

1 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled “Continuity Reports
2 Reviewing the State of Prior Recommendations”]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled**
5 **“Continuity Reports Reviewing the State of Prior Recommendations” and urging the**
6 **Mayor to cause the implementation of accepted findings and recommendations**
7 **through his/her department heads and through the development of the annual budget.**

8
9 WHEREAS, Under California Penal Code Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, The 2010-2011 Civil Grand Jury Report entitled “Continuity Reports
19 Reviewing the State of Prior Recommendations” is on file with the Clerk of the Board of
20 Supervisors in File No. 110930 which is hereby declared to be a part of this resolution as if set
21 forth fully herein; and

22 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
23 to Finding Nos. 1 and 2 as well as Recommendation Nos. 1 and 2 related to the 2008-2009
24 Civil Grand Jury report entitled “Pensions Beyond Our Ability to Pay” and the 2009-2010 Civil
25 Grand Jury report entitled “Pension Tsunami: The Billion Dollar Bubble”, Findings No. 1 and 2

1 and the Recommendation related to the 2007-2008 Civil Grand Jury report entitled "Citizen's
2 General Obligation Bond Oversight Committee", Findings No. 2 and 7 and Recommendations
3 No. 1, and 4 related to the 2006-2007 Civil Grand Jury report entitled "Parking for the
4 Disabled- Abuse of Over-Use" contained in the subject Civil Grand Jury report; and

5 WHEREAS, Finding No. 1 related to the 2008-2009 Civil Grand Jury report entitled
6 "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report entitled
7 "Pension Tsunami: The Billion Dollar Bubble" states: "The City is relying on the Mayor's
8 pension reform proposal that will, hopefully, appear on the November, 2011 ballot to address
9 the City's health care plan's unfunded liability. However, as presently written the higher
10 contribution rates mandated in the measure would only apply to employees hired after
11 January 2009. Higher contributions for the majority of City workers hired before January 2009
12 do not take effect until effect until 2016-2017. Therefore, the measure will not begin to have a
13 meaningful impact on the City's health care costs for several years;" and

14 WHEREAS, Recommendation No. 1 related to the 2008-2009 Civil Grand Jury report
15 entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report
16 entitled "Pension Tsunami: The Billion Dollar Bubble" states: "Until such time as the retiree
17 health trust fund can cover the expense, the Controller, the Mayor and the Board of
18 Supervisors' Budget and Finance Committee should develop a temporary remedy to the Other
19 Post Employment Benefits unfunded liability, until the retiree health trust fund can cover the
20 expense, in order to reduce its negative impact on funding levels for other city programs;" and

21 WHEREAS, Finding No. 2 related to the 2008-2009 Civil Grand Jury report entitled
22 "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report entitled
23 "Pension Tsunami: The Billion Dollar Bubble" states: "A number of employees in the Fire
24 Department and to a lesser extent the Police and other departments continue to receive
25 annual salary increases in excess of 10% in at least one of the three years before they retire.

1 This leads to a deficit in the City's retirement system account, which is calculated on an
2 anticipated 4.5% annual salary increase. It also unfairly spreads the costs of pension spiking
3 to other departments that do not engage in this practice;” and

4 WHEREAS, Recommendation No. 2 related to the 2008-2009 Civil Grand Jury report
5 entitled “Pensions Beyond Our Ability to Pay” and the 2009-2010 Civil Grand Jury report
6 entitled “Pension Tsunami: The Billion Dollar Bubble” states: “The City should implement
7 changes as to how salary increases are currently granted to employees within at least three
8 years of their retirement. Changes would include a review of all salary increases in excess of
9 actuarial estimates (currently 4.5%) within 3 years of full retirement age, including temporary
10 assignments. This review should be performed by the Office of the Controller and the San
11 Francisco Employee Retirement System's Actuarial and would identify the additional funds
12 needed by the pension system to support the higher salary. The employee's department
13 would then transfer the additional pension liability arising from the promotion to the Retirement
14 System. ;” and

15 WHEREAS, Finding No. 1 related to the 2007-2008 Civil Grand Jury report entitled
16 “Citizen’s General Obligation Bond Oversight Committee” states: “Because the 2007-2008
17 Jury's recommendation did not define "appearing regularly", there is a possibility that the
18 CGOBOC and Board of Supervisors would disagree about how often such presentations
19 should occur;” and

20 WHEREAS, Finding No. 2 related to the 2007-2008 Civil Grand Jury report entitled
21 “Citizen’s General Obligation Bond Oversight Committee” states: “A 20-month gap between
22 the promise of regular appearances and the first such appearance does not constitute
23 appearing regularly;” and

24 WHEREAS, Recommendation No. 1 related to the 2007-2008 Civil Grand Jury report
25 entitled “Citizen’s General Obligation Bond Oversight Committee” states: “The CGOBOC and

1 Board of Supervisors should work together to ensure that the Annual Report is presented at a
2 hearing annually. This appearance should occur within one month of the CGOBOC's
3 publishing its Annual Report;" and

4 WHEREAS, Finding No. 2 related to the 2006-2007 Civil Grand Jury report entitled
5 "Parking for the Disabled - Abuse of Over-Use" states: "In March 2007 Ordinance File No.
6 070406 would have set up a review panel. However, in November of 2007 this piece of
7 legislation died without a single hearing. The City Attorney has advised that under the City's
8 Charter the SFMTA has the authority to establish an independent review panel, but it has not
9 done so;" and

10 WHEREAS, Recommendation 1 No. related to the 2006-2007 Civil Grand Jury report
11 entitled "Parking for the Disabled - Abuse of Over-Use" states: "The Board of Supervisors and
12 Mayor should work to establish an independent review panel. If the Board of Supervisors does
13 not act, the Mayor should request the SFMTA Board of Directors to authorize an independent
14 review panel. The panel should include at least one qualified physician or medical authority as
15 specified in CVC Section 255511.58. The panel should have adequate statistical and clerical
16 staff. The panel should be empowered to hold open hearings and make its findings available
17 to the general public;" and

18 WHEREAS, Finding No. 7 related to the 2006-2007 Civil Grand Jury report entitled
19 "Parking for the Disabled - Abuse of Over-Use" states: "Polls have shown that a majority of
20 residents do not begrudge disabled drivers some special parking privileges, but it is the
21 government's responsibility to curb abuse and protect city residents from unfair financial
22 burdens. They pay higher parking fees and fines to fill the revenue hole created by that
23 abuse;" and

24 WHEREAS, Recommendation No. 4 related to the 2006-2007 Civil Grand Jury report
25 entitled "Parking for the Disabled - Abuse of Over-Use" states: "The Board of Supervisors

1 should not pass new legislation that allows installing additional meters, extending operation
2 hours or raising meter rates and parking fines until meaningful policies are implemented to
3 eliminate the \$8 million hole in the City's parking revenue caused by continued disabled la
4 card abuse;" and

5 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
6 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
7 Court on Finding Nos. 1 and 2 as well as Recommendation Nos. 1 and 2 related to the 2008-
8 2009 Civil Grand Jury report entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010
9 Civil Grand Jury report entitled "Pension Tsunami: The Billion Dollar Bubble", Findings No. 1
10 and 2 and the Recommendation related to the 2007-2008 Civil Grand Jury report entitled
11 "Citizen's General Obligation Bond Oversight Committee", Findings No. 2 and 7 and
12 Recommendations No. 1 and 4 related to the 2006-2007 Civil Grand Jury report entitled
13 "Parking for the Disabled - Abuse of Over-Use" contained in the subject Civil Grand Jury
14 report;; now, therefore, be it

15 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
16 Superior Court that it ___{agrees/disagrees}___ with Finding Nos. [REDACTED], for reasons as
17 follows [REDACTED]; and be it

18 FURTHER RESOLVED, That the Board of Supervisors reports that it
19 ___{agrees/disagrees}___ with Recommendation Nos. [REDACTED], for reasons as follows [REDACTED];
20 and be it

21 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
22 implementation of accepted findings and recommendations through his/her department heads
23 and through the development of the annual budget.

24
25