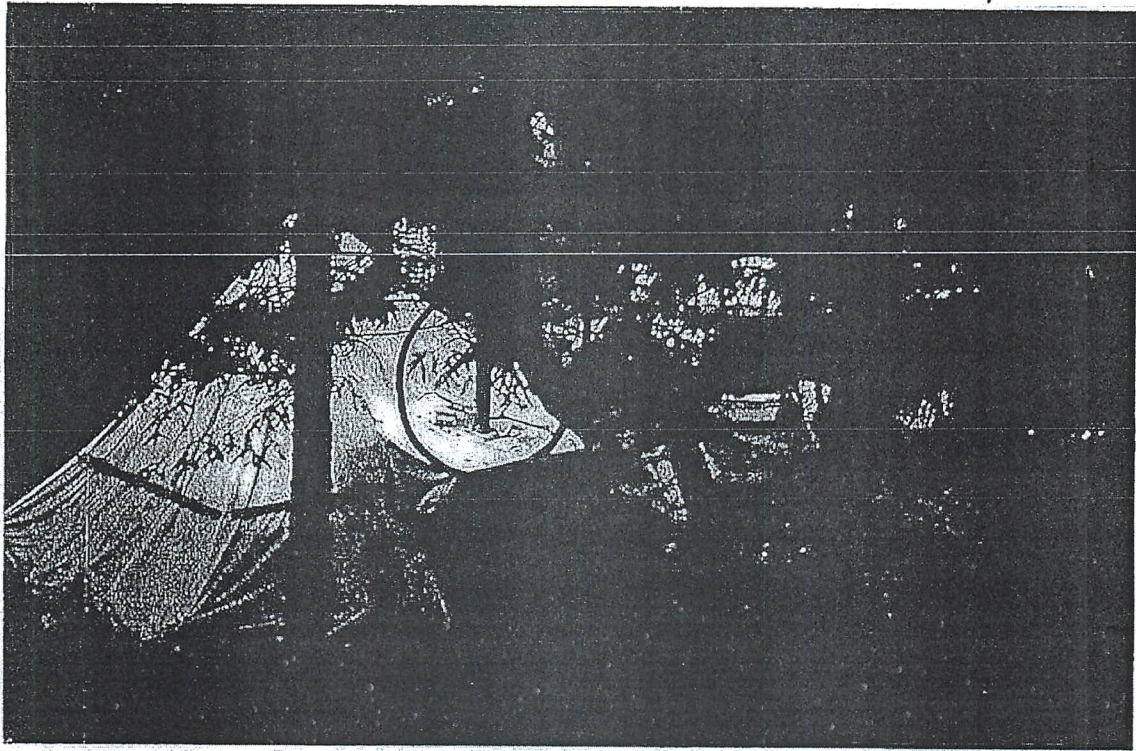


EXHIBIT A, 3 of 5

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WARRANT # W010-14

BLACK "POLY PIPE" SUPPLYING WATER

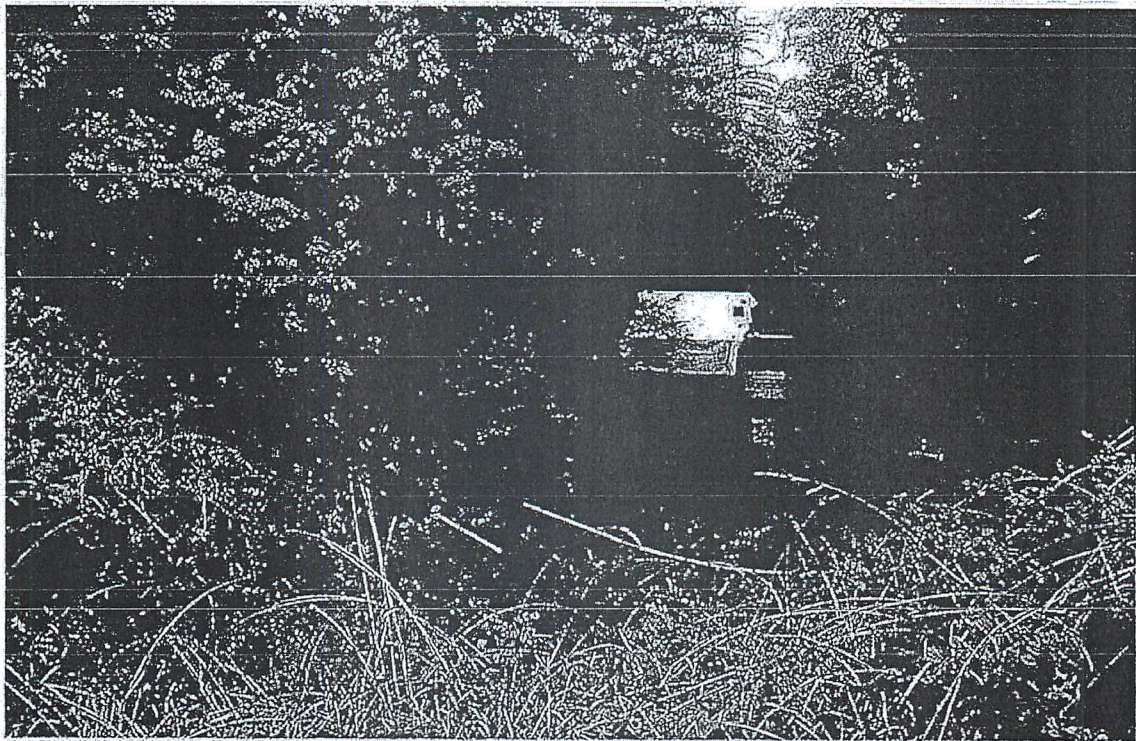


EXHIBIT A, 4 of 5

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WARRANT # W010-16

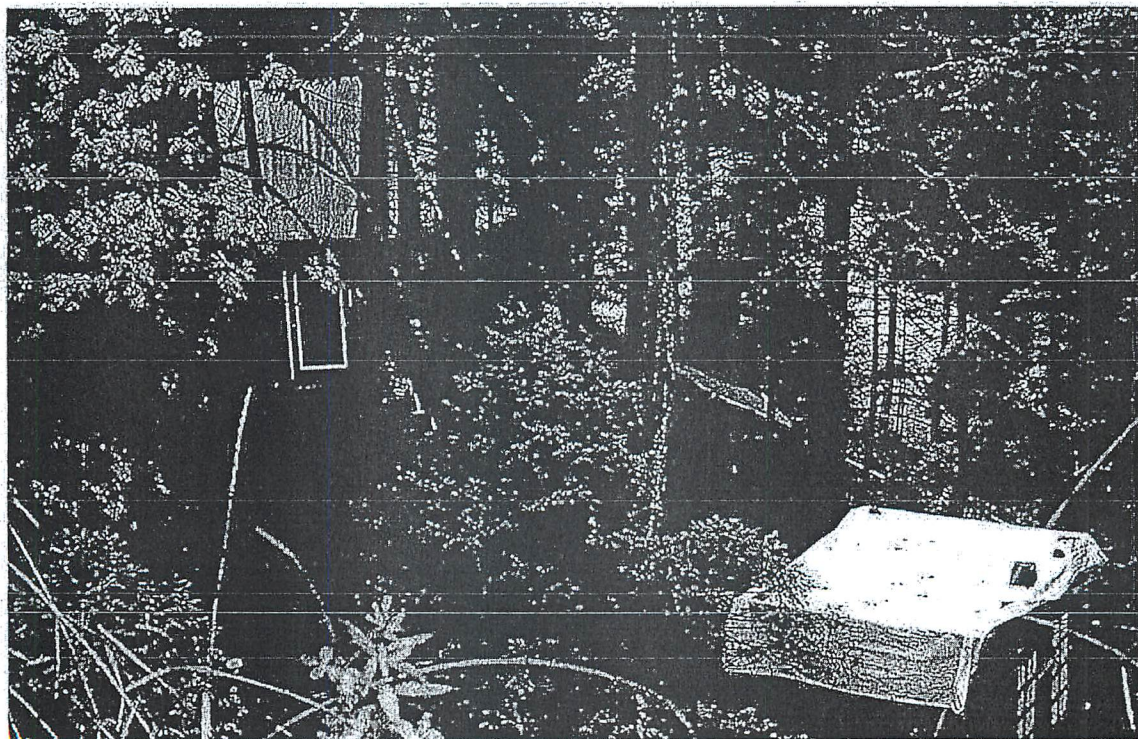
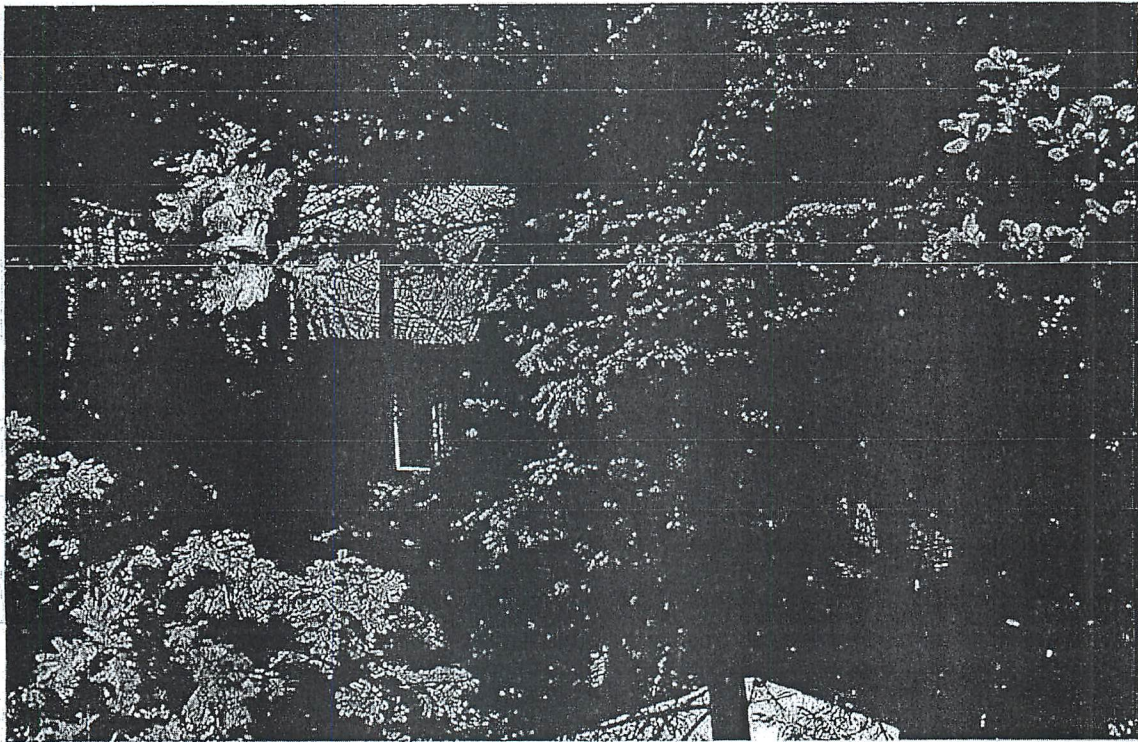


EXHIBIT A, 5 of 5

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STATE OF CALIFORNIA, COUNTY OF LAKE
INSPECTION WARRANT

Inspection of

Warrant #W010-16

Walter A. Niesen, Wendy Fetzner
and/or occupants of:
7180 Bartlett Springs Road
Lucerne, CA 95458

) Case No.: W010-16
) INSPECTION WARRANT
)
)
)
)
)
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)

THAT THERE IS REASON TO BELIEVE that there exists at *7180 Bartlett Springs Road, Lucerne, California* conditions of non-conformity with the Lake County Code. That there is an authorization or requirement for an inspection & abatement pursuant to Lake County Code; Chapter 13 Article 1, Section 13-4; Chapter 21 Article 17 . Right of Entry to investigate all conditions in violation with respect to the premises named in the caption above, as required by the Code of Civil Procedure Section 1822.50 et seq. and *Flahive v. Dana Point* 72 Cal.App.4th 241 (1999) for the issuance of an Inspection & Abatement Warrant.

YOU ARE THEREFORE COMMANDED TO INSPECT AND SEARCH;

WHICH INSPECTION SHALL INCLUDE the inspection of said premises including the taking of photographs, taking of video photography, inspection of all areas of the property where plain view violations exist; inspection of the interiors of all "tent like" cabins or structures and storage units, including the occupancy of any recreation vehicle(s) on the property; questioning of or conferring with persons present on the property to obtain information bearing on whether violations of the regulations, laws and Lake County Code concerning violations of standards, regulations, etc. exist; inspection personnel shall not interfere with the property owner's lawful observation of such inspections, tests or investigations;

AND THIS INSPECTION shall be reasonably conducted so as to effect as minimal an intrusion as possible on the normal operations of the property.

AND THIS INSPECTION shall be from property boundary to property boundary for;

THE PREMISES located at *7180 Bartlett Springs Road, Lucerne, California* in the unincorporated area of the County of Lake, State of California, further described as *Assessor's Parcel Number: 027-135-03*

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Exhibit B
1 of 2


STATE OF CALIFORNIA, COUNTY OF LAKE
INSPECTION WARRANT

Warrant #W010-16

EXCEPT AS OTHERWISE PROVIDED, the inspection herein ordered shall be conducted pursuant to Code of Civil Procedure Section 1822.56.

THIS WARRANT SHALL EXPIRE ON 11-4-16.

GIVEN UNDER MY HAND and dated this OCT 25, 2016 at
time 3:43 PM



Judge of Superior Court

*Authorization To enter property without
24 hr notice is approved to provide public safety
RM*

AUTHORIZATION FOR FORCIBLE ENTRY

FOR GOOD CAUSE SHOWN BY AFFIDAVIT AND/OR TESTIMONY, forcible entry is hereby authorized to said property and all exterior property areas.

Date: 10-25-16



Judge of Superior Court



Exhibit B
2 of 2

NOTICE OF NUISANCE AND ORDER TO ABATE

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

A CASE NUMBER: 16-0187
OWNER(S) NAME: Walter A. Niesen and/or Wendy Fetzer
SITE ADDRESS: 7180 Bartlett springs Road, Lucerne CA
MAILING ADDRESS: 4530 Feliz Creek Road, Hopland CA 95449

ASSESSORS PARCEL NUMBER: 027-135-03

B CONDITION CAUSING NUISANCE: The above referenced property was inspected by the Code Enforcement Officer and determined to have substandard structure(s) in violation of the State of California Health and Safety Code section 17920.3. This property also has construction without permits, unpermitted electrical, unpermitted plumbing, unpermitted "tent like" cabins/structures, occupied RV(s), open and outdoor storage of scrap metal, scrap wood, household items, and other miscellaneous debris, and operating a commercial operation/event without the proper permits resulting in violations of the Lake County Code.

Specifically, your property is in violation of the following Sections of the Lake County Codes; Lake County Zoning Ordinance: 21- 2.4(a) and 2.6(a); 21-17; 21-41.12 and 21-68.4(a)8; Chapter 5-14 Lake County Building Regulations; Section 105.1 and 116 of the 2013 California Building Code. These conditions constitute a public nuisance in accordance with Chapter 13, Section 3.3(e) of the Lake County Code.

C ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS (November 26, 2016) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:

- 1) IMMEDIATELY cease all event operations.
- 2) IMMEDIATELY vacate all unpermitted "tent like" cabin and/or structures

Exhibit

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- 3) IMMEDIATELY disconnect all extension cords and unpermitted electrical
- 4) IMMEDIATELY discontinue usage of all fire pits, fire places and use of any other wood or alternate fuel type equipment.
- 5) Obtain a building permit within thirty (30) days of the date of this notice to either repair, rehabilitate, remove or demolish the above referenced dwelling/structure in compliance with the California Health and Safety Code section 17920.3 and the 2013 California Residential Code section 105.1.
- 6) Contact a County of Lake, Community Development Department Planner within thirty (30) days of the date of this notice and obtain any necessary use permits required for this property.

D YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE SUBMITTED ON OR BEFORE November 16, 2016. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.

E IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:

- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. SAID SPECIAL ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS IS PROVIDED FOR THE COLLECTION OF ORDINARY COUNTY TAXES, AND SHALL BE SUBJECT TO THE SAME PENALTIES, INTEREST AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.
- 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER - TAX COLLECTOR.
- 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).

Michael Penhall #1025
Michael Penhall, Code Enforcement Officer
COMMUNITY DEVELOPMENT DEPARTMENT
STATE OF CALIFORNIA
COUNTY OF LAKE

DATED: October 26, 2016

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Sec. 5-1. - Title.

1.1 These regulations shall be known as the "Building Regulations of the County of Lake" and may be cited as such.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-2. - Declaration.

2.1 The purpose of these regulations is to establish proper regulations to safeguard persons and property within the County of Lake by establishing minimum standards of building construction, including mechanical, plumbing, and wiring installations.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-3. - Definitions.

3.1 In addition to definitions specified in any of the codes adopted herein, whenever in any of the Codes, the following names or terms are used, such names or terms shall have the meaning ascribed to it by this section as follows:

- (a) Agriculture as used in this chapter shall mean the tilling of soil and raising of crops, horticulture, floriculture, small livestock, farming, dairying and/or animal husbandry, including all uses accessory and incidental thereto.
- (b) The terms Administrative Official, Chief Building Official, Director of Building and Safety, County Building Inspector, Department of Building and Safety, Building and Safety Division, and County are to be synonymous with the terms Building Official, Fire Chief, Fire Code Official, Building Department and City respectively, as they appear in the California Code of Regulations and this chapter.
- (c) City shall mean County of Lake when referring to a political entity or the unincorporated area of said County when referring to area, and does not include any area within an incorporated city.
- (d) City Clerk shall mean County Clerk; Ex-Officio Clerk of the Board of Supervisors.
- (e) City Council shall mean the Board of Supervisors of the County of Lake.
- (f) Appointing Authority shall mean the Board of Supervisors of the County of Lake.
- (g) Chief Electrical Inspector shall mean the County Building Inspector
- (h) Code Official shall mean the Lake County Building Official, Code Enforcement Manager, or

Director of the Community Development Department.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-4. - Adoption of Codes.

4.1 The County hereby adopts and makes a part of this chapter by reference the 2013 California Building Standards Code, the 2013 California Building Code, the 2013 California Residential Building Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, the 2013 California Mechanical Code, the 2013 California Energy Code, the 2013 California Green Building Code, the 2013 California Fire Code, the 2013 California Administrative Code, the 2013 California Historical Building Code, the 2013 California Existing Building Code, the 2012 International Property Maintenance Code, and the 2012 International Wildland-Urban Interface Code to the extent and with the modifications described herein below.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-9. - Fees for Permits and Inspections.

9.1 The valuation method set forth below in Section 9.2 is hereby established as the basis for fees and services for permits issued by the Lake County Division of Building and Safety. The Division of Building and Safety shall collect the fees set forth below before issuing any permits or providing services.

9.2 Building Permit Fees.

- (a) Construction costs for establishing valuation will be determined by the Building Official based on the current Building Valuation Data and Regional Modifiers as published periodically by the International Conference Code Council.
- (b) The valuation of all piers, wharfs and docks will be based on a value of fifteen dollars (\$15.00) per square foot of deck area.
- (c) Installation and lot prep fees for manufactured homes on private land shall be determined by the Building Official based on the fees authorized by the California Administrative Code, Title 25, Chapter 2. The County Building and safety Divisions shall charge the same permit fee for installation of manufactured homes on private land as specified in Section 1020(c) of said code. Installation and lot prep fees for manufactured homes on private land used for farm labor housing shall be reduced by fifty (50) percent.
- (d) A minimum fee of twenty-five dollars (\$25.00) shall be placed on all building permits issued

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by the Building Division except those that are regulated by the State of California.

- (e) For "Other Inspections" pursuant to Section 109.3.8 Chapter 1 of the California Building Code which are requested by the owner, a minimum fee of sixty-four dollars (\$64.00) shall be charged.

9.3 Refund of permit fees, investigation (penalty) fees and plan check fees shall be as specified in the California Building Code as adopted by the County of Lake. For Manufactured homes on private land these fees and refunds shall be as those specified in the Mobile home Parks Act, Title 25 of the California Administrative Code.

(Ord. No. 2861, § 2, 2-19-2008)

ARTICLE III. - ENFORCEMENT

Sec. 22-8. - Enforcement Officials.

8.1 For the purposes of this chapter, the fire chief of any fire protection district or the chief of any fire department, or any peace officer of the County of Lake or the State of California or the United States Forest Service is authorized to enforce the provisions of this chapter.

(Ord. No. 747, § 1, 6-5-73)

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Sec. 5-10. - Declaration.

10.1 For the purpose of administering and enforcing this chapter and providing an inspector to enforce this and other County and State Building and Safety Laws, there is hereby established the Office of Chief Building Official. The Chief Building Official shall have the duty of educating the public in the use of the Codes, Inspection, Enforcement and Administration of each of the codes adopted by reference in Section 5-4, and Section 5-4A through M above, the County Zoning and Enabling Codes, including its amendments or revisions and all other State and County Laws referring to building and materials. The Chief Building Official may obtain assistance from other County Officials or employees when necessary to enforce these regulations or other County or State Laws under his jurisdiction.

(Ord. No. 2861, § 4, 2-19-2008; Ord. No. 2935, § 2, 12-7-2010; Ord. No. 2996, § 2, 12-10-2013)

Editor's note— Ord. No. 2861, § 4, adopted Feb. 19, 2008, amended § 5-10 in its entirety to read as herein set out. Former § 5-10, pertained to similar subject matter, and derived from Ord. No. 1654, § 17, adopted June 9, 1987.

Sec. 5-11. - Records and Accounting.

11.1 It shall be the duty of the Chief Building Official to have a permanent record kept of all pertinent transactions of his office under this Chapter. All fees collected shall be turned over to the Lake County Treasurer for the Building and Safety Fund.

11.2 A copy of all applications and completion reports shall be transmitted to the Office of the Lake County Assessor.

(Ord. No. 2861, § 5, 2-19-2008)

Editor's note— Ord. No. 2861, § 5, adopted Feb. 19, 2008, amended § 5-11 in its entirety to read as herein set out. Former § 5-11, pertained to similar subject matter, and derived from Ord. No. 512, § 15, adopted 1967; Ord. No. 1654, § 18, adopted June 9, 1987.

Sec. 5-12. - Board of Appeals.

12.1 In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of five members. The authority of the Board of Appeals shall be limited to interpretation and recommendation. The Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at the Board of Supervisors' pleasure. The Board of

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Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Board of Supervisors, such new legislation as consistent therewith.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.2 Any person may appeal a decision of the Director of the Building and Safety Department in writing to the Board of Appeals.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.3 The Board of Appeals shall be the "Local Appeals Board" mentioned in Section 17920.5, Division 13, Part 1.5, California Health and Safety Code.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.4 Any person who has first appealed to the Board of Appeals may appeal within thirty (30) days a decision of the Board of Appeals in writing to the Board of Supervisors.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

Sec. 5-13. - Liability of County.

13.1 This chapter shall not be construed as imposing upon the County of Lake or upon any of its officers or employees, any liability or responsibility for injury or damage resulting from any building, plumbing, or electrical work approved or performed pursuant to this Chapter, or by reason of any inspection performed hereunder.

(Ord. No. 512, § 18, 1967)

Sec. 5-14. - Noncompliance/Violation of Lake County Building Code Permitting Requirements.

14.1. Building Permit Noncompliance and Violation. Any of the following conditions may result in the issuance of a Notice of Noncompliance and/or Notice of Violation of the Lake County Code building permit requirements by the Chief Building Official:

1. Work has been done for which a permit is required and a valid permit for the work has not been issued;
2. Work has been done which exceeds that authorized by a valid permit;

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3. Work has been done which does not comply with the terms of a valid permit;
4. Work has been done which has not received a final inspection by the Chief Building Official prior to expiration of the permit authorizing the work.

14.2. Recordation of Notice of Noncompliance/Notice of Violation. The Chief Building Official may proceed under the provisions of this Section to issue, and record a Notice of Noncompliance and/or Notice of Violation to address violations of this Chapter.

- a. The Chief Building Official shall give written notice to the owner, as shown on the latest assessment roll, of the specific nature of any violation or noncompliance with the Lake County Building Code and/or the terms and conditions of an issued building permit.
- b. A Notice of Noncompliance and/or Violation shall identify the property, the owner of record, as shown on the latest assessment roll, and the work or structure to which the notice applies, and shall state that the work or structure has not received a final inspection from the Chief Building Official and that the owner has been so notified.
- c. Unless appealed as provided in Section 5-14.3 hereinbelow, the owner must take corrective action as identified in the notice issued by the Chief Building Official within thirty (30) days of the date of the issuance of that written notice.
- d. Failure to make the required corrections within the thirty (30) days of the final notice to comply herein specified shall result in the recordation of the Notice of Noncompliance and/or Notice of Violation with the Lake County Recorder. As used in this Section, "owner" includes the owner of record or anyone in possession of the property.
- e. A recorded Notice of Noncompliance and/or Notice of Violation shall remain of record until such time as a final inspection is conducted and the work or structure is found to comply with the applicable requirements of this Chapter.
- f. An owner of real property or his authorized agent may apply for issuance by the Chief Building Official of a Notice of Compliance after any structure or work on the owner's property subject to a Notice of Noncompliance and/or Notice of Violation is found to comply with the requirements of this Chapter. The Chief Building Official will record the Notice of Compliance so issued in the office of the Lake County Recorder.

14.3 Right of Appeal Prior to Recordation of Notice of Noncompliance/Notice of Violation.

- a. The notice described in Section 5-14.2 herein shall provide that the owner has ten (10) calendar days within which to make a written request for a hearing before the Chief Building Official to challenge the Notice of Noncompliance and/or Notice of Violation.
- b. From the time the request for a hearing is made until the time the Chief Building Official

West's Annotated California Codes
Code of Civil Procedure (Refs & Annos)
Part 3. Of Special Proceedings of a Civil Nature (Refs & Annos)
Title 13. Inspection Warrants (Refs & Annos)

West's Ann.Cal.C.C.P. § 1822.51

§ 1822.51. Requirements for issue

Currentness

An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

Credits

(Added by Stats.1968, c. 1097, p. 2105, § 1. Amended by Stats.1970, c. 241, p. 501, § 2; Stats.1971, c. 438, p. 861 § 20; Stats.1984, c. 476, § 2.)

Notes of Decisions (7)

West's Ann. Cal. C.C.P. § 1822.51, CA CIV PRO § 1822.51

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

End of Document

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Exhibit G
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California

LEGISLATIVE INFORMATION

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#)[Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 1. GENERAL [100 - 7914]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 3.5. COSTS IN CIVIL ACTIONS RESULTING FROM ADMINISTRATIVE PROCEEDINGS [800- 800.]** (Division 3.5 added by Stats. 1971, Ch. 1655.)

800. (a) In any civil action to appeal or review the award, finding, or other determination of any administrative proceeding under this code or under any other provision of state law, except actions resulting from actions of the Department of General Services, if it is shown that the award, finding, or other determination of the proceeding was the result of arbitrary or capricious action or conduct by a public entity or an officer thereof in his or her official capacity, the complainant if he or she prevails in the civil action may collect from the public entity reasonable attorney's fees, computed at one hundred dollars (\$100) per hour, but not to exceed seven thousand five hundred dollars (\$7,500), if he or she is personally obligated to pay the fees in addition to any other relief granted or other costs awarded.

(b) This section is ancillary only, and shall not be construed to create a new cause of action.

(c) The refusal by a public entity or officer thereof to admit liability pursuant to a contract of insurance shall not be considered arbitrary or capricious action or conduct within the meaning of this section.

(Amended by Stats. 2016, Ch. 31, Sec. 32. Effective June 27, 2016.)

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