



THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: September 12, 2012

IBA Report Number: 12-34

Rules Committee Meeting Date: September 19, 2012

Item Number: 3

Response to Grand Jury Report Titled “City of San Diego 2010 Redistricting Commission”

OVERVIEW

On June 21, 2012, the San Diego County Grand Jury filed a report with the San Diego Mayor, City Council, and the City Clerk entitled “City of San Diego 2010 Redistricting Commission.” The Grand Jury’s report evaluated the selection process for the 2010 City of San Diego Redistricting Commission and how it might be improved.

The Grand Jury Report included five findings and eight recommendations. Of the eight recommendations, four were directed to the City Council and four were directed to the Mayor and City Clerk. The City Council, Mayor, and City Clerk are required to provide comments to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations relating to their respective items in the Grand Jury Report within ninety days of the release of the report (August 29, 2012). Due to the timing of the Council’s summer recess, the Council President requested an extension to the due date for the City’s response to this report to November 1, 2012. On June 27, 2012 the Presiding Judge of the Superior Court granted this extension.

Since the City Clerk’s Office oversaw the Redistricting Commission application process and the City Attorney’s Office provided legal support to the Commission, both have had a substantial role in crafting the proposed responses to the Findings and Recommendations on behalf of the City Council.

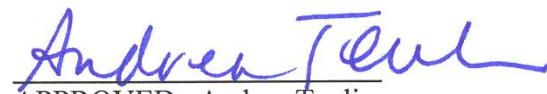
In responding to each Grand Jury finding, the City is required to either (1) agree with the finding or (2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation (1) has been implemented; (2) has not yet been implemented, but will be in the future; (3) requires further analysis; or (4) will not be implemented because it is not warranted or is not reasonable. Explanations for responses are requested when applicable.

It should be noted that typically the IBA has not included background on issues or corrections to facts in its recommended responses to Grand Jury reports. However, in this case we felt it was warranted to ensure that accurate and updated information was provided regarding the City's selection process for the Redistricting Commission.

In addition to the proposed City Council's responses to the Grand Jury Report, we have also included the City Clerk's proposed responses to Recommendations 12-54 – 12-57 as an attachment to this report. Per a June 11, 2010 City Attorney's Report to the Audit Committee, California Penal Code section 993(c) requires that the "governing body of the agency" comment on matters "under control of the governing body." The "governing body" of the City of San Diego is the City Council. Thus, the City Clerk does not have the authority under California Penal Code section 993(c) to respond directly and independently to the Grand Jury on the City's behalf. As a result, the City Council is required to approve the City Clerk's responses to the Grand Jury Recommendations. The City Clerk, Liz Maland, will be available at the September 19, 2012 Rules Committee meeting to discuss her responses.



Jeff Sturak
Deputy Director



APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachments:

1. Recommended City Council Responses to Findings and Recommendations (12-50 – 12-54) in San Diego County Grand Jury Report entitled "City of San Diego 2010 Redistricting Commission"
2. Recommended City Clerk Responses to Recommendations (12-54 – 12-57)
3. San Diego County Grand Jury Report entitled "City of San Diego 2010 Redistricting Commission"