

AMENDED IN COMMITTEE
9/12/2013

FILE NO. 130604

RESOLUTION NO.

1 [Response to the 2012-2013 Civil Grand Jury Report Entitled “Optimizing the Use of Publicly-
2 Owned Real Estate: Achieving Transparency, Momentum and Accountability”]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2012-2013 Civil Grand Jury Report entitled**
5 **“Optimizing the Use of Publicly-Owned Real Estate: Achieving Transparency,**
6 **Momentum and Accountability;” and urging the Mayor to cause the implementation of**
7 **accepted findings and recommendations through his/her department heads and**
8 **through the development of the annual budget.**

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

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

19 WHEREAS, The 2012-2013 Civil Grand Jury Report entitled “Optimizing the Use of
20 Publicly-Owned Real Estate: Achieving Transparency, Momentum and Accountability” is on
21 file with the Clerk of the Board of Supervisors in File No. 130603, which is hereby declared to
22 be a part of this resolution as if set forth fully herein; and

23 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
24 to Finding Nos. 3 and 4 as well as Recommendations 3 and 4 contained in the subject Civil
25 Grand Jury report; and

1 WHEREAS, Finding No. 3 states: “The purposes for which the Surplus Property
2 Ordinance was adopted are too narrow to effectively motivate City departments to identify
3 surplus and underutilized properties for other uses or disposition. Further, the ordinance does
4 not provide a department with any incentive to dispose of surplus or underutilized property;”
5 and

6 WHEREAS, Finding No. 4 states: “Current practice allows City Departments and San
7 Francisco Unified School District (SFUSD) to keep property on their surplus lists indefinitely
8 without any consequence. The concern for a more rational approach to handling under-
9 utilized or surplus property requires that a time limit be imposed on how long property may
10 remain on these lists. If, after a pre-determined period, property which is identified as surplus
11 or underutilized has not been put into use or fully-utilized or no plans have been adopted for
12 its use or full-utilization, there should be specified consequences for the failure to act;” and

13 WHEREAS, the Recommendation No. 3 states: “The Board of Supervisors should
14 amend Chapter 23A of the Administrative Code to include an incentive for City Departments
15 to identify and dispose of surplus and underutilized properties and to broaden the purposes
16 for which surplus and underutilized properties may be used;” and

17 WHEREAS, the Recommendation No. 4 states: "The Board of Supervisors and the SF
18 Board of Education should each adopt rules which limit the length of time property may
19 remain on their respective surplus list without action and which address consequences for
20 such inaction;” and

21 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
22 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
23 Court on Finding Nos. 3 and 4 as well as Recommendations 3 and 4 contained in the subject
24 Civil Grand Jury report; now, therefore, be it

25

1 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
2 Superior Court that it agrees with Finding 3; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees
4 partially with Finding 4 for reasons as follows: the SFUSD is required to abide by the
5 constraints established in the Education Code regarding the management of properties, which
6 may prevent the full observance of the issued Finding; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that it requires further
8 analysis for Recommendation 3 for reasons as follows: the Board will work with our City
9 departments, such as the Real Estate Division, to examine amending Chapter 23A of the
10 Administrative Code within six months of the publication of the Civil Grand Jury report, from
11 June 13, 2013 to no later than December 13, 2013; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors reports that it requires further
13 analysis for Recommendation 4 for reasons as follows: the Board will work with SFUSD and
14 other City departments to examine what should be considered within six months of the
15 publication of the Civil Grand Jury report, from June 13, 2013 to no later than December 13,
16 2013; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
18 implementation of accepted findings and the recommendation through his/her department
19 heads and through the development of the annual budget.