

1 [Board Response - Civil Grand Jury Report - Building San Francisco: Designing, Constructing,
2 and Maintaining City Infrastructure]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled**
5 **“Building San Francisco: Designing, Constructing, and Maintaining City**
6 **Infrastructure,” and urging the Mayor to cause the implementation of accepted findings**
7 **and recommendations through her department heads and through the development of**
8 **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 2023-2024 Civil Grand Jury Report, entitled “Building San Francisco:
4 Designing, Constructing, and Maintaining City Infrastructure,” (“Report”) is on file with the
5 Clerk of the Board of Supervisors in File No. 240711, which is hereby declared to be a part of
6 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. F1, as well as Recommendation No. R1.5, contained in the subject Report;
9 and

10 WHEREAS, Finding No. F1 states: “The Amount of Degraded Assets is Unknown;” and

11 WHEREAS, Recommendation No. R1.4 states: “Included in the publication in 2025 of
12 the 2026-2035 10 Year Capital Plan and each future biennial 10 year capital plan, the Capital
13 Planning Committee shall add and update in future plans a subsection discussing only
14 “degraded assets” to each relevant section of the Plan (Sections 6 -13 in the 2024-2033 10
15 Year Capital Plan). Each subsection shall describe: (1) the types of degraded assets, (2) the
16 total cost to repair them to baseline, (3) the risks to the city by not repairing them, and (4)
17 the 10 year plan to get degraded assets back to baseline and do so at the equivalent level of
18 granularity as is in the report in Section 3: Accomplishments (relevant
19 pages 29, 31, 33, 35, 37, 39, 41, and 43 in the 2024-2033 10 Year Capital Plan);” and

20 WHEREAS, Recommendation No. R1.5 states: “If recommendation 1.4 is not
21 implemented administratively, the Board of Supervisors shall pass an ordinance making the
22 bi-annual reporting on degraded assets a legal requirement;” and

23 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
24 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
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1 Court on Finding No. F1, as well as Recommendation No. R1.5, contained in the subject
2 Report; now, therefore, be it

3 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
4 Superior Court that they partially disagree with Finding No. F1 for the following reasons:
5 currently, departments update the Facilities Resource Renewal Model annually, estimating the
6 remaining useful life of building subsystems; while this approach has limitations in cost
7 projections, it provides a general sense of which assets are most degraded; however, given
8 budget constraints, even with an accurate assessment of all degraded assets and related
9 costs, not all needs would be funded; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
11 No. R1.5 requires further analysis, as action on this recommendation is contingent upon
12 analysis to be completed by the Office of Resilience and Capital Planning; upon receipt of that
13 analysis and a determination as to whether or not Recommendation No. R1.4 has been
14 implemented, the Board of Supervisors shall consider whether or not to legally require bi-
15 annual reporting on degraded assets; this shall be determined within one year from the date
16 of the adoption of this Resolution; and, be it

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

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