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SEP 19 2008

**COUNCIL PRESIDENT
SCOTT H. PETERS**

CITY OF SAN DIEGO

September 16, 2008

RECEIVED

SEP 24 2008

SAN DIEGO
COUNTY GRAND JURY

Honorable Kenneth So
Presiding Judge
San Diego County Superior Court
Main Courthouse, Third Floor
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report entitled "The Fire Next Time-Will We Be Ready?"

Dear Judge So:

Pursuant to the California Penal Code Section 933.05 (a), (b) and (c), the San Diego City Council has provided the attached responses to the Grand Jury's report dated May 29, 2008.

In summary, on September 9, 2008, the City Council voted to approve the recommendations contained in Independent Budget Analyst Report Number 08-90 dated September 2, 2008, with some additions.

A summary of the Council's response to the Grand Jury Report is attached along with the Independent Budget Analyst Report, the Mayor's response, and the resolution adopted by the City Council approving their response.

Sincerely,

Scott H. Peters

SHP/ms

Attachments: Council Response to "The Fire Next Time-Will We Be Ready"
IBA Report 08-90
Mayor's Response to "The Fire Next Time-Will We Be Ready"
Council Resolution No. R-304096

cc: Honorable Mayor
Councilmembers
Independent Budget Analyst

**City Council Responses to Findings and Recommendations
Made in the Grand Jury Report Entitled
“The Fire Next Time – Will We Be Ready?”**

For Finding 11, the City Council joins the Mayor’s Response as reflected in the August 27, 2008 letter to the Honorable Kenneth So, Presiding Judge of the San Diego Superior Court:

For each of the following item(s), the City Council supplements the Mayor’s response as follows:

***Finding 1:** The City of San Diego needs to address the gaps in emergency and fire protection services.*

Response: In addition to the increases that have occurred since the Mayor took office, the City Council has approved increases in the Fire-Rescue Department’s annual budget totaling \$66.8 million or 54% from Fiscal Year 2004, the fiscal year in which the Cedar Fire occurred.

Also, in 2008, the Ad Hoc Fire Prevention and Recovery Committee was created to analyze data from the 2003 and 2007 wildfires in order to evaluate and bolster fire preparedness and response in the City of San Diego. Issues to be discussed and reviewed include response procedures, evacuation plan, allocation of resources and potential development code, budget and brush management changes. In response to a request by Council President Peters to outline “a list of alternative measures and relevant costs to implement the Fire-Rescue Department Station Master Plan to eliminate the City’s fire station and staffing deficits within the next ten years”, the IBA presented two reports (IBA 08-12: Preliminary Report on Fire Rescue Needs and Funding Plan and IBA 08-46: Report on San Diego Fire-Rescue Needs and Funding Plan) to the Committee for discussion.

***Recommendation 08-105:** Prepare a ballot measure to propose an increase in the Transient Occupancy Tax to be used solely for the purpose of improving fire protection levels including additional stations, engines, firefighters, training, equipment, etc. as outlined in the After Action Reports. We believe a 2.5% should be considered.*

Response: Should the ballot measure be unsuccessful, the City would need to revisit the identification of a long term funding solution to support the City’s fire protection needs.

***Recommendation 08-106:** Reallocate existing funds and develop new revenue streams.*

Response: The City has a structural budget deficit, in which ongoing expenditures consistently exceed ongoing revenues. The City continually seeks to reallocate existing funds to ensure the highest priorities are achieved, i.e. public

safety. Additional reallocation of funds for public safety will impact the level of service currently performed by other departments, including the Library and Park and Recreation. The IBA has previously recommended that the City explore the feasibility of new revenue streams including the assurance that existing fees for services are cost-recoverable.

Recommendation 08-115: *Adopt an Emergency Care and Sheltering Plan for the City of San Diego which includes a plan for the establishment and operation of a mega-shelter, with particular application to the Qualcomm Stadium facility.*

Response: These plans are expected to be presented to either the City Council or City Council Committee upon their completion.



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THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: September 2, 2008

IBA Report Number: 08-90

City Council Docket Date: September 9, 2008

Item Number: TBD

Response to Grand Jury Report Titled "The Fire Next Time - Will We Be Ready?"

On May 29, 2008 the San Diego County Grand Jury issued a report to the Mayor, City Council, and the County of San Diego entitled "The Fire Next Time - Will We Be Ready?" The stated purpose of the Grand Jury Report is "to examine and review the efforts, cooperation, and results of actions taken by authorities and personnel in charge of management and response to emergency disasters; to assess what lessons were learned; to make recommendations for improving the ability of the community to respond to the threat of wildfire; to recommend suggestions for improving response efforts in emergencies; and to commend the exemplary actions of front line responders who serviced the needs of 500,000 people affected by the wildfires."

The Grand Jury Report includes eleven findings and eleven recommendations; of these findings and recommendations, two findings and three recommendations are directed towards the City of San Diego. Both the Mayor and the City Council are required to provide comments to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations made in the Grand Jury Report within ninety days. However, due to the legislative calendar of the City Council, the Presiding Judge granted an extension for the City Council's response to September 19, 2008. This report presents the City Council's response as recommended by the IBA. If the actions are adopted by the City Council, the Council President will be authorized to deliver the Council's response to the Superior Court.

In preparing these recommended responses, the IBA worked in coordination with the Mayor's Office and staff from the Fire-Rescue Department. For each finding and recommendation, the City Council may 1) join the Mayor's response; 2) respond with a modification of the Mayor's response; or 3) respond independently of the Mayor.

Office of Independent Budget Analyst

202 C Street, MS 3A • San Diego, CA 92101
Tel (619) 236-6555 Fax (619) 236-6556

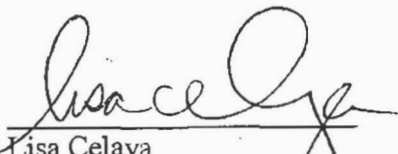


DIVERSITY
WE ARE ALL TOGETHER

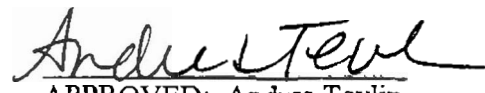
The table below provides a summary of the IBA's recommendations.

Finding(s):	11	<i>Join the Mayor's Response</i>
Recommendation(s):	--	
Finding(s):	1	<i>Respond with Modification of the Mayor's Response</i>
Recommendation(s):	08-105, 08-106, 08-115	
Finding(s):	--	<i>Respond Independently of the Mayor</i>
Recommendation(s):	--	

The full text of the Mayor's responses and the IBA's recommended responses on behalf of the City Council can be found in the attachment to this report.



Lisa Celaya
Fiscal & Policy Analyst



APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachments

Recommended City Council Responses to Findings and Recommendations in Grand Jury Report “The Fire Next Time – Will We Be Ready?”

GRAND JURY FINDINGS

Finding 1: The City of San Diego needs to address the gaps in emergency and fire protection services.

Mayor’s Response: The Mayor agrees with this finding. Since taking office the Fire-Rescue Department’s budget has been increased by approximately \$30.4 million or 19% from Fiscal Year 2006. This funding increase has been utilized to address previously existing gaps in service delivery by providing additional fire stations, emergency response and support vehicles, firefighting equipment, and fire fighter staffing. In addition, critical aerial firefighting and rescue capabilities were significantly enhanced by the acquisition and staffing of a second medium lift helicopter, Copter 2.

IBA Recommendation: Join the Mayor’s response with the following supplemental information:

In 2008, the Ad Hoc Fire Prevention and Recovery Committee was created to analyze data from the 2003 and 2007 wildfires in order to evaluate and bolster fire preparedness and response in the City of San Diego. Issues to be discussed and reviewed include response procedures, evacuation plan, allocation of resources and potential development code, budget and brush management changes. In response to a request by Council President Peters to outline “a list of alternative measures and relevant costs to implement the Fire-Rescue Department Station Master Plan to eliminate the City’s fire station and staffing deficits within the next ten years”, the IBA presented two reports (IBA 08-12: Preliminary Report on Fire Rescue Needs and Funding Plan and IBA 08-46: Report on San Diego Fire-Rescue Needs and Funding Plan) to the Committee for discussion.

Finding 11: Neither the County of San Diego nor any of the cities, including the City of San Diego, had a standard operating procedure for the operation of a mega-shelter.

Mayor’s Response: The Mayor agrees with this finding.

IBA Recommendation: Join the Mayor’s Response.

GRAND JURY RECOMMENDATIONS

Recommendation 08-105: Prepare a ballot measure to propose an increase in the Transient Occupancy Tax to be used solely for the purpose of improving fire protection levels including additional stations, engines, firefighters, training, equipment, etc. as outlined in the After Action Reports. We believe a 2.5% should be considered.

Mayor's Response: The recommendation will not be implemented. As the report stated, the City Council placed a 2.5% increase in the Transient Occupancy Tax (TOT) on the ballot in both March and November of 2004 and both times it failed.

The region's fire professional and emergency managers provided exceptional service during 2007 Wildfires, while also exposing some of the shortcomings in the region and the City. To study and then address those shortcomings a Regional Fire Protection Committee was formed. This committee included representation by co-chairmen Supervisor Ron Roberts and Mayor Jerry Sanders as well as other local elected officials and Fire Chiefs from throughout the region. The committee focused on improving coordination between the existing fire agencies throughout the county as well as identifying a funding source, should one be deemed necessary by the committee. The Regional Fire Protection Committee recommended the County Board of Supervisors place a \$52 per parcel tax to fund fire protection improvements before voters. The County Board of Supervisors voted on August 6, 2008 to place the measure on the November 2008 ballot.

Should this ballot measure be successful, it is anticipated to generate approximately \$50 million annually. Half of the funds would create the San Diego Regional Fire Protection Agency and pay for reserve fire engines, water bombers and other regional equipment. The other half would be allocated to local fire agencies to bolster their local capabilities.

IBA Recommendation: Join the Mayor's response with the following supplemental information:

Should the ballot measure be unsuccessful, the City would need to revisit the identification of a long term funding solution to support the City's fire protection needs.

Recommendation 08-106: Reallocate existing funds and develop new revenue streams.

Mayor's Response: The recommendation has already been implemented. Each year, the Mayor's Office presents a budget to the City Council for deliberation and debate prior to adoption. Over the past three budget proposals, general fund dollars have been reallocated to increase funding for the Fire-Rescue Department which includes increased apparatus and personnel.

Additionally, response 08-105 addresses the issue of new revenue streams.

IBA Recommendation: Join the Mayor's response with the following supplemental information:

The City has a structural budget deficit, in which ongoing expenditures consistently exceed ongoing revenues. The City continually seeks to reallocate existing funds to ensure the highest priorities are achieved, i.e. public safety. Additional reallocation of funds for public safety will impact the level of service currently performed by other departments, including the Library and Park and Recreation. The IBA has previously

recommended that the City explore the feasibility of new revenue streams including the assurance that existing fees for services are cost-recoverable.

***Recommendation 08-115:** Adopt an Emergency Care and Sheltering Plan for the City of San Diego which includes a plan for the establishment and operation of a mega-shelter, with particular application to the Qualcomm Stadium facility.*

Mayor's Response: This recommendation is being implemented. The City of San Diego became acutely aware during the October 2007 Wildfires that the planned resources for Care and Shelter Operations quickly became overwhelmed. To better serve our communities, City staff began discussions on additional planning efforts needed for future disasters to include those of a greater magnitude. Care and Sheltering Plans are being developed and implemented to increase coordination and response within the City that will complement the Operational Area Emergency Plan Annex G, Care and Shelter Operations. In addition, the City is developing an Appendix to Annex G to outline with specificity the requirements needed to manage an effective mega-shelter, to include site specific plans for Qualcomm Stadium.

IBA Recommendation: Join the Mayor's response with the following supplemental information:

These plans are expected to be presented to either the City Council or City Council Committee upon their completion.



JERRY SANDERS
MAYOR

August 27, 2008

Honorable Kenneth K. So
Presiding Judge, San Diego Superior Court
220 West Broadway, Presiding Department
San Diego, CA 92101

Subject: Response to San Diego County Grand Jury 2007-2008 report entitled "The Fire Next Time – Will We Be Ready?"

Pursuant to California Penal Code Section 933.05(a), (b), and (c), The City of San Diego provides the following responses to the findings and recommendations in the above-entitled Grand Jury Report:

PURPOSE of the INVESTIGATION

The purpose of the investigation was to review the results of the actions taken by authorities and personnel in charge of management and response to emergency disasters. From this review the County Grand Jury assessed what lessons were learned and made recommendations for: improving the ability of the community to respond to the threat of wildfires; and improving response efforts in emergencies. The report included recommendations which pertain both to the City of San Diego as well as the County of San Diego.

Response to Grand Jury Findings

Finding #01: The City of San Diego needs to address the gaps in emergency and fire protection services.

The Mayor agrees with this finding. Since taking office the Fire-Rescue Department's budget has been increased by approximately \$30.4 million or 19% from Fiscal Year 2006. This funding increase has been utilized to address previously existing gaps in service delivery by providing additional fire stations, emergency response and support vehicles, firefighting equipment, and fire fighter staffing. In addition, critical aerial firefighting and rescue capabilities were significantly enhanced by the acquisition and staffing of a second medium lift helicopter, Copter 2.

Finding #11: Neither the County of San Diego nor any of the cities, including the City of San Diego, had a standard operating procedure for the operation of a mega-shelter.

The Mayor agrees with this finding.

Response to Grand Jury Recommendations

08-105: Prepare a ballot measure to propose an increase in the Transient Occupancy Tax to be used solely for the purpose of improving fire protection levels including additional stations, engines, firefighters, training, equipment, etc. as outlined in the After Action Reports. We believe a 2.5% should be considered.

The recommendation will not be implemented. As the report stated, the City Council placed a 2.5% increase in the Transient Occupancy Tax (TOT) on the ballot in both March and November of 2004 and both times it failed.

The region's fire professional and emergency managers provided exceptional service during 2007 Wildfires, while also exposing some of the shortcomings in the region and the City. To study and then address those shortcomings a Regional Fire Protection Committee was formed. This committee included representation by co-chairmen Supervisor Ron Roberts and Mayor Jerry Sanders as well as other local elected officials and Fire Chiefs from throughout the region. The committee focused on improving coordination between the existing fire agencies throughout the county as well as identifying a funding source, should one be deemed necessary by the committee. The Regional Fire Protection Committee recommended the County Board of Supervisors place a \$52 per parcel tax to fund fire protection improvements before voters. The County Board of Supervisors voted on August 6, 2008 to place the measure on the November 2008 ballot.

Should this ballot measure be successful, it is anticipated to generate approximately \$50 million annually. Half of the funds would create the San Diego Regional Fire Protection Agency and pay for reserve fire engines, water bombers and other regional equipment. The other half would be allocated to local fire agencies to bolster their local capabilities.

08-106: Reallocate existing funds and develop new revenue streams.

The recommendation has already been implemented. Each year, the Mayor's Office presents a budget to the City Council for deliberation and debate prior to adoption. Over the past three budget proposals, general fund dollars have been reallocated to increase funding for the Fire-Rescue Department which includes increased apparatus and personnel.

Additionally, response 08-105 addresses the issue of new revenue streams.

08-115: Adopt an Emergency Care and Sheltering Plan for the City of San Diego which includes a plan for the establishment and operation of a mega-shelter, with particular application to the Qualcomm Stadium facility.

This recommendation is being implemented. The City of San Diego became acutely aware during the October 2007 Wildfires that the planned resources for Care and Shelter Operations quickly became overwhelmed. To better serve our communities, City staff began discussions on additional planning efforts needed for future disasters to include those of a greater magnitude. Care and Sheltering Plans are being developed and implemented to increase coordination and response within the City that will complement the Operational Area Emergency Plan Annex G, Care and Shelter Operations. In addition, the City is developing an Appendix to Annex G to outline with specificity the requirements needed to manage an effective mega-shelter, to include site specific plans for Qualcomm Stadium.

Please contact Jill Olen, Deputy Chief Operating Officer for Public Safety at (619) 236-7169 if you have additional questions.

Sincerely,



JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
San Diego City Council
Deputy Chief, Community Services
Deputy Chief, Public Safety
Chief of San Diego Fire- Rescue
City Clerk
Administration Department Director

RESOLUTION NUMBER R- 304096

DATE OF FINAL PASSAGE SEP 09 2008

APPROVING THE CITY COUNCIL'S RESPONSE TO THE
2007-2008 SAN DIEGO COUNTY GRAND JURY REPORT
ENTITLED "THE FIRE NEXT TIME – WILL WE BE READY?"

WHEREAS, on May 29, 2008 the 2007-2008 San Diego County Grand Jury [Grand Jury] filed a report titled "The Fire Next Time – Will We Be Ready?" [Report] that requested a response from the Mayor and City Council; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing of the report, each public agency which the Grand Jury reviewed, and about which it issued the Report, must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency; and

WHEREAS, due to the City Council's legislative calendar, the Presiding Judge of the San Diego Superior Court granted a request for an extension of time to submit the City Council's response to the Report to September 19, 2008; and

WHEREAS, the stated purpose of the Grand Jury Report is "to examine and review the efforts, cooperation, and results of actions taken by authorities and personnel in charge of management and response to emergency disasters; to assess what lessons were learned; to make recommendations for improving the ability of the community to respond to the threat of wildfire;

to recommend suggestions for improving response efforts in emergencies; [and] to commend the exemplary actions of front line responders who serviced the needs of 500,000 people affected by the wildfires” [Report, Page 2]; and

WHEREAS, the Grand Jury requested that the Mayor and City Council respond to finding numbers 1 and 11 and recommendations 08-105, 08-106 and 08-115 in the Report that relate to the City of San Diego; and

WHEREAS, the Office of the Independent Budget Analyst has proposed a response to finding numbers 1 and 11 and recommendations 08-105, 08-106 and 08-115 as set forth in IBA Report No. 08-90 dated September 2, 2008, for the City Council’s consideration; and

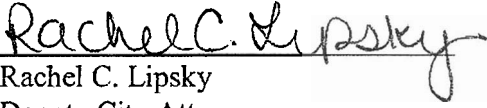
WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves and adopts as its own the response to the to the 2007-2008 San Diego County Grand Jury Report filed May 29, 2008, and titled “The Fire Next Time – Will We Be Ready?,” as set forth in IBA Report No. 08-90 dated September 2, 2008, with a revision to the response to finding number 1 to include a statement that the City has increased the Fire-Department Rescue Department’s budget by approximately 50 million dollars since approximately fiscal years 2003 and 2004, and a revision to the response to recommendation 08-115 to include a statement that

the City had tremendous success with the mega-shelter at Qualcomm Stadium with national and international recognition; and

BE IT FURTHER RESOLVED, that the Council President is authorized and directed, on behalf of the City of San Diego and the City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than September 19, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Rachel C. Lipsky
Deputy City Attorney

RCL:al
09/10/08
09/11/08 (COR.COPY)
Or.Dept:IBA
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