

2001-2002 GRAND JURY REPORT

City of Canyon Lake

Background

Canyon Lake was incorporated as a city in 1990. A 2000 Census reported that the population was approximately 13,000. The current budget is in excess of two million dollars. There is a five-member council and office staff of one full-time and two part-time employees. The City of Canyon Lake contracts for the services of a city manager, city attorney, and a building official.

Canyon Lake as an incorporated city is required to maintain public documents. California Public Records Act §6253 states, "Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law."

Findings

1. In 1993, the owner of a specific vacant lot in Canyon Lake discovered that the lot had been used for unauthorized dumping of large quantities of earth, which had significantly changed the topography.
2. The owner wrote a complaint letter to the City of Canyon Lake building official seeking help in having the topography restored.
3. The building official inspected the lot and responded April 15, 1994, on official stationery, stating:

 "...no inspections may occur until the following conditions are met:

 1) Return to the original topography map.
 2) A soils engineer confirms 95% compaction on the property."
4. This official correspondence remained in the file for several years.
5. The lot has not been restored to the topography required by the prior building official's letter.
6. Residents, whose property was being adversely affected by the changed topography, discovered that the official correspondence was no longer in the file.
7. The present building official was provided with a copy of the official correspondence on May 22, 2000.

8. In 2001, permits were issued to a new owner of the lot, a house was built, and all inspections were signed off.
9. No evidence could be found in the official file, or elsewhere, that either of the pre-conditions regarding topography or compaction were ever met.
10. Concerned residents reported being denied access to these public files.
11. A recent grand jury inspection of the city file revealed that the official correspondence citing the two restrictions is still missing from the file.
12. The City of Canyon Lake has no written policies or procedures manual.

Recommendations

Canyon Lake City Council

Canyon Lake City Manager

Canyon Lake Building Official

1. Ensure that documentation about any problems, once identified by any building official, remain as part of the public record until the problems are satisfactorily resolved.
2. Ensure that everyone who keeps and maintains city records is fully aware of the public's rights and makes records available to the public upon request.
3. Enforce full compliance with the California Public Records Act §6253.
4. Develop and maintain a city policies and procedures manual.