

1 [Board Response - Civil Grand Jury Report - Buried Problems and a Buried Process: The
2 Hunters Point Naval Shipyard in a Time of Climate Change]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled**
5 **“Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of**
6 **Climate Change;” and urging the Mayor to cause the implementation of accepted**
7 **findings and recommendations through her department heads and through the**
8 **development of the annual budget.**

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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 California 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, Under San Francisco Administrative Code, Section 2.10(a), the Board of
20 Supervisors must conduct a public hearing by a committee to consider a final report of the
21 findings and recommendations submitted, and notify the current foreperson and immediate
22 past foreperson of the Civil Grand Jury when such hearing is scheduled; and

23 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
24 the Controller must report to the Board of Supervisors on the implementation of

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1 recommendations that pertain to fiscal matters that were considered at a public hearing held
2 by a Board of Supervisors Committee; and

3 WHEREAS, The 2021-2022 Civil Grand Jury Report, entitled “Buried Problems and a
4 Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change” (“Report”) is
5 on file with the Clerk of the Board of Supervisors in File No. 220720, which is hereby declared
6 to be a part of this Resolution as if set forth fully herein; and

7 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
8 to Finding Nos. F4, F5, and F6, as well as Recommendation Nos. R2, R3, and R7 contained
9 in the subject Report; and

10 WHEREAS, Finding No. F4 states: “Despite the enormous stakes of the process
11 governing the Shipyard cleanup, there is little understanding of the process throughout the
12 City, or even that the City can influence this process;” and

13 WHEREAS, Finding No. F5 states: “The City and County of San Francisco is poorly
14 prepared to discover new information pertinent to the Shipyard cleanup, to proactively look for
15 risks and problems overlooked or under-prioritized by the Federal Facility Agreement
16 signatories, or to develop responses to new information or problems;” and

17 WHEREAS, Finding No. F6 states: “No proactive mechanism exists for the City and
18 County of San Francisco to articulate its interests and concerns about the cleanup for the
19 Federal Facility Agreement signatories, nor does a mechanism exist for the City to monitor
20 progress towards obtaining satisfactory responses to such interests and concerns from the
21 signatories;” and

22 WHEREAS, Recommendation No. R2 states: “The Mayor and the Board of
23 Supervisors should collaborate to provide funding for the study recommended in R1, in the
24 Fiscal Year 22-23 budget, or by October 1st, 2022;” and

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1 WHEREAS, Recommendation No. R3 states: “By October 1st, 2022, the Board of
2 Supervisors should pass an ordinance to create a permanent Hunters Point Shipyard Cleanup
3 Oversight Committee that includes the Controller or their designee, relevant technical experts
4 from the Public Utilities Commission and the Department of Public Works, and representatives
5 from other relevant City departments, to perform due diligence on behalf of the City and
6 County of San Francisco into the Federal Facility Agreement signatories’ decision-making,
7 and to prepare an agenda of questions and requests to be communicated to the signatories
8 by the Department of Public Health in advance of major cleanup document releases;” and

9 WHEREAS, Recommendation No. R7 states: “By March 1st, 2023, the Hunters Point
10 Shipyard Cleanup Oversight Committee should prepare a report on its recommended
11 requests for the Federal Facility Agreement signatories based on the groundwater study
12 recommended in R1, and deliver that report to the Board of Supervisors, the Mayor, and the
13 Department of Public Health;” and

14 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
15 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
16 Court on Finding Nos. F4, F5, and F6, as well as Recommendation Nos. R2, R3, and R7
17 contained in the subject Report; now, therefore, be it

18 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
19 Superior Court that they _____ with Finding No. F4 for reason as follows:
20 _____; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
22 of the Superior Court that they _____ with Finding No. F5 for reason as follows:
23 _____; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
2 of the Superior Court that they _____ with Finding No. F6 for reason as follows:
3 _____; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
5 No. R2 _____; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
7 No. R3 _____; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
9 No. R7 _____; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
11 implementation of the accepted findings and recommendations through her department heads
12 and through the development of the annual budget.

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