



City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Ave • Salinas, California 93901

(831) 758-7201 • (831) 758-7368 (Fax) • www.ci.salinas.ca.us

July 10, 2015

The Honorable Judge Marla O. Anderson
Presiding Judge, Superior Court
County of Monterey
240 Church Street
Salinas, California 93901

**Re: City of Salinas's Responses to Monterey County Civil Grand Jury Final Report No. 7
"Salinas City Council Member Jose Castañeda"**

Dear Presiding Judge Anderson:

On July 9, 2015, the City of Salinas sent you a letter responding to the Findings and Recommendations of the 2014-2015 Monterey County Civil Grand Jury Final Report No. 7— "Salinas City Council Member Jose Castañeda" ("Final Report No. 7"). This letter is intended to clarify the City's response with respect to Recommendation No. 2.

Recommendation No. 2: *The City of Salinas pursue the appropriate post-judgment proceedings in the incompatible office case to enforce payment of the \$5,000 fine from Jose Castaneda to the State.*

Response: The Grand Jury concludes that "The City has failed to pursue all legal avenues in requiring Mr. Castaneda to pay the \$5,000 fine" and suggests "the potential remedy of seeking the incarceration of Mr. Castaneda under a contempt of court motion if it goes back to court to enforce the payment of the fine [Code of Civil Procedure §1209(a)(5)]." (Final Report No. 7, page 5) The Grand Jury further concludes that "Even though it may not be 'cost-effective' to resume efforts to collect the fine from Mr. Castaneda, it is the MCCGJ's opinion that Mr. Castaneda must be held to the same standard as any other citizen and pay this legal obligation, especially since he brought it upon himself."

The City notes that the \$5,000 judgment is payable to the State of California and not to the City of Salinas, so to the extent the City has expended and continues to expend resources in its efforts to obtain satisfaction of the judgment, the City's costs and expenses (ultimately taxpayer monies) are not recoverable. Nonetheless, the City agrees with the Grand Jury's conclusion that Council member Castaneda, and all Council members, must be held to the same standard as any other citizen.

As mentioned above, the \$5,000 judgment is payable to the State of California and not to the City of Salinas; consequently, further enforcement of the judgment should be pursued by the State of California and not by the City of Salinas.

Honorable Judge Marla O. Anderson

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We apologize for any confusion regarding the City's Response to Final Report No. 7. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,



Joe Gunter
Mayor

cc: City Council
City Manager
City Attorney