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CITY OF LARKSPUR

August 14, 2002

The Honorable Lynn O'Malley Taylor
 Marin County Superior Court
 P. O. Box 4988
 San Rafael CA 94913-4988

Dear Honorable Judge Taylor:

The Larkspur City Council appreciates the work of the Grand Jury members on this report regarding residential presale inspections.

As required by Sections 933 (c), 933.05 (a) and 933.05 (b) of the California Penal Code, this letter acknowledges receipt of and responds to the 2002 Marin County Grand Jury Report, "Residential Presale Inspections - Should Marin County Also Require Them?" The Larkspur City Council has been requested to respond to Findings 6, 7 and 8 and Recommendations 2 and 3. The responses requested are listed below.

Finding No. 6 Based on a sampling of jurisdictions by the Grand Jury, it appears that the actual scope of the pre-sale inspections in many jurisdictions bear little relationship to the enabling legislation of the local Municipal Code and applicable provisions of State law. In many jurisdictions the process appears to have evolved over time, without corresponding revisions having been made to the applicable Municipal Code.

We agree with this finding. The City of Larkspur cannot comment upon the finding related to other agencies.

Finding No. 7 Currently the scope of pre-sale inspections varies widely from jurisdiction to jurisdiction. This frustrates realtors who often work in multiple jurisdictions.

We agree with this finding. The City of Larkspur cannot comment upon the finding related to other agencies.

Finding No. 8 Costs to perform the inspections/reports appear to be covered by the fees collection (thus the process is revenue neutral) and can be undertaken with minimal staff.

We agree with this finding. The City of Larkspur cannot comment upon the finding related to other agencies.

Recommendation No. 2 Because the actual scope of the inspections/reports in many of Marin's cities and towns appears to have little relationship to the enabling legislation of the local Municipal Code and

applicable State laws, the cities and towns should have their City or Town Attorneys review existing practices and code provisions and make any appropriate revisions either to the codes or to the practices of the inspectors.

Recommendation No. 2 has not yet been implemented. The City's ordinance regarding "re-sale" inspections (LMC §15.40) was established in 1974, and was last amended, except for fees, in 1993. The Larkspur City Attorney will be asked to review the ordinance within the next six months and to suggest appropriate revisions or amendments.

Recommendation No. 3 The jurisdictions that require pre-sale inspections should either establish a new study committee or utilize an existing organization such as the Marin County Codes Advisory group to meet with representatives of the Marin Association of Realtors to discuss the feasibility of standardizing the pre-sale inspection process.

Recommendation No. 3 will require further analysis. Within the next six months, the City's Chief Building Official will be directed to participate in discussions amongst the Marin County Codes Advisory Group to discuss the feasibility of standardizing the pre-sale inspection process.

Respectfully submitted,

Jean A. Bonander
City Manager
On behalf of the Larkspur City Council