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San Bernardino County Government Center
Supervisor Neil Derry
385 N Arrowhead Ave, Fifth Floor
San Bernardino, CA 92415-0110

February 14th, 2010

Dear Supervisor Neil Derry,

It has come to our attention that the San Bernardino County Board of Supervisors may revisit the current staging permit section 28.0404 of OHV Ordinance 3973.

At our regular monthly meeting on February 8th, the Homestead Valley Community Council held an in-depth discussion on the staging permit portion of the ordinance. While the area residents attending the meeting all agreed the OHV ordinance is an important tool in helping the Code Enforcement division combat off-roading abuses, many expressed opposition to the staging permit language as it relates to private property use. Some of these concerns are:

- requiring a permit for the assembly of 10 or more persons on private property simply because legal off-road vehicle use is involved seems discriminatory, and attacks our U.S. Constitution's First Amendment right to assemble.
- as of June 2009, only 10 persons have applied for permits. The permit is lengthy and is required several weeks in advance. There is no evidence this program has had any effect on reducing OHV abuse.
- Code Enforcement officers are often dispatched on each permitted day. The minimal revenues generated by the low volume of permits does not seem to justify the administrative and field officer costs.
- the authority granted in Ordinance 3973 for Code Enforcement to issue citations for noise, dust, and trespassing by OHV abusers, has been extremely effective in reducing these occurrences. Removing the staging permit portion of the ordinance is unlikely to result in diminished effectiveness of the ordinance. We have been told this by Code Enforcement officers themselves.

The Homestead Valley Community Council does not condone illegal activity by off-road vehicle operators under any circumstances. We endorse OHV Ordinance 3973, however, after careful consideration of section 28.0404 regarding staging permits, we concur with those who have questioned this portion of the ordinance and their reasons for opposing it.

The Homestead Valley Community Council wishes to express our support for you in any efforts to revisit the staging permit language, and address the concerns many of us have regarding its lack of necessity, lack of fairness, and its ineffectiveness in reducing OHV abuse.

Thank you for continuing to work for the best interests of the residents of the Third District.

A handwritten signature in cursive script that reads "Jim Harvey".

Jim Harvey
President, Homestead Valley Community Council