

1 [Formalizing the Board of Supervisors' response to Civil Grand Jury Recommendations]

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

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

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

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

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

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

23 WHEREAS, The Clerk of the Board follows established procedures upon the receipt of
24 the Civil Grand Jury report, including noticing a public hearing, sending a letter to the
25 Supervisors advising them of receipt of the Civil Grand Jury report, assisting the

1 Governments Audit & Oversight Committee Chair with the legislative process including
2 communicating with the Civil Grand Jury the Board's responses to the recommendations; and

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

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

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

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

22 FURTHER RESOLVED, That once the Board of Supervisors adopts a resolution with
23 formal acceptance of feasible Civil Grand Jury recommendations, that the Clerk will submit
24 adopted recommendations to the Mayor's Office, the subject department, the Controller and
25 the Civil Grand Jury through the Presiding Judge of the Superior Court, and be it

1 FURTHER RESOLVED, That the Board of Supervisors may request to receive reports
2 from the Mayor and his/her department heads and the Controller about the implementation
3 status of accepted recommendations which are required no later than six months and one
4 year respectively after receipt of the Civil Grand Jury report; and be it

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

8 FURTHER RESOLVED, The Board of Supervisors may review the status of the Civil
9 Grand Jury recommendations as part of the budget review and the Budget & Finance
10 Committee may hold hearings on the Mayor and Controller's implementation reports.

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City and County of San Francisco

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San Francisco, CA 94102-4689

Tails
Resolution

File Number: 071127

Date Passed:

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

File No. 071127

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