



RECEIVED
JUN 07 2006

JERRY SANDERS
MAYOR

RECEIVED
JUN 09 2006
SAN DIEGO
COUNTY GRAND JURY

June 5, 2006

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

Dear Judge Sammartino:

Subject: 2005-2006 Grand Jury Report entitled "The Berm, Revisited"

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 dated April 4, 2006.

FINDINGS

Finding (1): The City of San Diego should diligently pursue collection of unpaid penalties such as the \$35,000 penalty assessed against the country club.

Agree: On July 29, 2004, the City issued a Notice of Violation to the country club in accordance with San Diego Municipal Code sections 121.0201, 121.0311 and 121.0312. Under this Notice, the country club was penalized \$35,000 for performing grading and construction activities inconsistent with the City approved plans. Throughout extensive communications between the City and country club representatives, the City insisted on collection of fines. Finally in March 2006, the City received the entire amount. Enclosed please find a copy of the official receipt.

Finding (2): "The Berm" issue is an unresolved Administration Code enforcement issue.

Disagree: The illegal grading that resulted in construction of a berm along San Dieguito Road was resolved. The City worked closely with the applicant and contractor to lower the berm to the satisfaction of "San

Honorable Janis Sammartino
Page 2
June 2, 2006

Dieguito River Valley Open Space Park JPA.” Please see attached letter dated April 8, 2004. The violation fee of \$35,000 per response to Finding (1) above has also been collected. The City is in the final stages of “As-Built” construction close-out process and the Berm issue is considered resolved.

RECOMMENDATION

06-12: Proceed forthwith to direct penalty collection issues to the City Attorney in order to gain compliance in cases involving penalties that remain uncollected after a significant period of time.

Response: **This recommendation has been implemented. The City’s Code Enforcement Team has direct access to the City Attorney’s office, not only for enforcement actions but also for soliciting legal counsel in resolving violation cases. In this case, Development Services Department staff consulted with the City Attorney’s office for counsel on violation enforcement procedures.**

Please contact Gary Halbert, Director, Development Services Department at (619) 446-5039 if you have additional questions.

Sincerely,



JERRY SANDERS
Mayor
City of San Diego

Enc: Official Receipt for \$35,000
Letter dated April 8, 2004, from Pam Slater-Price, Vice-Chair, JPA

cc: Jim Vlassis, Foreman, San Diego County Grand Jury City Council
Jim Waring, Deputy Chief Operating Officer for Land Use and Economic
Development
Gary Halbert, Director, Development Services Department
Donna Cottingham, Citizens Assistance
City Clerk



CITY OF SAN DIEGO
CALIFORNIA
OFFICIAL RECEIPT

1295661

DEPARTMENT/DIVISION NAME

DSD

DATE

3/3/06

AMOUNT

Thirty-five thousand

DOLLARS

CENTS

\$35,000.⁰⁰

RECEIVED FROM:

Yanbancs Ranch Country Club

ADDRESS:

P.O. Box 8586

IN PAYMENT OF:

Long Term Permit Monitoring

AC-1218 (REV. 1-96)



CHECK



CASH

059459

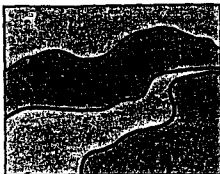
RECEIVED BY:

[Signature]

FOR ABOVE NAMED DEPARTMENT

FUND	DEPARTMENT	ORGANIZATION	ACCOUNT	JOB ORDER	FACILITY	AMOUNT
HBM			77157			\$35,000.00

DISTRIBUTION:
 WHITE - CUSTOMER
 PINK - TREASURER
 YELLOW - RETAIN
 GREEN - AUDITOR



San Dieguito River Valley
Regional Open Space Park
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

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APR 13 2004

April 8, 2004

JOINT POWERS AUTHORITY
BOARD OF DIRECTORS

Chair Tom Golich
Solana Beach City Council

Vice-Chair Pam Slater
Supervisor, County of San Diego

Jerry Finnell
Del Mar City Council

Ed Gallo
Escondido City Council

Betty Rexford
Poway City Council

Brian Maienschein
San Diego City Council

Scott Peters
San Diego City Council

Dianne Jacob
Supervisor, County of San Diego

Dr. Philip Pryde
Citizens Advisory Committee

Darlyn Davenport, Ex Officio
22nd District Agricultural Assoc.

Dick Bobertz
Executive Director

Development Services

Honorable Mayor and City Council
The City of San Diego
City Administration Building
202 "C" Street
San Diego, CA 92101

Honorable Mayor and Members of the City Council:

The San Dieguito River Park is very appreciative of City actions that have restored views of the San Dieguito River Valley along the southern boundary of the newly constructed 9-hole addition to the Fairbanks Ranch Country Club Golf Course. The quick action by the City to cause removal of the unauthorized six to eight foot tall earth berm constructed along San Dieguito Road has been recognized by many people concerned about maintaining public views of the San Dieguito River Valley.

In order to maintain the views into the river valley that you have restored, it is also necessary to ensure that landscape plantings such as trees and dense shrubs that could obscure views as effectively as the berm are not installed in the future. Toward that end the River Park will work with the Fairbanks Ranch Country Club to try to identify a mutually agreeable method to ensure preservation of the aesthetic legacy of the San Dieguito River Valley.

Thank you again for your consideration and positive actions to preserve the environmental legacy of our City.

Sincerely,

Pam Slater-Price
Chair

cc: George Loveland, Assistant City Manager
Tina R. Christiansen, Development Services Director
Mo Sammak, Senior Subdivision Engineer
Samuel Blick, Fairbanks Ranch Country Club

MAY 05 2006



RECEIVED

MAY 15 2006

May 3, 2006

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

SAN DIEGO
 COUNTY GRAND JURY

Subject: 2005 – 2006 Grand Jury Report Entitled “Qualcomm Stadium Advisory Board”

Dear Judge Sammartino:

As Chairman of the Qualcomm Stadium Advisory Board and on behalf of my fellow Board Members, we strongly feel that Staff's preliminary response to the February 28, 2006 Grand Jury report requires further clarification on selected points. Collectively, we were very disappointed that the report was written and submitted without any conversation with any of the Board Members that, in our opinion, resulted in less than an accurate representation of the facts and subsequent conclusions.

For your convenience, the points in question that directly relate to the Board are as follows:

Finding #4 Cancellation of Meetings

Yes, two meetings were cancelled. Traditionally, the August meeting is cancelled due to vacations by both Board Members and interested parties alike. The December meeting was cancelled on the advice of the Deputy City Attorney after a posting error by staff and the nearness to the Holiday's. Proposed Rules and Regulations will further define this issue.

Finding #5 Conflict of Interest Code

The Qualcomm Stadium Advisory Board has not found nor been informed by anyone of violations in the Conflict of Interest code. To the best of our knowledge, Member Simonsen filed his 'Economic Interest Form 700' in accordance with city policy. Additionally, his employer does not have any contractual agreement with Qualcomm Stadium nor has there ever been an agenda item or a vote taken involving his employer. Member Wertz publicly reported his representation of Ace Parking ten years ago and publicly recused himself from the last contract entered into between the City and Ace. The minutes of the March, 1996 reflect that recusal. Furthermore, I cannot recall an instance regarding any subsequent discussion of Ace that Member Wertz did not publicly announce his relationship with Ace, that, by the way, no longer exists today.

I can assure you that each and every member of this Board takes their responsibility seriously and always within the letter of the law. To imply otherwise is simply untrue.

Respectively yours,

William Jeffery, III
 Chairman
 Qualcomm Stadium Advisory Board



REC-11111
MAY 8 2006
SAN DIEGO
COUNTY GRAND JURY

May 3, 2006

Mr. Jim Vlassis
San Diego County Grand Jury
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

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Dear Mr. Vlassis:

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William Jeffery, III
Chairman
Qualcomm Stadium Advisory Board