Resolution amending the process by which the Board of Supervisors responds to the Civil Grand Jury reports by adopting a resolution formally accepting or rejecting the Civil Grand Jury recommendations.

WHEREAS, The Clerk of the Board is responsible for ensuring the Board of Supervisors are in compliance with the Civil Grand Jury reports pursuant to California Penal Code Section 933 and San Francisco Administrative Code Section 2.10; and

WHEREAS, Pursuant to the California Penal Code, the Mayor, Departments, Controller and the Board of Supervisors must respond to the recommendations outlined in the Civil Grand Jury reports; and

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

WHEREAS, The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting the agency or Department; and

WHEREAS, The Board of Supervisors must respond to the recommendations outlined in the Civil Grand Jury report within 90 days of receipt; and

WHEREAS, The Clerk of the Board follows established procedures upon the receipt of the Civil Grand Jury report, including noticing a public hearing, sending a letter to the Supervisors advising them of receipt of the Civil Grand Jury report, assisting the
Governments Audit & Oversight Committee Chair with the legislative process including communicating with the Civil Grand Jury the Board’s responses to the recommendations; and

WHEREAS, The Civil Grand Jury has requested that Board of Supervisor’s Supervisors’ response to the recommendations be more directly regarding agreement, partial agreement, or disagreement with findings recommendations and the associated implementation in the City’s departments; and now, therefore, be it

RESOLVED, That upon adoption of this resolution, as the Clerk of the Board receives the Civil Grand Jury reports, the Clerk Legislative Analyst will prepare a resolution accepting outlining the recommendations of the Civil Grand Jury for consideration at the Board committee which reviews audits simultaneously as the Civil Grand Jury reports are being heard; and be it

FURTHER RESOLVED, That the Board committee which reviews audits will consider the recommendations of the Civil Grand Jury, invite the Mayor’s Office, the subject department and the Controller to discuss, accept, reject or modify the Civil Grand Jury recommendations; and be it

FURTHER RESOLVED, Where the committee agrees with the findings recommendations, identifies those findings recommendations which the committee disagrees wholly or partially with, and/or specifies the portion of finding recommendation(s) that are disputed, that the Office of the Legislative Analyst will staff such discussions and amend the draft resolution accordingly for the Chair to submit to the full Board of Supervisors for consideration; and be it

FURTHER RESOLVED, That once the Board of Supervisors adopts a resolution with formal acceptance of feasible Civil Grand Jury recommendations, that the Clerk will submit adopted recommendations to the Mayor’s Office, the subject department, the Controller and the Civil Grand Jury through the Presiding Judge of the Superior Court, and be it
FURTHER RESOLVED, That the Board of Supervisors may request to receive reports from the Mayor and his/her department heads and the Controller about the implementation status of accepted recommendations which are required no later than six months and one year respectively after receipt of the Civil Grand Jury report; and be it

FURTHER RESOLVED, That the Board of Supervisors encourages the Mayor to cause the implementation of accepted recommendations through his/her department heads and through the development of the annual budget; and therefore be it

FURTHER RESOLVED, The Board of Supervisors may review the status of the Civil Grand Jury recommendations as part of the budget review and the Budget & Finance Committee may hold hearings on the Mayor and Controller’s implementation reports.
File Number: 071127

Resolution amending the process by which the Board of Supervisors responds to the Civil Grand Jury Reports by adopting a resolution formally accepting or rejecting the Civil Grand Jury recommendations.

August 14, 2007 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

I hereby certify that the foregoing Resolution was ADOPTED on August 14, 2007 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom