

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.**

9  
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  
25

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;” now,  
9 therefore, be it

10 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the  
11 Superior Court that they appreciate, commend, and recognize the investigative and analytical  
12 work of the Civil Grand Jury and the importance of the continuity review process to ensuring  
13 the effectiveness of that work; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors agrees that recommendations  
15 should be continued until they reach final status, that improvements to this process can be  
16 made, and the Board of Supervisors looks forward to working with the Civil Grand Jury and  
17 Superior Court to identify and eliminate obstacles in the current Continuity process cycle and  
18 improve follow-up timeliness.