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APR 10 2008

**COUNCIL PRESIDENT
SCOTT H. PETERS**

CITY OF SAN DIEGO

April 2, 2008

RECEIVED
APR 10 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 "Past Grand Juror's Association Implementation Review Board"

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 January 10, 2008.

In summary, on March 25, 2008, the City Council voted to approve the recommendations contained in Independent Budget Analyst Report Number 08-24 dated March 10, 2008 with the following modifications: responses to Grand Jury recommendations 08-02 & 08-03 will be revised to read "The recommendation will be implemented."

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

Sincerely,

Scott H. Peters

SHP/cmc
Attachments



**SAN DIEGO CITY COUNCIL RESPONSE TO GRAND JURY REPORT
“Past Grand Jurors Association Implementation Review Board”**

The 2007/2008 San Diego County Grand Jury recommends that the City of San Diego:

08-01: Eliminate the sunset provision in the ordinance and make the Board permanent.

The recommendation will not be implemented. The purpose of the two-year provision is to allow a review of the effectiveness and added value of the Board, to the City’s current processes. The Board has just been established, with the appointments confirmed by the City Council on March 4, 2008. At this time, there has been insufficient opportunity for an evaluation to be done of the effectiveness and value of this Board.

08-02: Provide the sitting Grand Jury with copies of the Implementation Review Board’s reports to the City.

The recommendation will be implemented. On March 4, 2008, the City Council approved the appointments to the Board and we expect the Board will convene for its first meeting in the near future. The Mayor’s Office staffs the Board and is responsible for these operational activities; they have agreed to provide the sitting Grand Jury with copies of the Implementation Review Board’s reports to the City.

08-03: Publish a detailed agenda in its public announcements of meetings of the Board.

The recommendation will be implemented. Effective June 20, 1994, the City Council established Council Policy 000-16, *Open Meetings*, which provides that all City-appointed boards adhere closely to the Brown Act, including requirements to announce the subject matter to be considered at a regular meeting through a written docket posted in an accessible location and at least 72 hours prior to the meeting. The Mayor’s Office will staff this Board and is responsible for these operational activities; they have agreed that a detailed agenda will be published in public announcements of meetings of the Board.

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: March 10, 2008

IBA Report Number: 08-24

Grand Jury Report: “Past Grand Juror’s Association Implementation Review Board”

OVERVIEW

On January 10, 2008, the San Diego County Grand Jury filed their report “Past Grand Juror’s Association Implementation Review Board” (Attached). The report makes recommendations as to the operation of the City’s newly established Past Grand Juror’s Association Implementation Review Board. The IBA submits this item to propose a response to the report’s recommendations 08-01 through 08-03, which were directed to the City Council.

FISCAL/POLICY DISCUSSION

The IBA proposes the language below for the City Council to utilize in responding to the recommendations directed to the City of San Diego:

The 2007/2008 San Diego County Grand Jury recommends that the City of San Diego:

08-01: Eliminate the sunset provision in the ordinance and make the Board permanent.

The recommendation will not be implemented. The purpose of the two-year provision is to allow a review of the effectiveness and added value of the Board, to the City’s current processes. The Board has just been established, with the appointments confirmed by the City Council on March 4, 2008. At this time, there has been insufficient opportunity for an evaluation to be done of the effectiveness and value of this Board.

08-02: Provide the sitting Grand Jury with copies of the Implementation Review Board’s reports to the City.

The recommendation requires further analysis. On March 4, 2008, the City Council approved the appointments to the Board and we expect the Board will convene for its first meeting in the near future. The City Council will refer this recommendation to the Mayor's Office. The Mayor's Office staffs the Board and is responsible for these operational activities.

08-03: Publish a detailed agenda in its public announcements of meetings of the Board.

The recommendation requires further analysis. Effective June 20, 1994, the City Council established Council Policy 000-16, *Open Meetings*, which provides that all City-appointed boards adhere closely to the Brown Act, including requirements to announce the subject matter to be considered at a regular meeting through a written docket posted in an accessible location and at least 72 hours prior to the meeting. The Mayor's Office will staff this Board and is responsible for these operational activities. Therefore, the City Council will refer this recommendation to the Mayor's Office to ensure that it will be properly considered and executed

The IBA notes that the Grand Jury report also included one Finding as follows:

Finding: The County of San Diego has had an excellent experience with its Past Grand Jurors Implementation Review Committee (PGJIRC).

The Penal Code requires that the responding person or entity shall either agree or disagree (wholly or partially) with each finding. This report was addressed both to the County of San Diego (via Chief Administrative Officer Walt Ekard) and the San Diego City Council. Unlike with the Recommendations, the Grand Jury has not specified to which party the Finding is directed. However, the City does not have the requisite facts to either agree or disagree with this Finding. The IBA believes this Finding is best and most likely directed toward the other responding party, the County of San Diego, and we do not recommend that the City Council make a response to this Finding.

CONCLUSION

The IBA believes that this language is appropriate to constitute the response to the Grand Jury on their report on the Past Grand Juror's Association Implementation Review Board on behalf of the San Diego City Council.

[SIGNED]

Penni Takade
Deputy Director

[SIGNED]

APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachment

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

APPROVING THE CITY COUNCIL'S RESPONSE TO THE
2007-2008 SAN DIEGO COUNTY GRAND JURY REPORT
TITLED "PAST GRAND JUROR'S ASSOCIATION
IMPLEMENTATION REVIEW BOARD."

WHEREAS, on January 10, 2008, the 2007-2008 San Diego County Grand Jury [Grand Jury] filed a report [Report] titled "Past Grand Juror's Association Implementation Review Board;" 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, the Grand Jury requested that the San Diego City Council respond to Report recommendations numbered 08-01, 08-02, 08-03; and

WHEREAS, the Office of the Independent Budget Analyst has proposed a response to the Report as set forth in IBA Report No. 08-24 dated March 10, 2008, for the City Council's consideration; 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 2007-2008 San Diego County Grand Jury Report filed January 10, 2008, and titled "Past Grand Juror's Association Implementation Review Board," as set forth in IBA Report No. 08-24 dated March 10, 2008, with revisions to

state that the response to recommendations 08-02 and 08-03 will read "The recommendation will be implemented."

BE IT FURTHER RESOLVED, the City Council President is authorized and directed, on behalf of San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than April 10, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Catherine M. Bradley
Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
03/10/08
03/25/08 REV.
Or.Dept:IBA
R-2008-756

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 25 2008.

ELIZABETH S. MALAND
City Clerk

By Mary Zuma
Deputy City Clerk

Approved: 4-7-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor