

March 8, 1996

REPORT TO THE COMMITTEE ON PUBLIC
SAFETY AND NEIGHBORHOOD SERVICES

CITY'S COMPLIANCE WITH THE COMMUNITY
BASED PUNISHMENT ACT OF 1994

At the January 17, 1996, meeting of the Public Safety & Neighborhood Services Committee, a representative of Pacific Furlough Facility requested that the Committee direct our office to look into the City's conformance with the Community Based Punishment Act of 1994 (the "Act").

The Act, codified in California Penal Code section 8050 et seq., targets prison or jail bound non-violent offenders for placement in facilities other than traditional jails. Under the Act, each county may

elect to participate in the program. San Diego County has not, as of the date of this Report, made such an election.^F

The Board of Supervisors has appointed a committee to look into the issue of whether San Diego County should establish a community based punishment program.

Since the Act does not mandate compliance, but rather allows individual counties to elect whether or not to participate, it presents no issue of conformance for The City of San Diego.

Respectfully submitted,

JOHN W. WITT
City Attorney
DKH:lc:500(043.1)
RC-96-9

March 26, 1996

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

PUBLIC FACILITIES FINANCING AUTHORITY OF
THE CITY OF SAN DIEGO V. RIDER ET AL.

As previously reported to the City Council, the last day for the defendants to file a notice of appeal with the Fourth District Court of Appeal in Public Facilities Financing Authority of the City of San Diego v. Rider et al., Superior Court Case No. 693578, was Friday, March 22, 1996. On that day, the City received notice from Lewis A. Wenzell, counsel for the defendants, that his clients would not be appealing that judgment. A copy of Mr. Wenzell's letter is attached for your reference. Consequently, the design-build contract with Nielsen-Dillingham for the construction of the improvements at San Diego Jack Murphy Stadium has been validated and no further legal challenges are available to the defendants on the contract matter.

With respect to the financing validation action, City of San Diego v. Rider et al., Superior Court Case No. 697147, oral argument on the City's motion for summary judgment is set for Monday, April 1, 1996. Judge Judith McConnell has been assigned to hear the matter.

If you have any questions regarding the status of these cases,
please do not hesitate to contact our office.

Respectfully submitted,

JOHN W. WITT
City Attorney

KJS:pev:271(043.1)
Attachment
RC-96-10