

DATE: August 26, 2004

TO: Patty Hill-Thomas  
Interim Chief Executive Officer

FROM: Sonya K. Harrigfeld,  
Interim Director

RE: ENVIRONMENTAL RESOURCES RESPONSE TO 2003-2004 CIVIL  
GRAND JURY CASE NO. 04-34

The following is the Department of Environmental Resources (Department) response to the 2003-2004 Civil Grand Jury report for case number 04-34 ("Report"). The Civil Grand Jury received one complaint regarding the use of agricultural zoned land for commercial or un-permitted uses in agricultural zoned areas.

The department has reviewed the report and agrees with the following Grand Jury findings 1, 3, 4, 6, 9, and 10. Since the department does not know the specifics of the referenced cases the department cannot determine if it agrees with findings 2, 5, 7, and 8.

In regard to recommendations, the department has reviewed the Report and agrees with the Grand Jury's three recommendations set forth in the Report. Following are the Grand Jury's recommendation and the Department's response:

1. Stanislaus County should use all means to terminate illegal uses on agriculturally zoned land.

Department Response:

The department agrees with the recommendation. Since January 2004, the department has been working closely with County Council. In the past five months, the Office of County Counsel has reviewed numerous code actions, filed one court action, and is preparing to file several other cases in court. No one in the Office of County Counsel was contacted or interviewed by the Civil Grand Jury with regard to this matter.

The report refers to a list of eight pending cases that were being investigated for zoning compliance. The report also states that four of the cases are pending and four of them have been closed. As the report does not identify the cases or properties that were

investigated, this office is unable to respond to the allegations regarding any specific case or property.

2. Stanislaus County must initiate clean-up actions, keep track of all costs and charge such costs to the property owner.

Department Response:

The department agrees with the recommendation. The department has a process in place for recording time spent on code enforcement cases and costs associated with those cases. Those cases referred to the Nuisance Abatement Hearing Board are charged the costs associated with the cost of enforcement.

3. Stanislaus County must place a lien on the property to collect all incurred costs, including fines, clean-up work, administrative costs and legal costs.

Department Response:

The department agrees with the recommendation and has a process to place a lien on the property for the cost associated with enforcement actions.