

Amendment of the Whole
In Committee, Bearing Same Title
11/10/11

FILE NO. 110931

RESOLUTION NO. 505-11

1 [Response to the 2010-2011 Civil Grand Jury Report entitled "Continuity Reports Reviewing
2 the State of Prior Recommendations"]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled**
5 **"Continuity Reports Reviewing the State of Prior Recommendations" and urging the**
6 **Mayor to cause the implementation of accepted findings and recommendations**
7 **through his/her department heads and through the development of the annual budget.**

8
9 WHEREAS, Under California Penal Code Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, The 2010-2011 Civil Grand Jury Report entitled "Continuity Reports
19 Reviewing the State of Prior Recommendations" is on file with the Clerk of the Board of
20 Supervisors in File No. 110930, which is hereby declared to be a part of this resolution as if
21 set forth fully herein; and

22 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
23 to Finding Nos. 1 and 2 as well as Recommendation Nos. 1 and 2 related to the 2008-2009
24 Civil Grand Jury report entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil
25 Grand Jury report entitled "Pension Tsunami: The Billion Dollar Bubble", Findings No. 1 and 2

1 and Recommendation 1 related to the 2007-2008 Civil Grand Jury report entitled "Citizen's
2 General Obligation Bond Oversight Committee" (CGOBOC), Findings No. 2 and 7 and
3 Recommendations No. 1 and 4 related to the 2006-2007 Civil Grand Jury report entitled
4 "Parking for the Disabled- Abuse of Over-Use" contained in the subject Civil Grand Jury
5 report; and

6 WHEREAS, Finding No. 1 related to the 2008-2009 Civil Grand Jury report entitled
7 "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report entitled
8 "Pension Tsunami: The Billion Dollar Bubble" states: "The City is relying on the Mayor's
9 pension reform proposal that will, hopefully, appear on the November, 2011 ballot to address
10 the City's health care plan's unfunded liability. However, as presently written the higher
11 contribution rates mandated in the measure would only apply to employees hired after
12 January 2009. Higher contributions for the majority of City workers hired before January 2009
13 do not take effect until effect until 2016-2017. Therefore, the measure will not begin to have a
14 meaningful impact on the City's health care costs for several years;" and

15 WHEREAS, Recommendation No. 1 related to the 2008-09 Civil Grand Jury report
16 entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report
17 entitled "Pension Tsunami: The Billion Dollar Bubble" states: "Until such time as the retiree
18 health trust fund can cover the expense, the Controller, the Mayor and the Board of
19 Supervisors' Budget and Finance Committee should develop a temporary remedy to the Other
20 Post Employment Benefits unfunded liability, until the retiree health trust fund can cover the
21 expense, in order to reduce its negative impact on funding levels for other city programs;" and

22 WHEREAS, Finding No. 2 related to the 2008-2009 Civil Grand Jury report entitled
23 "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report entitled
24 "Pension Tsunami: The Billion Dollar Bubble" states: "A number of employees in the Fire
25 Department and to a lesser extent the Police and other departments continue to receive

1 annual salary increases in excess of 10% in at least one of the three years before they retire.
2 This leads to a deficit in the City's retirement system account, which is calculated on an
3 anticipated 4.5% annual salary increase. It also unfairly spreads the costs of pension spiking
4 to other departments that do not engage in this practice;" and

5 WHEREAS, Recommendation No. 2 related to the 2008-2009 Civil Grand Jury report
6 entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report
7 entitled "Pension Tsunami: The Billion Dollar Bubble" states: "The City should implement
8 changes as to how salary increases are currently granted to employees within at least three
9 years of their retirement. Changes would include a review of all salary increases in excess of
10 actuarial estimates (currently 4.5%) within 3 years of full retirement age, including temporary
11 assignments. This review should be performed by the Office of the Controller and the San
12 Francisco Employee Retirement System's Actuarial and would identify the additional funds
13 needed by the pension system to support the higher salary. The employee's department
14 would then transfer the additional pension liability arising from the promotion to the Retirement
15 System. ;" and

16 WHEREAS, Finding No. 1 related to the 2007-2008 Civil Grand Jury report entitled
17 "Citizen's General Obligation Bond Oversight Committee" states: "Because the 2007-2008
18 Jury's recommendation did not define "appearing regularly", there is a possibility that the
19 CGOBOC and Board of Supervisors would disagree about how often such presentations
20 should occur;" and

21 WHEREAS, Finding No. 2 related to the 2007-2008 Civil Grand Jury report entitled
22 "Citizen's General Obligation Bond Oversight Committee" states: "A 20-month gap between
23 the promise of regular appearances and the first such appearance does not constitute
24 appearing regularly;" and
25

1 WHEREAS, Recommendation No. 1 related to the 2007-2008 Civil Grand Jury report
2 entitled "Citizen's General Obligation Bond Oversight Committee" states: "The CGOBOC and
3 Board of Supervisors should work together to ensure that the Annual Report is presented at a
4 hearing annually. This appearance should occur within one month of the CGOBOC's
5 publishing its Annual Report;" and

6 WHEREAS, Finding No. 2 related to the 2006-2007 Civil Grand Jury report entitled
7 "Parking for the Disabled- Abuse of Over-Use" states: "In March 2007 Ordinance File No.
8 070406 would have set up a review panel. However, in November of 2007 this piece of
9 legislation died without a single hearing. The City Attorney has advised that under the City's
10 Charter the San Francisco Municipal Transportation Agency (SFMTA) has the authority to
11 establish an independent review panel, but it has not done so;" and

12 WHEREAS, Recommendation 1 No. related to the 2006-2007 Civil Grand Jury report
13 entitled "Parking for the Disabled- Abuse of Over-Use" states: "The Board of Supervisors and
14 Mayor should work to establish an independent review panel. If the Board of Supervisors does
15 not act, the Mayor should request the SFMTA Board of Directors to authorize an independent
16 review panel. The panel should include at least one qualified physician or medical authority as
17 specified in CVC Section 255511.58. The panel should have adequate statistical and clerical
18 staff. The panel should be empowered to hold open hearings and make its findings available
19 to the general public;" and

20 WHEREAS, Finding No. 7 related to the 2006-2007 Civil Grand Jury report entitled
21 "Parking for the Disabled- Abuse of Over-Use" states: "Polls have shown that a majority of
22 residents do not begrudge disabled drivers some special parking privileges, but it is the
23 government's responsibility to curb abuse and protect city residents from unfair financial
24 burdens. They pay higher parking fees and fines to fill the revenue hole created by that
25 abuse;" and

1 WHEREAS, Recommendation No. 4 related to the 2006-2007 Civil Grand Jury report
2 entitled "Parking for the Disabled- Abuse of Over-Use" states: "The Board of Supervisors
3 should not pass new legislation that allows installing additional meters, extending operation
4 hours or raising meter rates and parking fines until meaningful policies are implemented to
5 eliminate the \$8 million hole in the City's parking revenue caused by continued disabled
6 placard abuse;" and

7 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
8 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
9 Court on Finding Nos. 1 and 2 as well as Recommendation Nos. 1 and 2 related to the 2008-
10 2009 Civil Grand Jury report entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010
11 Civil Grand Jury report entitled "Pension Tsunami: The Billion Dollar Bubble", Findings No. 1
12 and 2 and Recommendation No. 1 related to the 2007-2008 Civil Grand Jury report entitled
13 "Citizen's General Obligation Bond Oversight Committee", Findings No. 2 and 7 and
14 Recommendations No. 1 and 4 related to the 2006-2007 Civil Grand Jury report entitled
15 "Parking for the Disabled- Abuse of Over-Use" contained in the subject Civil Grand Jury
16 report; now, therefore, be it

17 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
18 Superior Court that it disagrees with Finding Nos. 1 and 2 related to the 2008-2009 Civil
19 Grand Jury report entitled "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil
20 Grand Jury report entitled "Pension Tsunami: The Billion Dollar Bubble"; and be it

21 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
22 Recommendation Nos. 1 and 2 related to the 2008-2009 Civil Grand Jury report entitled
23 "Pensions Beyond Our Ability to Pay" and the 2009-2010 Civil Grand Jury report entitled
24 "Pension Tsunami: The Billion Dollar Bubble", for reasons as follows: Proposition C, which
25 was recently approved by the San Francisco voters on November 8, 2011 will result in

1 significant changes such that these recommendations are not warranted and impossible to
2 implement in some regards; and be it

3 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
4 of the Superior Court that it agrees with Finding Nos. 1 and 2 related to the 2007-2008 Civil
5 Grand Jury report entitled "Citizen's General Obligation Bond Oversight Committee"; and be it

6 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
7 Recommendation No. 1 related to the 2007-2008 Civil Grand Jury report entitled "Citizen's
8 General Obligation Bond Oversight Committee"; and be it

9 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
10 of the Superior Court that it agrees with Finding Nos. 2 and 7 related to the 2006-2007 Civil
11 Grand Jury report entitled "Parking for the Disabled- Abuse of Over-Use"; and be it

12 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
13 Recommendation No. 1 related to the 2006-2007 Civil Grand Jury report entitled "Parking for
14 the Disabled- Abuse of Over-Use", for the following reasons: an independent review panel is
15 fine when it has the power to do something, but creating an independent review panel which
16 has no authority to make recommendations or make changes is a waste; and be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
18 Recommendation No. 4 related to the 2006-2007 Civil Grand Jury report entitled "Parking for
19 the Disabled- Abuse of Over-Use", for the following reasons: implementation of
20 Recommendation No. 4 is impractical because of the SFMTA's need for flexibility to move
21 forward on many different policies while the issue of parking and placards is being debated;
22 and be it

23 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
24 implementation of accepted findings and recommendations through his/her department heads
25 and through the development of the annual budget.



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110931

Date Passed: November 22, 2011

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Continuity Reports Reviewing the State of Prior Recommendations."

November 10, 2011 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

November 10, 2011 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

November 22, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110931

I hereby certify that the foregoing Resolution was ADOPTED on 11/22/2011 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

UNSIGNED

12/2/11

Mayor Edwin Lee

Date Approved

Date: December 2, 2011

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board