

File. 181915

Date: 5/14/1999
Sender: Madeleine Licavoli
To: Kathleen Lucey
Priority: Normal

Receipt requested

Subject: Civil Grand Jury Recommendations 1997-98



97-98
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5/14/99



97-98 CGJury Rsp.doc

11/17/98

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 14, 1999

Noriaki Hirasuna
Director, Audits Division
Office of the Controller
160 South Van Ness Avenue
San Francisco, CA 94103

Dear Mr. Hirasuna:

This is in response to your letter of May 4, 1999, concerning recommendations of the Civil Grand Jury for fiscal year 1997-98.

The Board of Supervisors has no direct jurisdiction over the various departments referred to in the report. However, the Board of Supervisors may hold a hearing on any issue in the report and suggest recommendations.

The Board of Supervisors did direct the Clerk of the Board to file a response on Treasure Island, a copy of which is attached.

The Board of Supervisors called for a hearing to consider overtime. The hearing was held by the Rules Committee on January 12, 1999, and no action has been taken to date.

Sincerely,

A handwritten signature in cursive script that reads "Gloria L. Young".

Gloria L. Young
Clerk of the Board

Attachment

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308
San Francisco 94102-4532
Tel. No. 554-5184
TDD No. 554-5227

November 17, 1998

Honorable Lucy Kelly McCabe
Presiding Judge
Superior Court
400 McAllister Street
San Francisco, CA 94102

Dear Judge McCabe:

Pursuant to Section 933 of the California Penal Code, the Board of Supervisors submits the following response to the report filed by the 1997-98 Civil Grand Jury concerning Treasure Island. Due to the broad scope and nature of the Civil Grand Jury findings and recommendations, the Board of Supervisors has submitted responses to those findings and recommendations that were directly addressed to the Board or under the Board's direct authority.

RESPONSES TO GRAND JURY FINDINGS

Finding 1

The Treasure Island development process is controlled entirely by the Mayor. The Board of the Authority and the staff all serve at his pleasure.

Response

This statement does not accurately reflect the complexities of the multi-jurisdictional control over the Treasure Island (T.I.) development process. The development of T.I. and Yerba Buena Island is subject to approvals by a number of government entities, including the Board of Supervisors and the state and federal governments. The draft reuse plan which was adopted by the Board of Supervisors in 1996 will be the basis for future development plans for T.I. The Board of Supervisors must approve leases that are longer than 10 years or that are greater than \$1 million dollars. In addition, T.I. is subject to all city and county land use restrictions which are established by the Board of Supervisors. Ultimately the Board of Supervisors controls the budget for the activities undertaken by the Treasure Island Development Authority (TIDA).

The Board passed legislation in April of this year, giving itself greater authority over TIDA activities.

State law prevails over the Island through the Tidelands Trust Act (which delineates the types of uses that are allowable on Tidelands Act lands) and the Treasure Island Conversion Act of 1997. The U.S. Environmental Protection Agency will have regulatory approval in certain aspects of the development process.

Honorable Lucy Kelly McCabe
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The TIDA, whose appointees are selected by the Mayor and must be confirmed by the Board, does have some ability to enter into short term leases, leases of hangars for film studios, leases to develop homeless services, and leases with public agencies without approval by the Board of Supervisors. The Director to the TIDA is appointed by the Mayor, as are most non-elected department heads in the City, pursuant to City Charter.

Finding 2

The Board of Supervisors could have given itself the power to appoint some or all of the Directors of TIDA, but gave that power exclusively to the Mayor.

Response

The Board established the TIDA in a manner that is consistent with State Redevelopment Law (H&S Code 33110), the City Charter (Section 3.100) and enabling State legislation AB699 (the Treasure Island Conversion Act), which allowed City officers to serve as TIDA members. While the power to appoint resides with the Mayor, the Board of Supervisors is required to approve all four citizen appointees as of the adoption of Board Resolution 314-98. While the City Charter does not expressly prohibit members of the Board of Supervisors from serving on the Redevelopment Authority, since 1963 State law has directed that the Mayor or Board President appoint Redevelopment Agency Commissioners.

Finding 3

It is sometimes difficult to get information about T.I. from TIDA (Mayor's T.I. Project Office) staff or, in some instances, to even reach a staff member.

Response

This finding should be adequately addressed by the Mayor's T.I. Project Office.

Finding 4

Several high profile events have furthered the public perception that access to T.I. is restricted to those in favor with the Mayor and his staff, to the exclusion of the general public.

Response

The Board of Supervisors in adopting Resolution 314-98, directed the TIDA to take all steps necessary to effectuate the provisions of that resolution. Specifically TIDA was required to acknowledge that the Tidelands Trust Act requires that property covered under the Act be accessible to the public and utilized to encourage public-oriented uses, such as uses that attract people to the waterfront, promote public recreation, protect habitat and preserve open space.

Additionally, the Board adopted Resolution 720-98, which urged the TIDA to study and develop a limited public access plan and report the plan to the Board of Supervisors' Economic Development, Transportation and Technology Committee.

The Board has not yet received a plan as to how on going public access will be accommodated.

Finding 5

There is no public oversight of T.I. development activities.

Response

The Board of Supervisors maintains oversight in several areas of T.I. development, including approval of the annual and supplemental budgets; approval of leases longer than 10 years or greater than \$1 million dollars; approval of the Base Reuse Plan and the T.I. Redevelopment Plan. Meetings of the TIDA are open public meetings with meeting agendas posted pursuant to the Brown Act and the San Francisco Sunshine Ordinance. The Board will consider legislation to add three members of the Board of Supervisors to the TIDA.

The TIDA adopted a resolution in February 1998 adopting rules and procedures for the creation of a citizens advisory committee. To date that committee has not been appointed. The committee is to be comprised of 25 members who are nominated by the Mayor's T.I. Project staff. The purpose of the committee is to provide recommendations to the TIDA concerning the final reviews and implementation of the base reuse plan, policies and objectives for interim reuses and other matters of importance to the future of T.I. and all citizens of San Francisco. Committee business would be held in public meetings and comply with the Brown Act and the San Francisco Sunshine Ordinance. Implementation of a citizens task force will provide additional oversight and input into the Island's development. The Board will consider legislation to require that 11 of the members to the Citizens Advisory Committee be appointed by the Board of Supervisors.

Finding 6

The passage of Proposition K is a clear indication that the public is dissatisfied with the Mayor's level of control over T.I. and its development.

Response

It is difficult to determine what concerns and information voters had when they voted in favor of Proposition K. Nonetheless, the Board of Supervisors adopted Resolution 314-98, which included many of the provisions found in Proposition K and which have now been adopted by TIDA. The adopted provisions include:

1. That all T.I. leases of 10 years or more or with revenues of \$1 million dollars or more be approved by the Board of Supervisors.
2. Prior to the transfer of any property on the Island, the TIDA must publicly adopt a resolution (1) declaring its intention to transfer the parcel by lease or otherwise, and (2) approving a competitive solicitation process either by a Request for Proposals or qualification, or by direct, sole source negotiations approved by a super majority vote (4/5) of the Board of Directors of TIDA.
3. No gambling or casino operations are to be permitted on T.I.
4. That all T.I. leases shall be subject to state and local conflict of interest laws.

The provisions found in Proposition K that were not adopted were: certain conditions established by Proposition H, a request to the State Legislature to repeal State law establishing the TIDA and repeal of existing City laws establishing the TIDA.

GRAND JURY RECOMMENDATIONS AND RESPONSES

Recommendation 1

The Board of Supervisors should openly debate adoption of the provisions of Proposition K.

Response

The Board considered an ordinance on August 10, 1998 (File 98-998), which included all of the provisions found in Proposition K. The measure failed passage.

Recommendation 2

The Citizens Advisory Committee should be appointed by the Board of Supervisors rather than TIDA, and its role clearly defined by the Board.

Response

Legislation has been introduced for consideration by the Board of Supervisors which would direct the TIDA to establish a citizens advisory board within 30 days of the effective date of the adopted resolution, to be comprised of 25 persons, 14 of whom would be appointed by the Mayor and 11 of whom would be appointed by the Board of Supervisors. At this point in time, only limited analysis has been done on this proposal.

Recommendation 3

Citizens Advisory Committee members should represent the diversity of the community, should become well versed in the complexities of the entire scheme of the development process: its serious seismic, transportation and restrictive use problems. They should have experience in a range of fields relevant to T.I.

Response

Appointment of committee members that represent the diversity of the community is a long standing policy of the Board of Supervisors and is required by the City Charter. In order to be effective in their advisory role, it would be important for members to be versed in the development process, legal restrictions specific to T.I. and the physical and infrastructure problems that exist. Persons with professional experience in relevant fields would likely add to the overall value of such a committee.

Recommendation 4

The Citizens Advisory Committee should have unfettered access to the Directors and staff of the TIDA, to all of their records, and should have unfettered physical access to the islands.

Response

The Citizens Advisory Committee should have access to the Directors, staff and records of the TIDA. Such access should not interfere with the staff's ability to maintain the day-to-day operations of T.I. Access to records should follow all procedures as provided in the San Francisco Sunshine Ordinance.

Recommendation 5

The Board of Supervisors and TIDA should consult the Citizens Advisory Committee on matters affecting the public interest.

Response

This appears to be a good suggestion for the use of the Committee.

Recommendation 6

The Board of Supervisors should play an active role in the oversight of the plans for T.I., and should take seriously their role, albeit a limited one, in approving and disapproving the Mayor's appointees to TIDA.

Honorable Lucy Kelly McCabe
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Response

The Board of Supervisors does play an active role in the oversight of the plans for T.I. There have been three hearings held in the past six months regarding the implementation of policies and plans by the TIDA. In addition, the Board has significant authority over the annual budget, certain leases, and the adoption of the reuse plans, approval of environmental impact reports, and approval of development plans. The Board has not yet had an opportunity to consider an appointee to the TIDA but will follow the established Board rules in considering such an appointee.

Recommendation 7

TIDA should improve its communications with the press and the public, in order to make the process truly accessible and responsive to public needs.

Response

The TIDA should adequately address this recommendation.

If you should have any questions regarding our responses, you may contact me at 554-5184.

Sincerely,


Gloria L. Young
Clerk of the Board

c: Members, Board of Supervisors
Mayor's Office



Edward Harrington
Controller

John W. Madden
Chief Assistant Controller

May 4, 1999

Gloria Young, Clerk of the Board of Supervisors
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Young:

We are writing to request a written response on the status of the progress you have made in implementing the recommendations made by the Civil Grand Jury for fiscal year 1997-98. The San Francisco Administrative Code, Section 2.10, requires the Controller to submit yearly a report to the Board of Supervisors on the implementation of the recommendations made by the Civil Grand Jury. Your department was required to respond to the following chapter(s):

1. Cash Handling
2. Management of City Claims
3. Department of Election
4. Golden Gate Bridge District
5. Foster Care in San Francisco
6. Homelessness in San Francisco
7. Juvenile Justice System
8. Overtime
9. Treasure Island
10. Department of Parking and Traffic
11. Department of Public Health
12. Public Utilities Commission
13. Sheriff's Department

Please send us your response(s) no later than May 28, 1999. To expedite our report processing, please send your response as a word file via cc:Mail to Kathleen Lucey. We will include your responses in the report we will issue to the Board of Supervisors in June 1999.

If you have any question regarding this matter, please call Kathleen Lucey at 554-7645.

Sincerely,

NORIAKI HIRASUNA
Director

Date: 5/14/1999

Sender: Madeleine Licavoli

To: Kathleen Lucey

Priority: Normal

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Sincerely,



Gloria L. Young
Clerk of the Board

c: Members, Board of Supervisors
Mayor's Office