

Amendment of the Whole
In Committee, Bearing Same Title
10/27/11

FILE NO. 110818

RESOLUTION NO.

1 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Central Subway Too
2 Much Money for Too Little Benefit"]

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 **"Central Subway Too Much Money for Too Little Benefit" and urging the Mayor to**
6 **cause the implementation of accepted findings and recommendations through his/her**
7 **department heads and through the development of the annual budget.**

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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 "Central Subway Too
19 Much Money for Too Little Benefit" is on file with the Clerk of the Board of Supervisors in File
20 No. 110817 which is hereby declared to be a part of this resolution as if set forth fully herein;
21 and

22 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
23 to Findings Nos. 3, 4, 5, 6, 11, and 12, as well as Recommendation Nos. 3, 4 and 8 contained
24 in the subject Civil Grand Jury report; and

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1 WHEREAS, Finding No. 3 states: “Muni is not providing adequate service to its
2 customers;” and,

3 WHEREAS, Recommendation No. 3 states: “Either the City and San Francisco
4 Municipal Transportation Agency (SFMTA) need to increase Muni's funding, or the City and
5 SFMTA need to lower their expectations for Muni's performance;” and

6 WHEREAS, Finding No. 4 states: “Muni has had financial troubles in recent years and,
7 absent an unforeseen windfall, will continue to have financial troubles in the foreseeable
8 future;” and

9 WHEREAS, Finding No. 5 states: “Given the current and projected state of Muni's
10 funding, difficult times lie ahead. This will impact the agency's ability to deliver the level of
11 performance demanded by the charter;” and

12 WHEREAS, Finding No. 6 states: “Raising passenger fares can only have a minimal
13 impact on Muni's financial shortfalls;” and

14 WHEREAS, Recommendation No. 4 states: “The SFMTA should hire an outside
15 auditor to evaluate the potential gains in revenue brought by higher fares against the potential
16 loss in total ridership due to such higher prices;” and

17 WHEREAS, Finding No. 11 states: “Following the manufacturer's suggested preventive
18 maintenance program is inadequate for maintaining Muni's fleet. This inadequate preventive
19 maintenance negatively impacts Muni's ability to properly serve its riders;” and

20 WHEREAS, Finding No. 12 states: “Mid-life overhauls are not enough to properly
21 maintain Muni's fleet. Targeted component rebuilds are essential to their maintenance;” and

22 WHEREAS, Recommendation No. 8 states: “The Board of Supervisors, San Francisco
23 County Transportation Authority (SFCTA), and SFMTA should determine how to fund
24 adequate preventive maintenance and a targeted component rebuild program on an ongoing
25 basis;” and

1 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
2 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
3 Court on Finding Nos. 3, 4, 5, 6, 11, and 12, as well as Recommendation Nos. 3, 4 and 8
4 contained in the subject Civil Grand Jury report; now, therefore, be it

5 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
6 Superior Court that it agrees with Finding Nos. 3, 4, 5, 6, 11, and 12; and be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
8 Recommendation Nos. 3 and 8; and be it

9 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
10 Recommendation No. 4; and be it

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

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