



AGENDA REPORT

Department: City Manager's Office
Prepared by: Carlos Aguirre, Acting Deputy City Manager/ Housing Director
Meeting Date: Tuesday, August 22, 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.

At the regular meeting of the City Council on August 15, City Council expressed that they had not been provided an opportunity to receive a briefing directly from staff on the responses in the proposed letter or for staff to consider City Council's direct input. The City Council voted for the item to be continued to a special meeting after having the opportunity to review the responses and suggest changes. A special meeting was scheduled for August 22 at 4:30 p.m. to consider any input gathered by City Council members. A redlined version of the initial comment letter incorporating changes suggested from the City Council is attached as Exhibit "C."

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 24 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Grand Jury Report

Exhibit B - Initial Draft Response Letter

Exhibit C - Redline to Initial Response Letter