

RESOLUTION NUMBER R- 305191

DATE OF FINAL PASSAGE JUL 28 2009

APPROVING THE CITY COUNCIL'S RESPONSE TO THE
2008-2009 SAN DIEGO COUNTY GRAND JURY REPORT
TITLED "TIME FOR REPEAL OF THE PEOPLE'S
ORDINANCE."

WHEREAS, on April 7, 2009 the 2008-2009 San Diego County Grand Jury [Grand Jury] filed a report titled "Time for Repeal of the People's Ordinance" [Report]; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing of the report, each public agency which the Grand Jury reviewed, and about which it issued the Report, must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency; and

WHEREAS, the Grand Jury requested that the City Council respond to each of the findings and recommendations in the Report; and

WHEREAS, on June 23, 2009, the Council considered proposed responses to the Report prepared by the Office of the Independent Budget Analyst [IBA] as set forth in IBA Report No. 09-43 dated May 21, 2009; and

WHEREAS, the Council did not approve the proposed responses and instead, requested that each Council district provide a memorandum to the IBA with input on the proposed response to each finding and recommendation; and

WHEREAS, three memoranda encompassing the input of five Councilmembers were received by the IBA; and

WHEREAS, based on the input from the Council memoranda, the IBA revised the proposed responses as set forth in IBA Report No. 09-62, which report was presented to the Council Committee on Rules, Open Government and Intergovernmental Relations [Committee] on July 15, 2009; and

WHEREAS, after substantial deliberation, the Committee voted 4-1 to forward the item to the full Council with direction that the IBA and City Attorney work together to further revise the language to a number of the proposed responses based on the Committee discussion; and

WHEREAS, on July 28, 2009, the Council considered the proposed responses as set forth in IBA Report No. 09-66 dated July 20, 2009, however, a motion to approve the proposed responses failed by a vote of 4-4; and

WHEREAS, the San Diego Grand Jury has granted a request by the City for an extension of time to respond to the Report, and such response is due on or before August 14, 2009; and

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that IBA Report No. 09-43 and the three Council memoranda described above, be forwarded to the San Diego County Grand Jury as the City Council's response to the 2008-2009 San Diego County Grand Jury Report filed April 7, 2009, and titled "Time for Repeal of the People's Ordinance."

BE IT FURTHER RESOLVED, that the IBA and the City Attorney are to work together on a cover letter to the Grand Jury that explains the circumstances surrounding the Council's response to the Report.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Catherine M. Bradley*
Catherine M. Bradley
Chief Deputy City Attorney

CMB:lkj
07/21/09
07/28/09 REV.
Or.Dept:IBA