

1 [Board Response - Civil Grand Jury Report - Improving Continuity Review for Increased
2 Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled**
5 **“Improving Continuity Review for Increased Public Accountability: The 2018-2019 San**
6 **Francisco Civil Grand Jury Continuity Report;” and urging the Mayor to cause the**
7 **implementation of accepted findings and recommendations through his/her**
8 **department heads and through the 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 2018-2019 Civil Grand Jury Report, entitled “Improving Continuity
4 Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury
5 Continuity Report” (“Report”) is on file with the Clerk of the Board of Supervisors in File
6 No. 190787, which is hereby declared to be a part of this Resolution as if set forth fully herein;
7 and

8 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
9 to Finding Nos. F1, F2, F5, F7, and F8, as well as Recommendation Nos. R1, R2, and R5,
10 contained in the subject Report; and

11 WHEREAS, Finding No. F1 states: “The elected officials, agency heads, and governing
12 bodies of the City and County of San Francisco are appropriately complying with the statutory
13 requirement for response to Civil Grand Jury Findings and Recommendations within 60/90
14 days;” and

15 WHEREAS, Finding No. F2 states: “There is significant lack of compliance by the
16 elected officials, agency heads, and governing bodies of the City and County of San
17 Francisco with the statutory requirements for designating timeframes for promised
18 implementation, providing the details of further analysis, and completing that analysis within
19 six months of the date of issuance of the Civil Grand Jury report. This is complicated by the
20 lack of a statutory requirement to bring the response to ‘final status;’” and

21 WHEREAS, Finding No. F5 states: “In their responses to Recommendation R.2.1 of
22 the 2016-2017 Civil Grand Jury report *The San Francisco Retirement System: Increasing*
23 *Understanding and Adding Voter Oversight*, the Mayor and the Board of Supervisors did not
24 take into account that the Retirement Board's fiduciary responsibility for investing the assets
25 of the Retirement System and maximizing the returns for the beneficiaries supersedes any

1 responsibility to the voters and citizens of San Francisco, nor acknowledge that it prevents the
2 Board, and possibly themselves, from acting with an appropriate fiduciary responsibility to the
3 voters and taxpayers of San Francisco;” and

4 WHEREAS, Finding No. F7 states: “Lack of consistent, sustained follow-up on Civil
5 Grand Jury reports undermines both the effectiveness and the value of the Civil Grand Jury
6 process;” and

7 WHEREAS, Finding No. F8 states: “The current process of Continuity follow-up has a
8 significant defect: the elected officials, agency heads, and governing bodies of the City and
9 County of San Francisco do not provide the Superior Court and Civil Grand Jury timely
10 information regarding the ongoing status of their responses across jury terms. To be effective,
11 the Continuity process needs to be continued until the response has reached final status
12 (either ‘implemented’, with summary of actions taken, or ‘will not be implemented,’ with
13 explanation);” and

14 WHEREAS, Recommendation No. R1 states: “For purposes of Penal Code
15 Section 933.05, the Superior Court and City Services Auditor should record this
16 Recommendation as ‘Implemented’;” and

17 WHEREAS, Recommendation No. R2 states: “The Board of Supervisors should adopt
18 an ordinance by no later than June 30, 2020, providing that the elected officials, agency
19 heads, and governing bodies of the City and County of San Francisco must continue providing
20 the Civil Grand Jury, across CGJ terms, with timely follow-up information regarding the
21 ongoing responses to the Recommendations in its reports, until the responses reach final
22 status, and amend SF Administrative Code Section 2.10 to add Subsection (c), specifying:

23 ‘Within three years of the publication date of a Civil Grand Jury report, the designated
24 respondents to the report’s Recommendations shall bring their responses to final status, i.e.,
25 either:

- 1 • Implemented, with a summary of the implementation action; or
- 2 • Not implemented because it is not warranted or is not reasonable, with an
- 3 explanation thereof.’;” and

4 WHEREAS, Recommendation No. R5 states: “The Mayor and the Board of
5 Supervisors should reconsider and resubmit their responses by no later than
6 December 31, 2019, to Recommendation R2.1 of the 2016-2017 Civil Grand Jury report *The*
7 *San Francisco Retirement System: Increasing Understanding and Adding Voter Oversight*,
8 remedying the deficiencies in the previous responses that are noted in this report;” and

9 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on Finding Nos. F1, F2, F5, F7, and F8, as well as Recommendation Nos. R1, R2, and
12 R5 contained in the subject Report; now, therefore, be it

13 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
14 Superior Court that they _____ with Finding No. F1 for reason as follows:
15 _____; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
17 of the Superior Court that they _____ with Finding No. F2 for reason as follows:
18 _____; and, be it

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

22 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
23 of the Superior Court that they _____ with Finding No. F7 for reason as follows:
24 _____; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
2 of the Superior Court that they _____ with Finding No. F8 for reason as follows:
3 _____; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
5 No. R1 has _____; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
7 No. R2 has _____; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
9 No. R5 has _____; 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 his/her department
12 heads and through the development of the annual budget.

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