



THE CITY OF SAN DIEGO

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## OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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**Date Issued:** September 1, 2017

**IBA Report Number:** 17-29

**Select Committee on Homelessness Meeting Date:** September 13, 2017

**Item Number:** TBD

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# Proposed Response to Grand Jury Report Comprehending the Plight of San Diego's Homeless: Is there a Sea Change Coming?

On June 6, 2017 the San Diego County Grand Jury filed a report, titled "Comprehending the Plight of San Diego's Homeless: Is there a Sea Change Coming?" The Grand Jury Report includes five findings and three recommendations which are directed to the Mayor and City Council. These findings and recommendations focus on low- and moderate-income housing issues.

Per the Grand Jury report, the Council is required to provide comments to the Presiding Judge of the San Diego Superior Court on the applicable findings and recommendations within 90 days. However, the Council President's office requested and received an extension for the response to November 17, 2017.

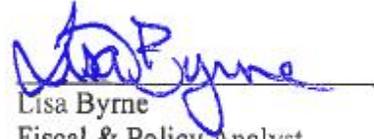
In responding to each Grand Jury finding, the City is required to either (1) agree with the finding or (2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation (1) has been implemented; (2) has not yet been implemented, but will 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.

The IBA's Office worked collaboratively with City staff, the Mayor's Office, the Housing Commission, and City Attorney's Office to develop a proposed joint Council/Mayoral response to the Grand Jury report. The proposed joint response addressing the five findings and three recommendations is included in Attachment 1 to this report. We request the Committee provide feedback and forward its approved proposed response to the full City Council.



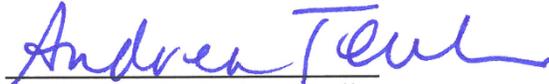
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Attachments:

1. Proposed City Council Response to San Diego County Grand Jury Report titled "Comprehending the Plight of San Diego's Homeless: Is there a Sea Change Coming?"
2. San Diego County Grand Jury Report titled "Comprehending the Plight of San Diego's Homeless: Is there a Sea Change Coming?"

**Proposed City Response to  
San Diego County Grand Jury Report Titled  
“Comprehending the Plight of San Diego’s Homeless: Is there a Sea Change Coming?”**

Pursuant to California Penal Code section 933(c), the City of San Diego provides the following responses to the findings and recommendations pertaining to the City of San Diego that are included in the above-referenced Grand Jury Report:

**FINDINGS 01 THROUGH 05**

**Finding 01:** *The need for low-income housing continues to increase while, at the same time, the inventory of affordable housing units is not keeping pace with demand.*

**Response: The Mayor and City Council agree with the Grand Jury’s finding.**

**Finding 02:** *Agencies and funding exist that could combine to produce low-income housing, which ultimately could save taxpayers money by getting the most vulnerable off the streets.*

**Response: The Mayor and City Council agree with the Grand Jury’s finding.**

Agencies and funding exist and are being combined to produce low-income housing, which could save taxpayers money by getting the most vulnerable off the streets. The City is also diligently working to leverage all available resources to address this issue.

For instance, the City is working with the San Diego Housing Commission (Housing Commission) on the next phase of its Homelessness Action Plan, HOUSING FIRST – SAN DIEGO, to leverage \$79.7 million in local and federal funding over the next three years to provide housing opportunities for thousands of homeless San Diegans. This plan includes:

- Expanding the Housing Commission’s landlord outreach program for the “Housing Our Heroes” campaign, which has helped house close to 900 homeless veterans, to provide housing for up to 3,000 other homeless individuals
- Providing more than 700 housing vouchers for San Diego County’s “Project One For All” initiative to help provide housing with supportive services for seriously mentally ill homeless individuals
- Investing \$20 million to acquire Single-Room Occupancy units or similar property types to create 200 permanent supportive housing (PSH) units eligible for housing vouchers
- Awarding up to \$30 million to developers to create 300 new PSH units eligible for vouchers

Other recent Council and Mayoral actions to produce low-income housing have included, but are not limited to:

- Updates to the Land Development Code and Local Coastal Program to promote the construction of Accessory Dwelling Units and to reduce permit processing times for qualified development projects, including those where 10 percent of units are reserved for low- and very low-income families. This is part of a larger City effort to make the development process less time-consuming and expensive, and to encourage more development of units overall.

**Proposed City Response to  
San Diego County Grand Jury Report Titled  
“Comprehending the Plight of San Diego’s Homeless: Is there a Sea Change Coming?”**

- Approval in August by the City Council, in its role as the Housing Authority, of preliminary bond authorizations for two developments, final bond authorizations for three developments, and construction financing for another development, to help finance a total of 621 affordable housing rental units in the City of San Diego

**Finding 03:** *State mandates need to be followed to make available the appropriate properties for low-income housing development.*

**Response: The Mayor and City Council agree with the Grand Jury’s finding.**

The City follows, and will continue to follow, all state mandates intended to make appropriate properties available for low-income housing as prescribed by the California Surplus Land Act—see response to Recommendation 17-55 for additional information.

The City is also in compliance with State requirements that it adopt and update a Housing Element as part of the City’s General Plan. The Plan, which is adopted by the City and certified by the State, describes the existing and projected housing needs of the San Diego community, the barriers or constraints to providing that housing, and actions proposed to address these concerns.

**Finding 04:** *The public would benefit from expanded opportunities to observe the progress the City and County of San Diego are making in developing moderate- and low-income housing.*

**Response: The Mayor and City Council agree with the Grand Jury’s finding.**

The City Council, Housing Authority, Housing Commission, and Civic San Diego (CivicSD) hold public hearings to allow the public to participate in and observe the progress the City is making in the development of moderate- and low-income housing. Prior to decision-making by these entities, many of these developments are presented to local community planning groups as part of the City’s public outreach efforts.

Both CivicSD and the Housing Commission provide updated information online for their development projects. Information about CivicSD’s affordable housing projects is available at <http://civicsd.com/programs/affordable-housing/projects/>, and updates about the Housing Commission’s developments are available in its Annual Report (<http://online.fliphtml5.com/swlmv/gmem/#p=1>).

Finally, the City of San Diego is currently developing an annual Housing Inventory report. The report, which is expected to be released in September 2017, will compile information such as existing housing supply for both market rate and affordable units, number of units approved by the City, and other metrics to help the City better understand its housing situation.

**Finding 05:** *The City and County of San Diego have the responsibility for ensuring that low-income/affordable housing units are appropriately included in developments when inducements have been provided to do so.*

**Response: The Mayor and City Council agree with the Grand Jury’s finding.**

**Proposed City Response to  
San Diego County Grand Jury Report Titled  
“Comprehending the Plight of San Diego’s Homeless: Is there a Sea Change Coming?”**

The City does have a responsibility to ensure low-income/affordable housing units are included in developments when the law requires. The City’s Development Services Department has controls in place to ensure that developments are constructed in accordance with plans that have been submitted and are in compliance with conditions as required.

The Housing Commission’s Compliance Monitoring Department verifies that housing units designated as affordable are occupied by qualified low- and moderate-income tenants. It also tracks tenant and landlord compliance with affordability requirements stemming from San Diego’s inclusionary housing law, density bonus land-use regulations, state and federal tax credits, and housing built with financial support from the Housing Commission. Note that the Housing Commission does not monitor compliance of affordable units that do not receive Housing Commission funding and are not subject to City program requirements (e.g., affordable units for which the U.S. Department of Housing and Urban Development provides financial assistance directly, without the involvement of the Housing Commission).

**RECOMMENDATIONS 17-55 THROUGH 17-57**

Below are the Mayor and City Council’s responses to Recommendations 17-55 through 17-57:

**Recommendation 17-55:** *Examine their process for disseminating information to potential developers about unused properties to ensure that those trying to create moderate- and low-income housing have access to them as the California Surplus Land Act requires.*

**Response: The recommendation has been implemented.**

Prior to the disposition of surplus City-owned property, the City provides the notice required by the Surplus Land Act to the agencies and entities set forth in California Government Code Section 54222. This includes private developers that request to receive notice in writing as *housing sponsors*, as defined in California Health and Safety Code section 50074. Additionally, City departments are notified in accordance with City Council Policy 700-10.

To receive the widest possible exposure to the open marketplace, commercial real estate brokers are frequently used to market City properties for sale, and local community planning groups are notified of surplus property sales. The Real Estate Assets Department’s website contains a map of all City-owned land and, further, lists properties for sale at the following link: <https://www.sandiego.gov/real-estate-assets/services/brokers>

**Recommendation 17-56:** *Consider creating a means by which the public can observe the progress in creating moderate and low-income housing, including city, county, nonprofit, public-private and Housing Commission projects.*

**Response: The recommendation has been implemented.**

See response to Finding 04.

**Proposed City Response to  
San Diego County Grand Jury Report Titled  
“Comprehending the Plight of San Diego’s Homeless: Is there a Sea Change Coming?”**

**Recommendation 17-57:** *Request an audit to verify that buildings constructed with the stipulation that low-income/affordable units be included are occupied by people who qualify to live there.*

**Response: The recommendation has been implemented**

The Housing Commission’s Compliance Monitoring Department verifies that housing units designated as affordable through funding and City program requirements administered by the Housing Commission (e.g., Inclusionary Housing and Density Bonus) are occupied by qualified low- and moderate-income tenants. As noted in Finding 05, the Housing Commission does not monitor compliance of affordable units that do not receive Housing Commission funding and are not subject to City program requirements.

The City Auditor partially assessed the Housing Commission’s compliance monitoring controls during its “Performance Audit of the San Diego Housing Commission,” released in September 2016. The audit states:

In addition to compiling affordable housing production figures, we tested whether SDHC is continuously verifying the eligibility of families receiving rental assistance. To do this, we selected a random sample from the population of households receiving rental assistance as of July 1, 2015, based on data provided by SDHC. We reviewed recertification paperwork for each household in the sample and verified that the rent subsidy was paid to the landlord by reviewing payments in the check register. This review allowed us to confirm that SDHC monitors and regularly verifies participant households’ eligibility to receive rental assistance.

## **COMPREHENDING THE PLIGHT OF SAN DIEGO'S HOMELESS: IS THERE A SEA CHANGE COMING?**

### ***SUMMARY***

San Diego's 2017 annual point-in-time count of the homeless population in the County produced disturbing results: More than 9,000 people are considered homeless, a 5 percent increase from 2016. Because the number of homeless continues to grow, the 2016/2017 San Diego County Grand Jury (Grand Jury) investigated several facets of the problem in an attempt to add positive elements and direction to the conversation.

Among the areas examined were:

- Housing
- Homeless tracking services and databases
- Homeless vulnerability assessment tools

The Grand Jury understands that there are no easy solutions to the homeless problem which, experts agree, is caused by a combination of complex factors. However, the Grand Jury believes there are additional steps both the City and the County of San Diego could take to make a positive impact.

The Grand Jury recommends the City and County of San Diego:

- Examine the processes used to disseminate information about unused properties to ensure that those working to create additional moderate- and low-income housing have access to them as the California Surplus Land Act<sup>1</sup> requires.
- Consider creating a means by which the public can better observe the process of creating moderate and low-income housing, including City, County, nonprofit, public-private and Housing Commission projects.
- Request an audit to verify that buildings constructed with the stipulation that low-income/affordable units be included are occupied by people who qualify to live there.

Although the Grand Jury is not making this an additional formal recommendation, it is fully supportive of county planning groups encouraging all cities to get involved in homeless planning. Homelessness in San Diego is a countywide problem and needs support from *all* cities and unincorporated county areas.

### ***INTRODUCTION***

The homeless population in San Diego is not disappearing. Some of the most vulnerable are dying in the streets in one of the most desirable and livable regions in America. We see them on street corners and medians, panhandling; their tents line sidewalks. Homeless camps are visible

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<sup>1</sup>[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=5.&article=8.5](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=5.&article=8.5) (accessed May 2, 2017).

on and beneath freeway overpasses and are tucked in the brush along river banks. The Grand Jury became interested in how the City and County of San Diego are focusing their efforts to address this growing problem.

## ***PROCEDURE***

The Grand Jury:

- Conducted numerous interviews with officials from San Diego County and City departments and agencies that work with the homeless population, including the following:
  - San Diego County Health and Human Services Agency
  - San Diego Police Department's Homeless Outreach Team
  - San Diego Mayor's office
  - San Diego Housing Authority
- Attended public forums and reviewed relevant documentation on how other cities are dealing with their homeless population
- Visited two facilities that were converted to house homeless individuals
- Reviewed past Grand Jury reports on the homeless
- Studied extensive media coverage on homeless issues

## ***DISCUSSION***

As the January 2017 point-in-time count shows, San Diego streets are home to more than 9,000 homeless people. Studies show the average chronically homeless person dies between the ages of 42 and 52.<sup>2</sup> According to the San Diego point-in-time count, 40 percent of the homeless people living on the street have a physical disability. Many also have multiple physical and mental health challenges. Over the past 20 years, efforts to come to terms with the growing number of residents who are without permanent shelter have been long-standing, sincere, and dedicated, but largely ineffective.

In many of San Diego's cities and in the unincorporated areas of the County, both government agencies and nonprofits have devoted ambitious efforts to alleviate and eradicate the problem. In 2016 alone, a variety of those groups worked to streamline, organize, and bring more effective solutions to the table. The Grand Jury acknowledges there will be no easy solutions, but making progress on reducing homelessness is urgent and will demand a full-on effort by all concerned. Yet the Grand Jury believes it is not impossible.

### ***Housing***

In recent years, much of the affordable housing in the downtown area has been renovated and upgraded to such an extent that over the past six years, 10,000 of the lowest-cost, most affordable housing units have been removed from the city's inventory.<sup>3</sup> After reviewing Civic San Diego's project data, the Grand Jury concluded that some of the renovated housing has

<sup>2</sup> <http://www.nationalhomeless.org/factsheets/health.html> (accessed 5/1/17).

<sup>3</sup> James DeHaven, "Affordable housing additions don't keep up with subtractions," *San Diego Union-Tribune*, 11/18/16.

remained moderate and low-income housing, but the majority is designated market-rate or luxury housing.<sup>4</sup>

According to San Diego County law enforcement officials, adding to the problem is the passage of California's Proposition 47, a 2014 ballot initiative that reduced some felonies to misdemeanors and released many low-level offenders back into society. An unintended result of reducing prison overcrowding is more addicts and untreated mentally ill people living on the streets—and more felons available to prey on them. The Grand Jury believes that in a very tight housing market, the poorest, the mentally ill, and those with addiction problems will be hard-pressed to find housing. Without assistance from governmental agencies, many of those standing on the lowest rung tend to drop off the ladder. The Grand Jury believes it is vital to provide housing with support systems for those whose difficulties render them unable to formulate solutions on their own.

“Housing First” has been suggested by many experts as a starting point. It is a controversial approach recommended by the National Alliance to End Homelessness that places homeless people in housing first and then provides services. Advocates contend that Housing First reduces homelessness and that it saves the public money as well.<sup>5</sup> But many wonder how a costly intervention that provides people with housing and supportive services can be cheaper than letting people sleep on the street. Advocates say it's because dealing with the homeless is expensive. According to City and County officials, homeless individuals frequently use hospital emergency rooms, homeless shelters, and even jails, each with high cost to taxpayers. However, reductions in public costs for health care and incarceration may not be enough to outweigh the high cost of the Housing First intervention in San Diego communities. Critics say cities with less expensive and more available housing, such as Salt Lake City and Houston, have had success with Housing First,<sup>6 7</sup> but San Diego simply does not have sufficient housing units available.

San Diego does give housing developers an inducement to include low-income/affordable units in their developments in the form of easing the permitting process. However, the Grand Jury could find no indication that there exists any requirement to follow-up to see if such units are, in fact, provided at less-than-market value. Furthermore, it is not clear that the City or County enforces a means test to qualify low-income residents or any check to verify that the units are even occupied. The Grand Jury believes that if inducements are provided to developers, City and County officials should follow up—or conduct periodic audits—to verify that developers and property owners are complying with the agreement.

The 2014 California Surplus Land Act requires that cities and counties give developers priority to surplus property for the purpose of building low-income housing. Both the City and County of San Diego hold numerous surplus properties, on both built-out and vacant land, but the Grand Jury found no indication that the City proactively seeks such developers when it places surplus property for sale. The Grand Jury believes this squanders opportunities to alleviate homelessness.

<sup>4</sup> <http://civicsd.com/programs/affordable-housing/projects/> (accessed 5/2/17).

<sup>5</sup> Daniel Flaming et al., “Getting Home: Outcomes from Housing High Cost Homeless Hospital Patients,” Economic Roundtable and Corporation for Supportive Housing, 2013.

<sup>6</sup> “Ten Year Plan to End Chronic Homelessness,” Salt Lake County Council of Governments, 1/1/06.

<sup>7</sup> “Strategic Plan to Address Homelessness: Houston/Harris County,” Blue Ribbon Commission to End Chronic Homelessness, Houston/Harris County, May 2006.

One active resource is the aforementioned Civic San Diego, the successor to the Centre City Development Corporation. Part of its mission is to provide affordable housing in San Diego's communities. Civic San Diego in February 2017 issued a \$25 million "Notice of Funding Availability" for the development of affordable rental units, from the Low and Moderate Income Housing Asset Fund as part of the Affordable Housing Master Plan of the City of San Diego.<sup>8</sup> The Grand Jury is optimistic that qualified developers can put a plan together and make good use of this offer. Civic San Diego also has on its website an annual listing of projects and their status.<sup>9</sup> This is an excellent glimpse of the development taking place in the City of San Diego. The Grand Jury encourages other cities in San Diego and the unincorporated areas of County to follow suit and create a means by which the public can follow the progress of creating moderate- and low-income housing.

Another possible resource is the San Diego Housing Commission, which has reserves of \$84 million in its fiscal year 2018 budget, funds that could be used for low-income housing.<sup>10</sup>

According to a 2007 study by San Diego State University, housing one adult, with supporting services, such as mental health, vocational counseling, job placement, life-skills training, etc., would cost approximately \$20,000 to \$25,000 annually. Incarceration for the same adult would cost between \$55,000 and \$115,000, depending on the type of facility. Residence in a mental health facility costs about \$215,000 annually, per person, on average. Supporting a single homeless adult, living on the street, costs \$54,996 annually, according to the National Coalition for Homeless, because homeless people use expensive programs such as emergency shelters, jails, and hospitals.<sup>11</sup> It is reasonable to assume that these costs are now higher.

### ***Tracking services and databases***

To effectively provide services that homeless people need, the Grand Jury supports the idea that a tracking service is needed—a database containing individualized information about homeless people. Fortunately, tools exist for doing just that, and both the City and County are employing them. The Homeless Management Information System (HMIS) has been in use for several years. The goal is to assess the individual for his or her status and needs, and what programs might be available. Tracking individual access to the programs is also part of the system. What services a person has already accessed are recorded so that what should be done next is easier to see and accomplish.

The assessment tool that is used now in San Diego is the Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT), which allows a person whose information is being entered into the HMIS to be ranked in such a way that the most vulnerable are the first to have access to housing.

<sup>8</sup> [https://www.sandiego.gov/sites/default/files/2017-02-17\\_25\\_million\\_available\\_for\\_affordable\\_housing\\_in\\_sd.pdf](https://www.sandiego.gov/sites/default/files/2017-02-17_25_million_available_for_affordable_housing_in_sd.pdf) (accessed 4/26/17).

<sup>9</sup> <http://civicsd.com/programs/affordable-housing/projects/> (accessed 4/26/17).

<sup>10</sup> San Diego Housing Commission FY 2018 Proposed Budget

<sup>11</sup> Karissa Erbes, "Emancipating Foster Youth," Southern Area Consortium of Human Services, San Diego State University, 2007.

***The most vulnerable***

According to a study conducted by Point Loma Nazarene University, for individuals who have been homeless for at least six months, one or more of the following markers place them at heightened risk of mortality:

- More than three hospitalizations or emergency room visits in a year
- More than three emergency room visits in the previous three months
- Aged 60 or older
- Cirrhosis of the liver/liver disease/Hepatitis C
- End-stage renal disease (ESRD) or dialysis
- History of frostbite, immersion foot, or hypothermia
- HIV+/AIDS
- Tri-morbidity: co-occurring psychiatric, substance abuse, and chronic medical condition<sup>12</sup>

In 2009, a nationwide effort began to provide housing to 100,000 homeless who were found to be at greatest risk of dying if left on the streets. San Diego's share of this total initially involved 125 individuals identified by using the Vulnerability Index survey. During a three-day long period in September 2010, homeless services providers and community volunteers surveyed 737 individuals living on the streets of downtown San Diego and created an initial registry of homeless individuals by name, including their vulnerability scores. Those identified as the most vulnerable were prioritized and targeted for outreach with the goal of placement into permanent housing. From these 737 individuals, 125 were selected; however, by the end of the third year, the number had dwindled to 114.<sup>13</sup>

Before entry into the program, the average of all public services used by the 114 individuals was approximately \$10,800 for a total of \$1.23 million. After the first full year of housing, the total expenses were cut to \$458,000. After two years in the program, where housing and other services were provided, the average expense per person was cut nearly in half from the \$10,800 before intervention to \$5,700.<sup>14</sup>

According to the County Medical Examiner's office, 111 deaths of homeless people were reported in 2016, the majority of which were due to drug and/or medication overdosing.

The Grand Jury acknowledges that there are no easy solutions to the homeless problem in San Diego County. Nevertheless, if all agencies and cities charged with alleviating homelessness work diligently and collaboratively, progress can be made. Officials from San Diego County's Health and Human Services Agency are convinced that the best path to success is for all cities within the County to combine resources and strategies and work together. The Grand Jury agrees with this assessment and encourages a climate of cooperation to help address one of the most pressing problems facing our County today.

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<sup>12</sup> Lynn Reaser et al., "Housing San Diego's Homeless at Greatest Risk: A Cost Benefit Analysis," Fermanian Business & Economic Institute at Point Loma Nazarene University.

<sup>13</sup> Ibid

<sup>14</sup> Ibid

At this critical moment, San Diego, City and County, can grasp the opportunity for meaningful, significant change by applying all available efforts toward creating housing solutions. Let's not miss the tide.

### ***FACTS AND FINDINGS***

***Fact:*** The 2017 point-in-time count reveals that San Diego County has grown to more than 9,000 homeless people.

***Fact:*** Over the last six years, 10,000 affordable-living units have been removed from the City's inventory.

***Finding 01:*** The need for low-income housing continues to increase while, at the same time, the inventory of affordable housing units is not keeping pace with the demand.

***Fact:*** Several organizations, including Civic San Diego, the San Diego Housing Commission, and others, are helping to provide affordable housing in San Diego's communities.

***Fact:*** The San Diego Housing Commission has reserves of \$84 million.

***Fact:*** Studies have shown that when housing and services are provided to homeless people, the cost of their use of public services can be significantly reduced.

***Finding 02:*** Agencies and funding exist that could combine to produce low-income housing, which ultimately could save taxpayers money by getting the most vulnerable off the streets.

***Fact:*** Both the City and County of San Diego have surplus property.

***Fact:*** The California Surplus Land Act requires cities and counties to give excess property holdings priority for low-income housing development.

***Finding 03:*** State mandates need to be followed to make available the appropriate properties for low-income housing development.

***Fact:*** Civic San Diego provides an annual listing of its development projects and their status.

***Finding 04:*** The public would benefit from expanded opportunities to observe the progress the City and County of San Diego are making in developing moderate- and low-income housing.

***Fact:*** Both the City and County of San Diego provide inducements to developers to include low-income/affordable units in their projects.

***Fact:*** The Grand Jury was unable to find a verification process that ensures low-income/affordable units are built in such developments or that residents rightfully qualify.

**Finding 05:** The City and County of San Diego have the responsibility for ensuring that low-income/affordable housing units are appropriately included in developments when inducements have been provided to do so.

### ***RECOMMENDATIONS***

The 2016/2017 San Diego County Grand Jury recommends that the City of San Diego City Council, the City of San Diego Mayor, the San Diego County Board of Supervisors, and the San Diego County's Chief Administrative Officer:

- 17-xx:** Examine their process for disseminating information to potential developers about unused properties to ensure that those trying to create moderate- and low-income housing have access to them as the California Surplus Land Act requires.
- 17-xx:** Consider creating a means by which the public can observe the progress in creating moderate and low-income housing, including city, county, nonprofit, public-private and Housing Commission projects.
- 17-xx:** Request an audit to verify that buildings constructed with the stipulation that low-income/affordable units be included are occupied by people who qualify to live there.

### ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the 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. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Date</b>
<b>City of San Diego City Council</b>	<b>17-55 through 17-57</b>	<b>9/4/17</b>
<b>City of San Diego Mayor</b>	<b>17-55 through 17-57</b>	<b>9/4/17</b>
<b>San Diego County Board of Supervisors</b>	<b>17-55 through 17-57</b>	<b>9/4/17</b>
<b>San Diego County Chief Administrative Officer</b>	<b>17-55 through 17-57</b>	<b>9/4/17</b>