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May 30, 2006

**RECEIVED**

MAY 30 2006  
SAN DIEGO  
COUNTY GRAND JURY

Honorable Janis Sammartino  
Presiding Judge of the Superior Court  
San Diego Superior Court  
220 West Broadway, Third Floor  
San Diego, CA 92101

Subject: Grand Jury Report: "Qualcomm Stadium Advisory Board"  
Request for one day extension for the responses of City Council

Dear Judge Sammartino:

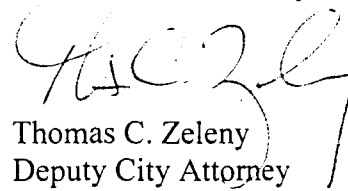
In the report entitled "Qualcomm Stadium Advisory Board," the Grand Jury requests responses of both the Mayor and the City Council of San Diego. Attached please find a copy of the responses of Mayor Jerry Sanders to the Grand Jury's report.

This afternoon, the San Diego City Council is scheduled to consider the Mayor's responses to the Grand Jury Report as item number 202 (attached) on the agenda. Depending on when the item is heard and the action taken by the City Council, it may not be possible to submit the City Council's responses to the Grand Jury Report by the close of business today. Therefore, the City respectfully requests an extension of one day, until May 31, to submit the responses of the City Council.

Sincerely,

MICHAEL J. AGUIRRE, City Attorney

By

  
Thomas C. Zeleny  
Deputy City Attorney



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cc: Jim Vlassis, Grand Jury Foreman



**JERRY SANDERS**  
MAYOR

May 30, 2006

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

Dear Judge Sammartino:

Subject: 2005-2006 Grand Jury Report entitled "Qualcomm Stadium Advisory Board"

Pursuant to California Penal Code Sections 933.05(a), (b), and (c), the City of San Diego provides the following responses to the findings and recommendations in the Grand Jury Report referenced above.

As a preliminary matter, I want to provide some history regarding the Qualcomm Stadium Advisory Board (QSAB). The QSAB was established by an amendment to the San Diego Municipal Code (see attached Chapter 2, Article 6, Division 13, effective May 4, 1998). The duties of the QSAB are to provide a forum for operations, receive public input, serve as a liaison between the public, City, and Qualcomm tenants and contractors, and provide recommendations to the Mayor and Council on any item requiring Council approval (San Diego Municipal Code Section 26.1303).

The previous body, the San Diego Stadium Authority, was a joint powers authority between the City and County of San Diego. This joint powers authority terminated January 15, 1998. However, as a result of the Grand Jury report we learned that many City documents still refer to the San Diego Stadium Authority and/or a joint powers authority. We have already revised the web page for the QSAB to delete the reference to the joint powers authority. Additionally, we are reviewing Council Policies 700-21, 700-22 and 700-40 to ensure their consistency.

With that understanding, I want to address the findings and recommendations that The Grand Jury outlined in its report.

**FINDINGS**

**Finding 1: The QSAB "Notice of a Regular Meeting, Agenda" is posted only at the Qualcomm Stadium Security Office. Minutes of prior QSAB meetings were only made available to the Grand Jury after a formal written request was made. Copies were not available at the City Clerk's office or on the city's website.**

**Agree.** The Stadium Advisory Board began posting the agenda on the City's website in January 2006 and began posting the meeting minutes in March 2006.

**Finding 2: According to information provided to the Grand Jury by QSAB staff, only six of the nine members were listed as residents of the City of San Diego. A Deputy City Attorney advised the Grand Jury after a QSAB meeting that the City Council could waive the residency requirement.**

**Agree.**

**Finding 3: Absences of four members of the QSAB (including the vice-chairman) exceeded the absence policy. The minutes do not indicate if either the Mayor or City Council was notified (as required by the San Diego Stadium Authority – Rules of Procedure) of the excessive absences of individual Board Members.**

**Agree.** The City Attorney's Office has drafted proposed Rules and Regulations for the QSAB's adoption. These new rules and procedures will clearly define the attendance requirements. The Mayor's Office through its Stadium Manager will also take measures to insure the QSAB is properly staffed and attendance is maintained. The Stadium Manager will keep attendance records and will have the responsibility of keeping the appointing authority apprised of adherence to the attendance policy.

**Finding 4: The QSAB should be required to follow board policy. The Mayor and Council should hold the members of the QSAB accountable to conduct meetings.**

**Agree.**

**Finding 5: The City has been lax in reviewing conflicts of interest.**

**Agree.** The City Attorney's office investigation regarding the QSAB conflicts of interests has concluded. One of the QSAB members has agreed not to seek another appointment to the board. A final resolution regarding the appointment pertaining to the other Board member is pending. Additionally, the new Rules and Regulations for the QSAB, will clearly define each board members legal obligation regarding conflicts of interest.

**Finding 6: Minutes for the 2005 Qualcomm Stadium Advisory Board reflect that a quorum (five members), was not present at the May and October meetings. Coupled with the cancelled meetings in August and December, one-third of the monthly meetings for 2005 lacked a quorum necessary to conduct business.**

**Agree.** Meetings which took place without a quorum were unacceptable and the QSAB will not hold any further meetings without a quorum. An absence policy will be adopted by the Board. Additionally, a quorum was present at the October

meeting. The meeting minutes have several references to comments made by the Chairman, but his presence was inadvertently left out of the attendance summary.

**Finding 7: The Board should consider how they would be able to expedite the process of reviewing and awarding contracts.**

**Agree.** Pursuant to San Diego Municipal Code section 26.1303 (d), the QSAB does not have any financial or budgetary authority and as such the QSAB cannot award contracts. The QSAB does provide advisory recommendations to the City Council and the recommended new Rules and Regulations will assist in expediting contract recommendations.

**RECOMMENDATIONS:**

**Recommendation 06-05: Post future agendas and prior meeting minutes of the Qualcomm Stadium Advisory Board on the City's website.**

Response: This recommendation has been implemented. The Stadium Advisory Board began posting the agenda on the City's website in January 2006. Additionally, the Board has added the prior meeting minutes to the agenda in March 2006.

**Recommendation 06-06: Insure that the residency requirements for the members of the QSAB are met.**

Response: This recommendation has not been implemented, but will be implemented by July 1, 2006. One non-resident member will be replaced by a City of San Diego resident in order to meet the residency requirements for the members of the QSAB.

**Recommendation 06-07: Enforce the San Diego Stadium Authority Rules of Procedure and remove those Board members who fail to meet the attendance requirement.**

Response: This recommendation has not been implemented, but will be implemented by July 1, 2006. When the San Diego Stadium Authority Board was dissolved in January of 1998 and was reorganized into the Qualcomm Stadium Advisory Board, new rules for the Board were never adopted. The City Attorney's office has drafted new Rules and Regulations for the QSAB which will clearly define the attendance requirements.

**Recommendation 06-08: Require a thorough review of the California Form 700 "Statement of Economic Interest" submitted by Board members to insure that no potential conflicts of interest or ethical issues arise.**

Response: This recommendation has been implemented. The City Attorney's office is currently reviewing California Form 700 "Statement of Economic Interest" submitted by the Board members.

**Recommendation 06-09: Require members who have a conflict of interest on a matter before them, and who do not recuse themselves, be referred to the City Attorney for appropriate action.**

Response: This recommendation has been implemented. It is part of the standard rules of operation for all Board members throughout the City to recuse themselves when the possibility of a conflict of interest arises. The new Rules and Regulations for the QSAB absolutely will include the same provision.

**Recommendation 06-10: Endeavor to find qualified, dedicated, and conscientious citizens willing to make a commitment to diligently serve the City of San Diego on the Qualcomm Stadium Advisory Board.**


Response: This recommendation has been implemented. My office is currently reviewing all of the boards throughout the City to reassess need and value returned to the City. It is our commitment to eliminate unnecessary Boards and to strengthen the remaining boards with members who are qualified, dedicated, and conscientious.

**Recommendation 06-11: Direct the QSAB to finish the RFP forthwith and proceed with finalizing a parking agreement.**

Response: The recommendation will not be implemented because the QSAB cannot prepare the RFP. Pursuant to San Diego Municipal Code section 26.1303 (d), the QSAB does not have any financial or budgetary authority. However, the RFP process for the parking contract at Qualcomm Stadium is moving forward and a new contract is expected to be in place well in advance of the football season.

Please contact Richard Haas, Deputy Chief of Public Works, at (619) 236-6750 if you have additional questions.

Sincerely,



Jerry Sanders  
Mayor

cc: San Diego County Grand Jury  
City Council  
Chief Operating Officer  
Department Director  
Citizens Assistance Manager  
City Clerk  
City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Mayor's Response to the San Diego County Grand Jury Report on Qualcomm Stadium Advisory Board.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1013)

Accepting and adopting each and every recommendation and finding of the Mayor's response dated May 30, 2006, to the San Diego County Grand Jury report, "Qualcomm Stadium Advisory Board".

**SUPPORTING INFORMATION:**

After a review of all the facts alleged in the February 28, 2006, County Grand Jury's report on the Qualcomm Stadium Advisory Board, the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the response or direct the City Attorney's office to prepare a separate response on behalf of the City Council.

Haas/Michell