July 18, 2006

Honorable Roland L. Candee
Presiding Judge
Sacramento Superior Court
720 Ninth Street, Department 47
Sacramento, Ca 95814

Re: Grand Jury Report on Oversight of Contract Services – Citrus Heights

The Honorable Roland L. Candee:

The City of Citrus Heights has a distinguished record of providing quality services to its residents and business community. The Grand Jury Report referenced above calls into question the City’s oversight of a demolition contract carried out in 2003. I appreciate the opportunity to respond to the Grand Jury Report and to set the record straight.

1. Grand Jury Observation: “No building inspector or NED (sic NEP) staff was (sic were) present while the work was in progress.” City response: James Lynch, Community Enhancement Manager, Sharlene Plescia, NEP Inspector and Nicole Piva, NEP Technician conducted an on site inspection during the demolition. City staff did not witness any improper actions by the contractor during the inspection. This inspection is documented in field notes and contemporaneous photos (attached). City Building Inspector Greg Anderson inspected the site upon completion of the job (see attached building inspection card). Mr. Anderson did not see any improper actions by the contractor.

2. Grand Jury Observation: “The property changed ownership, and the new owner proceeded to build a house on the site”. City response: The “new owner” is actually the son of the owner. The son who had multiple contacts with City Code Enforcement staff revealed a material interest in the property. On the basis of that interest, City staff asked him to assist with the remediation of the property as the mother was not present and could not be found. He refused to assist with the property abatement. The City proceeded with an Administrative Hearing and then obtained a court abatement warrant for the demolition of the home. The son then
obtained the property after a court hearing and proceeded to build a new home on the site.

3. Grand Jury comment: “To recoup costs of the July 2005 clearing, the owner filed a claim against the City of Citrus Heights. The Citrus Heights Risk Management Division denied the claim, even though its investigation found that the vendor did not perform according to the contract, and that the debris was relevant to the former residence at the site. Once a claim is denied, there is no appeal process. A citizen’s only recourse is to file a lawsuit against the City of Citrus Heights”. City response: The City’s Risk Management Division did reject the claim after a review of the situation. The City did not conclude that the contractor had failed to perform or that the contractor was responsible for the debris later found on the site. Based on the City’s contract with the contractor which indemnified the City, the City tendered the claim to the contractors insurance company and advised the claimant of that fact. Generally, a citizen’s recourse is to file a lawsuit against the City or any other party involved in the purported activity once a claim is denied. In addition, the claimant was informed of his right to file a claim against the contractor through the State Contractor Licensing Board.

4. Grand Jury Observation: “No one from the City of Citrus Heights monitored the job in progress and there was no confirmation that all the debris had been removed from the site”. City response: As noted earlier three NEP staff inspected the site during demolition. A City Building Inspector inspected the job upon its completion. It is possible that the contractor buried debris but without complete and continuous monitoring, it would be impossible to have observed such activity. The City’s monitoring system is designed to provide a “reasonable” but not an absolute level of supervision over the work done under a contract or permit. The City’s job was to supervise the abatement of the nuisance not to take core samples or to perform other extraordinary actions to ensure the property was prepared for the construction of a new home.

The Grand Jury Report correctly states that the following personnel were interviewed for the Grand Jury investigation: City Attorney, Community Development Director, Administrative Services Director, Chief Building Official, and Community Enhancement Manager. City staff cooperated fully with the Grand Jury and made clear the positions and facts enumerated above. The City is at a complete loss to explain the disconnect between the record and testimony submitted with respect to this investigation and the conclusions of the Grand Jury.
Enclosed you will find a certified copy of field notes and a sample of photos taken by City staff during their on-site inspection of the demolition. I have also enclosed the Building Division’s permit record. These records clearly disprove the findings of the Grand Jury.

Sincerely

[Signature]

Henry Tingle
City Manager

Cc: Mayor, City Council and Management Staff

Attachments: Certified field notes and photos taken by inspectors during demolition operations and a certified copy of Building Division permit record.
INDIVIDUAL ACKNOWLEDGEMENT

I hereby certify, under penalty of perjury, that this is a true and correct copy of the original document consisting of 1 page which is on file in this office.

CITY OF CITRUS HEIGHTS
NEIGHBORHOOD ENHANCEMENT PROGRAM

DATE: July 18, 2006

JAMES LYNCH
Community Enhancement Manager
NEP Service Request

Request# 7614
OldReq# 0
Archive Box #

Request Date 04/14/1999
Request Time
Request Received By YMY

Tequestor Information
First Name
Last Name
Company
Day Phone: 
Eve Phone:

Property Owner
Owner Name Anderson Edmund J & Betty J
OwnerAddress 7405 Greenback Ln #179
City Citrus Heights State CA Zip 95610
Phone

Code Details
APN 243-0210-012-0000
Street Number 7621
Street Name Farmgate Way
Map Page 259-H5

Descriptive Location
Request Description 2nd hand info from a @ @. Says Betty Anderson owns this house and has a history of abandoning properties. Says this is vac/open/accessible. 7/31/00 @ @ called to report there is junk and rubbish all over the property.

Tequest Action and Follow Up
Referral Date 4/14/1999
Dept Referred to NEP
Last Action Date 3/24/2003
Next Action Date 3/25/2003
Drug Violation
Drug Closed Date
PD Hearing Date
PD Resolution

Inspection Information

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<tr>
<th>Inspection ID</th>
<th>Inspection Date</th>
<th>Inspector</th>
<th>Inspection Notes</th>
<th>On Site</th>
<th>Drive By</th>
<th>Phone</th>
<th>NTA</th>
<th>Courtesy Letter</th>
<th>Fine</th>
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<td>4756</td>
<td>3/24/2003</td>
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<td>JL, NP, LM and I visited site. Dozer operator said he hopes to complete job today but should for sure be completed by tomorrow. SP</td>
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<td>3/20/2003</td>
<td>165</td>
<td>House demolished this morning. Contractor is still clearing lot as of 11:39 a.m. this morning. Scheduled to complete by 6:00 p.m. today. SP</td>
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<td>3/17/2003</td>
<td>165</td>
<td>I drove by the property today and saw Pac Bell truck, there. He advised he is there to mark their lines for PG&amp;E. Called Yogi at Rent-A-Fence to pull down the fencing this week sometime and advised we will be demolishing the house and clearing the property as early as this week. SP</td>
<td></td>
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<tr>
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<td>Betty called again and asked how long she has to get her personal stuff out. I told her we would probably be demolishing the house and clearing the property next week as early as Monday possibly and she should get in there before Monday to get whatever personal belongings are left. SP</td>
<td></td>
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<td></td>
<td></td>
<td>$0.00</td>
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<td>3/13/2003</td>
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<td>Phone call from Betty Anderson, would not provide a call back #. Advised her son died and she has not been on property in two years. She said &quot;it's my fault for ignoring this problem&quot; and that she and her son had discussed demolishing the building &quot;anyway&quot;. Wants time to go in and get her personal items (photos, etc). I advised demo may be next week and she should go in today or tomorrow (Thurs or Fri)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0.00</td>
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INDIVIDUAL ACKNOWLEDGEMENT

I hereby certify, under penalty of perjury, that this is a true and correct copy of the original document consisting of 60 pages which are on file in this office.

CITY OF CITRUS HEIGHTS
BUILDING DIVISION

DATE: July 18, 2006

GREG ANDERSON
SUPERVISING BUILDING INSPECTOR
# BUILDING PERMIT

**Permit No.** 230617  
**APN** 243-0210-012-0000  
**Date** 3/19/2003  
**Owner** Anderson Edmund J.; Betty J  
**Contractor** Double B Trucking & Demolition Inc.  
**Address** 194 Willow Creek Dr  
**City** Folsom  
**State** CA  
**Phone** (916) 983-0700  
**Final**

## WORK DESCRIPTION:
**Demo Residential Home (NEP)**

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### LICENSED CONTRACTOR'S DECLARATION
I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

- **License Number:** 637185  
- **License Class:** C21  
- **Expiration Date:** 6/30/04  
- **Owner-Builder Declaration:**
  - I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and structure is not intended or offered for sale. (Sec. 7044, B & P Code: Contractors' License Law does not apply to an owner of property who builds or improves thereon, and who does the work himself or herself through his or her own employees, provided that the improvements are not intended or offered for sale. If the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)
  - I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, B & P Code: Contractors' License Law does not apply to an owner of property who builds or improves thereon, and who contracts with a contractor(s) licensed pursuant to Contractors' License Law.)
  - I am exempt under Sec. 8 of B& P Code for this reason:

---

### WORKERS' COMPENSATION DECLARATION
*(This section need not be completed if the permit is for one hundred dollars ($100) or less.)*

I hereby affirm (per Sec. 3700 of the Labor Code), under penalty of perjury, for the performance of the work for which this permit is issued, one of the following declarations:

- I have and will maintain a certificate of consent to self-insure for workers' compensation.

---

### CONSTRUCTION LENDING AGENCY
I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

---

### SIGNATURE
I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this City to enter upon the above-mentioned property for inspection purposes.

---

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<td>Plumbing</td>
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NOTE: THIS PERMIT DOES NOT INCLUDE ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY. ANY CONSTRUCTION IN THIS AREA REQUIRES A SEPARATE PUBLIC WORKS PERMIT AND BOND.

PERMIT SHALL EXPIRE AND BECOME NULL AND VOID IF WORK IS NOT BEGUN WITHIN 180 DAYS OF ISSUE DATE OR IF WORK IS STOPPED FOR A PERIOD OF 180 DAYS.

---

**Permit Issued By**

**Date Approved**

**Date Issued** 3/19/2003

Work requiring a permit shall not commence until the permit holder or agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspections of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.
### Foundation
- RHG. Grading / Compaction
- Setbacks / Footings
- Forms / Steel / Holdowns / Uffer
- Pre-Slab (Membrane / Reinforcement)

### Mechanical
- Underfloor Ducting
  - Rough:
    - A) HVAC Duct Work
    - B) Venting
    - C) Dampers / Fire
    - D) Combustion Air
    - HVAC (Support / Vents / Anchorage)
    - A/C Condenser
    - Woodstove (Hearth / Clearance)

### Plumbing
- Underfloor / Under Slab
  - A) Drain, Waste, and Vent
  - B) Water Piping
  - C) Gas Piping
  - Gas Piping (Under Ground)
  - Gas Piping (Air Pressure Test)
  - Water Service (Underground)
  - Sewer (Pipe / Test / Tap)
  - Rough Water & D.W.V. Test & Prot.
  - Shower Pan / Tub Test
  - W. Heater / Exp. Tank / Bracing
  - Backflow Prevention
  - Gas Meter Tag

### Electrical
- Rough Ground Work
- Rough (Conduit / Box Fill / Prot.)
- Grounding / Bonding / Uffer
- Meter / Temp / Perm
- Smoke Detectors
- GFCI (Kit / Bath / Garage / Outside)
- Panel Labeling
- Required Circuits / Breakers
- Panel Change Out (Sub / Main)

### FINAL INSPECTIONS
- Building / 24 Final
- Electrical Final
- Mechanical Final
- Plumbing Final
- Sign Final
- Landscape Final

### POOLS AND SPAS
- Electrical (Rough / Ground Work)
- Electrical (Bonding / GFCI Prot.)
- Pre-Gunite / Steel / Setbacks
- Piping and Drainage
- Pre-Plaster / Barrier / Alarms
- Safety Glazing
- Pool Light

### Additional Notes
- Planning Final
- Engineering Department
- Fire Department
- Temp Occupancy (W / All Dept. App)
- Project Final

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**Address:** 2621 Farmsgth

**Requested By:** Bobby

**Phone:** ?

**Arrival Time:**

**Departure Time:**

**BSD#002**

**APPROVAL DATE:** 6/12/00

**APPROVED BY:**

**A:\BSD#002.doc**
# BUILDING PERMIT APPLICATION

**SITE ADDRESS** 7621 FARMGATE WAY  
**DATE** 3/19/2003  
**NO PERMITS UNTIL OK BY JANET**  
**PERMIT ISSUED** 3/19/2003  
**PERMIT NO**  
**PERMIT FINALED**  

**OWNER** Anderson Edmund J; Betty J  
**APN** 243-0210-012-0000  
**PHONE** ( )  
**NUMBER** 7621  
**STREET** Farmgate Way  
**UNIT**  
**OWNER or AUTHORIZED AGENT OF THE OWNER** Contractor  
**STREET NO** 194  
**ST NAME** Willow Creek Dr  
**ALT. PHONE** (916) 983-0700  
**CITY** Citrus Heights  
**STATE** CA  
**ZIP** 95610  
**LICENSE** 637105  
**CLASS** B  
**CONTRACTOR** Double B Trucking & Demolition Inc  
**PHONE** (916) 983-0700  
**STREET NO** 194  
**ST NAME** Willow Creek Dr  
**CITY** Folsom  
**STATE** CA  
**ZIP** 95630  
**LICENSE EXP CONT.** 6/30/2004  
**CITY LICENSE**  
**LICENSE**  
**EXP DATE**  
**ST NAME**  
**CITY**  
**STATE**  
**PHONE** ( )  
**ZIP**  

**WORK DESCRIPTION** R: Demo Residential Home (NEP)  
**RESI. COMM**  
**OCC GROUP**  
**NO UNITS**  
**WORK TYPE** Demo Building  
**CONST TYPE** SQ/FT  
**MAP AREA** 259 H5  

**IS PROJECT PROPERTY IN DESIGN DISTRICT?** YES NO  
**IS PROJECT PROPERTY ON HISTORICAL LIST?** YES NO  
**HAVE YOU APPLIED FOR PLANNING PERMITS?** YES NO  
**HAS YOUR APPLICATION BEEN APPROVED BY THE PLANNING COMMISSION?** YES NO  

## EXISTING  

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BUILDING PERMIT

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Project Status

Date approved: NOTES Total Plan Review:

1st Rev. Bldg
2nd Rev. Bldg
3rd Rev. Bldg
BldgDept Memo
1st Rev. Plan
2nd Rev. Plan
anDept Memo
1st Rev. P.S.
2nd Rev. P.S.
PubServ. Memo
1st Rev. Fire
2nd Rev. Fire
FireDept Memo

Others

BUILDING STANDARDS NEW STRUCTURES DATA

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Value of 97-99 imported records

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### BUILDING PERMIT

**TIMING PERMIT**
- Permit Y/N
- GasSys
- Sprinkler

**MECHANICAL PERMIT**
- Permit Y/N
- EvapCooler
- Absorpsys
- Roadway
- EngPvtDev
- ParkImpact

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P/Syesno