



# AGENDA REPORT

**Department:** City Manager's Office  
**Prepared by:** Carlos Aguirre, Interim Deputy City Manager  
**Meeting Date:** Tuesday, August 15, 2023  
**Approved by:** Ben Martinez, Interim City Manager

---

**SUBJECT:**

Responses from the City of National City to the findings and recommendations of a 2022/2023 County of San Diego Grand Jury Report filed on June 7, 2023 and titled "Governance of San Diego Bay and Its Tidal Lands and Regions."

**RECOMMENDATION:**

Review and approve the proposed responses to the County Grand Jury Report and authorize the Mayor to transmit the responses to the Grand Jury via the Superior Court Presiding Judge.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The Grand Jury Report is the product of an investigation by the County of San Diego Grand Jury of the San Diego Unified Port District (the "Port District"), the County of San Diego, and the five (5) Port District member cities of Chula Vista, Imperial Beach, Coronado, San Diego, and National City. The goal of the investigation was to assess how the subject organizations interact around the governance of San Diego Bay tidal lands and resources (Exhibit "A").

Per the Grand Jury Report, "[t]his assessment was undertaken in response to a perception that the Port of San Diego and its unelected seven-member Board of Commissioners is not accountable to either the elected officials or the electorate of its five member cities or the County of San Diego, especially in the planning, development and implementation of projects in those cities." In the Grand Jury Report, the Grand Jury reviews previous Grand Jury reports on the Port District, reviews the Port District's creation, governance, relation to State agencies, and funding. The Grand Jury Report also describes conflicts and issues surrounding the Port District's operations in regard to the equitable representation of residents of the five Port cities and their governing bodies, as well as the County of San Diego and its residents. Lastly, the Grand Jury Report discusses the Port District's planning process and how its proposed projects have affected its member cities and the County of San Diego.

California Penal Code §933(c) and 933.05 require that any public agency which the Grand Jury has reviewed, and about which it has issued a final report, provide 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). The Grand Jury Report was filed on June 7, 2023.

Staff has carefully reviewed the Grand Jury Report and prepared a response letter (Exhibit "B") to the honorable Michael T. Smyth, Presiding Judge of the San Diego County Superior Court, addressing the applicable findings and recommendations of the Grand Jury Report.

For each Grand Jury finding, the responding entity must indicate that it 1) agrees with the finding, or that it 2) disagrees wholly or partially with the finding, in which case the response must specify the portion of the finding that is disputed and include an explanation for their disagreement with the finding.

For each Grand Jury recommendation, the responding entity must indicate that 1) the entity has implemented the recommendation; 2) the entity has not yet implemented the recommendation, but will do so in the future, with a time frame for implementation; 3) the recommendation requires further analysis, with a time frame for completing such analysis, not to exceed 6 months from the date of the publication of the Grand Jury report; or 4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

**FINANCIAL STATEMENT:**

There is no fiscal impact associated from the City of National City responding to the Grand Jury report.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - Grand Jury Report

Exhibit B - Draft Response Letter