

CGJ Year	Report Title	Recommendation	Response Required	2011 Response	2011 Response Text
2009-10	Sharing the Roadway: From Confrontation to Conversation	1. Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011. The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report. The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011. The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors partially disagrees with Recommendation No. 1 because while the Bicycle Plan should not be amended, more coordination should exist between the Bicycle Advisory Committee, the Municipal Transportation Agency, and the Police Department; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	1. Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011. The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report. The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011. The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	The San Francisco Bicycle Plan addresses the concerns raised in this recommendation. Procedures are in place in the San Francisco Bicycle Plan to address problems that might arise with the use of shared roadways. The San Francisco Bicycle Plan should not be amended. All stakeholders should meet regularly to discuss the proper implementation of the San Francisco Bicycle Plan, and this is already occurring and city departments will continue to improve upon this process.
2009-10	Sharing the Roadway: From Confrontation to Conversation	1. Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011. The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report. The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011. The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.	San Francisco Police Department	Recommendation Implemented	In 2011, motorcycle officers assigned to the Traffic Company have been receiving training from instructors, supervisors and MTA traffic engineers on the City's efforts to implement traffic strategies, including the SF Bicycle Plan. Included, is encouragement of positive interactions between police and traffic stakeholders to engender a calm and trusting relationship of those in traffic that goes beyond co-existing. Disputes / mediation techniques are being encouraged, with the options of issuing admonishments and citations when necessary. A strategy that Education and Engineering efforts are viable options at creating a safer multi-modal environment for all traffic users, including increased positive dialogs between bicyclists, motorists, pedestrians (including the disabled), transit and police. Enforcement actions are effective (citation issuance), but also can be counter-productive and viewed as a failure of the City's Education & Engineering efforts. Goal is self-enforcement. Traffic Officers are now focused on Education as well as Enforcement in an proactive approach to ensure that all roadway users can get from point A to point B, safely and efficiently.

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2009-10	Sharing the Roadway: From Confrontation to Conversation	1. Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011. The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report. The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011. The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors disagrees with Recommendation No. 2a because the Bicycle Plan should not be amended; however, improvements to an overall education program, which includes educational materials and other forms of education, can be created and implemented without amending the Bicycle Plan; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	The San Francisco Bicycle Plan will not be amended in order to provide educational materials because educational campaigns and outreach campaigns can be implemented without altering the San Francisco Bicycle Plan. Additionally, the San Francisco Bicycle Plan provides for educating both cyclists and non-cyclists.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.	San Francisco Police Department	Recommendation Implemented	Presently, many officers are carrying various educational materials for pedestrians, cyclists and motorists that include a wide range of traffic education needs. These materials are maintained at the Traffic Company, easy to carry and officers are encouraged to distribute them during patrol.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.	San Francisco Municipal Transportation Agency	Will Not be Implemented; Not Warranted or Not Reasonable	Per the SFMTA's response (dated June 24, 2010) and the SFPD's response (dated July 30, 2010), this recommendation will not be implemented.

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2009-10	Sharing the Roadway: From Confrontation to Conversation	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2b. By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Police Department on Recommendation No. 2b; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	2b. By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.	San Francisco Police Department	Recommendation Implemented	The Traffic Company has liaisons with the bicycle community, including a Master Instructor with California POST. Traffic officers are regularly assigned to CVC and TC training where advocates for pedestrian and bicyclist have been included in the presentation of the educational materials.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2b. By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.	San Francisco Municipal Transportation Agency	Will Be Implemented in the Future	Will be implemented in the future: In the SFMTA and SFPD responses, this recommendation was scheduled for implementation by mid-2011. SFMTA pledged to share electronic versions of its materials with SFPD as needed.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2b. By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2c. The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors disagrees with Recommendation No. 2c because, the Departments can work to provide information to bicyclists regarding the advantages of having insurance without amending the Bicycle Plan by January 1, 2011; however, the Bicycle Plan should be amended at the next scheduled revision of the Plan to include the education of cyclists on the advantages of bicycle insurance; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	2c. The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.	San Francisco Police Department	Will Not be Implemented; Not Warranted or Not Reasonable	The Traffic Company acknowledges the need for insurance for cyclists .

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2009-10	Sharing the Roadway: From Confrontation to Conversation	2c. The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.	San Francisco Municipal Transportation Agency	Will Not be Implemented; Not Warranted or Not Reasonable	Per the SFMTA's response (dated June 24, 2010), this recommendation will not be implemented.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2c. The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2d. The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors partially agrees with Recommendation No. 2d, because the Police Department should have discretion to determine what amount of representation is necessary to provide full involvement by the Police Department; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	2d. The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.	San Francisco Police Department	Recommendation Implemented	The MTA - Traffic Company remains involved with the various MTA and City committees where discussions and revisions occur and assigns two or more officers familiar with cycling issues to these meetings.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2d. The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.	San Francisco Municipal Transportation Agency	Will Be Implemented in the Future	Per the SFMTA's response (dated June 24, 2010), this recommendation will be considered for implementation in the next update of the Bicycle Plan (due in 2014). As noted, the Police Department participates in evaluation of all capital projects through the bi-weekly Transportation Advisory Staff Committee and is invited to attend Bicycle Advisory Committee meetings.
2009-10	Sharing the Roadway: From Confrontation to Conversation	2d. The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3a. The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Police Department for Recommendation No. 3a; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	3a. The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.	Office of the Mayor	Recommendation Implemented	The San Francisco Bicycle Plan Action Item 4.11 addresses this recommendation by stating that cyclists and motorists should monitor themselves and comply with all applicable laws and regulations to ensure the safety of all users of the roadways.

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2009-10	Sharing the Roadway: From Confrontation to Conversation	3a. The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.	San Francisco Municipal Transportation Agency	Recommendation Implemented	Recommendation implemented: Per the SFMTA's response (dated June 24, 2010) and the SFPD's response (dated July 30, 2010), this recommendation was already implemented. See Action Item 4.1.1 in the Bicycle Plan.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3a. The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3b, 3c, and 3d. Police should enforce the Traffic Code and California Vehicle Code. Starting September 2010, the police should have a goal of entering all bicycle citations into the database. By January 1, 2011, San Francisco moving violation tickets should include a box for "bicycle." By January 1, 2011, COMSTAT should include a section for bicycle related data.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors, in response to Recommendation Nos. 3b, 3c, and 3d incorporates and adopts as its own the response of the Police Department for Recommendation No. 3b; and, be it FURTHER RESOLVED, That the Board of Supervisors finds that Finding No. 3c requires further analysis including information regarding the amount of violations which do not result in citations and the data source used by the Civil Grand Jury to develop this Finding; and, be it FURTHER RESOLVED, That the Board of Supervisors partially disagrees with Finding No. 3d, because there is no solid data as to why people break the law and there is no direct connection between the increased number of cyclists and the violations which occur; however the Police Department should work to ensure full compliance with traffic law, and future enforcement policy should emphasize education and the safety of all road users including pedestrians; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	3b, 3c, and 3d. Police should enforce the Traffic Code and California Vehicle Code. Starting September 2010, the police should have a goal of entering all bicycle citations into the database. By January 1, 2011, San Francisco moving violation tickets should include a box for "bicycle." By January 1, 2011, COMSTAT should include a section for bicycle related data.	San Francisco Police Department	Recommendation Implemented	The police enforce many Traffic Codes, as well as the California Vehicle Codes and ideally would have the resources to track all violations. The resources needed to enter all bicycle citations in a database, in addition to what is entered into the California Superior Court violators database requires further analysis.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors agrees with Finding No. 3f; FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor for Recommendation No. 3f; (Resolution 464-10)

Status of the Recommendations
by the Civil Grand Jury
2009-10

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2009-10	Sharing the Roadway: From Confrontation to Conversation	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.	Office of the Mayor	Requires Further Analysis	Pursuant to the San Francisco Bicycle Plan Action item 4.4 the SFMTA and SFPD will work to create a bicycle traffic school curriculum option rather than penalties for traffic violations. Because the Traffic Court is under the jurisdiction of the Superior Court, the Mayor's Office cannot implement the recommendation for the Traffic Court to consult the BAC for the development of the Bicycle Court.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.	San Francisco Police Department	Will Not be Implemented; Not Warranted or Not Reasonable	The Traffic Company encourages the creation of a Bicycle Court Traffic School option as an educational tool. This will further the self-enforcement goals, as well as creating an additional tool to help reinforce safe practices amongst the cyclists.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.	San Francisco Municipal Transportation Agency	Will Not be Implemented; Not Warranted or Not Reasonable	Will not be implemented by the SFMTA: Per the SFMTA's response (dated June 24, 2010) and the SFPD's response (dated July 30, 2010), this recommendation is sound but beyond the purview of either department. The Department of Motor Vehicles has the sole discretion to establish traffic schools.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors partially agrees with Finding No. 3g because there might be other reasons that the Police Officers may or may not be citing cyclists; and, be it FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Bicycle Advisory Committee for Recommendation No. 3g; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.	Office of the Mayor	Requires Further Analysis	Because the SFPD must enforce all aspects of the California Vehicle Code and the Traffic code and because full enforcement of the rules and regulations of the California Vehicle Code and the Traffic Code depend on the availability of resources for the SFPD, the level of enforcement may be inconsistent at times based on resource allocation. However, the Mayor's Office and the SFPD do agree that the City should establish a citywide policy to address the expected lawful behavior of cyclists.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.	San Francisco Police Department	Will Not be Implemented; Not Warranted or Not Reasonable	The Traffic Company supports an environment which helps guide and support their efforts educate and enforce the existing Traffic Codes and California Vehicle Codes.

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2009-10	Sharing the Roadway: From Confrontation to Conversation	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.	San Francisco Municipal Transportation Agency	Requires Further Analysis	Requires Further Analysis: Per the SFMTA's response (dated June 24, 2010) and the SFPD's response (dated July 30, 2010), this recommendation is sound but requires further analysis before implementation. The SFMTA has identified sections of the CVC and TC related to bicycles that require further clarification and collaborates with the SFPD to issue training bulletins to guide enforcement. A recent example is a bulletin explaining enforcement of taxi and paratransit loading in bicycle lanes.
2009-10	Sharing the Roadway: From Confrontation to Conversation	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Sharing the Roadway: From Confrontation to Conversation	4. The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors partially disagrees with Finding No.4 because while the Transit First Policy of the City does not require one mode of transportation to financially support all costs associated with road usage, a fee charged to cyclists under a negative registration who violate the traffic code would likely be a deterrent to cycling; and, be it FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor for Recommendation No.4; (Resolution 464-10)
2009-10	Sharing the Roadway: From Confrontation to Conversation	4. The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.	Office of the Mayor	Requires Further Analysis	The capture of names and other "pertinent" data about bicyclists who violate traffic laws repeatedly may serve as a deterrent and increase safety. The San Francisco Bicycle Plan Action Item 4.4 provides that the MTA and SFPD will work to create a bicycle traffic school curriculum to avoid pecuniary penalties. Because any formation of a "bicycle court" is within the discretion and jurisdiction of the Superior Court, the Mayor's Office cannot speak to the creation of such a court.
2009-10	Sharing the Roadway: From Confrontation to Conversation	4. The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.	San Francisco Police Department	Will Not be Implemented; Not Warranted or Not Reasonable	The decision to release of a form of negative registration of those who have violated the law or responsible for traffic collision, and participated in an approved bicycle court program, is in the purview of the Court and District Attorney 's Office. Their decisions and Court orders will be followed by the Traffic Company.

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2009-10	Sharing the Roadway: From Confrontation to Conversation	4. The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.	Bicycle Advisory Committee	--	Committee elected not to respond.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	1. The City Attorney's Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that it incorporates and adopts as its own the City Attorney's response to Finding No.1 and Recommendation No.1 of the subject Grand Jury Report; (Resolution 384-10)
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	1. The City Attorney's Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.	Office of the Mayor	Requires Further Analysis	The City Attorney's Office cannot evaluate the risk for its level of compliance to Title II of the American's with Disability Act by October 31, 2010, until there is a resolution in the Kirola v. City and County of San Francisco case.

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	1. The City Attorney's Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.	Office of the City Attorney	Requires Further Analysis	Recommendation # I requires further analysis. The City Attorney's Office disagrees with the suggestion that San Francisco's Title II compliance is "incomplete." The City Attorney's Office will assess the City's liability and risk under Title II and report to the Mayor and Board of Supervisors. The City Attorney's Office will submit a confidential report to the Mayor and Board of Supervisors advising them as to the City's exposure to potential litigation and liability over disability access issues. The City Attorney's Office will submit its report by October 31, 2010, or 60 days following entry of final judgment and exhaustion of any appeals in the Kirola litigation, whichever is later. The Kirola case is currently set for trial on September 1, 2010. With the results of that litigation in hand, the City Attorney's Office will be better positioned to prepare a meaningful report to the Mayor and Board of Supervisors. The Grand Jury, in a letter to the City Attorney's Office dated August 23, 2010, accepted the City Attorney's stated response to the above-listed recommendation. II. Update on City Attorney's Implementation Pending Outcome of Kirola Litigation As stated in the above-listed response, the City Attorney's Office agreed to submit its confidential report to the Mayor and Board of Supervisors by October 31, 2010, or 60 days following entry of final judgment and exhaustion of any appeals in the Kirola litigation, whichever was later. The new trial date for the Kirola case is currently set for April 4, 2011. Accordingly, once the City Attorney's Office has the results of that litigation in hand, the City Attorney's Office will be better positioned to prepare a meaningful report to the Mayor and Board of Supervisors.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	2. San Francisco should expand the Grievance Procedure to the level necessary for the "prompt and equitable" resolution of ADA complaints.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor's Office on Disability to Finding Nos. 2, 4 and 6, and Recommendation Nos. 2, 4 and 6 of the subject Grand Jury Report; (Resolution 384-10)
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	2. San Francisco should expand the Grievance Procedure to the level necessary for the "prompt and equitable" resolution of ADA complaints.	Office of the Mayor	Requires Further Analysis	Despite the impact of recent budget cuts on staffing, the Mayor's Office on Disability (MOD) ensures that ADA grievances received are handled effectively. Because of any changes to staffing levels, there is a possibility of changes to response times for complaints as existing staff take on additional responsibilities. If and when the budget situation improves, the Mayor's Office will evaluate any expansion of the grievance procedure and review any need for increased staffing levels.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	2. San Francisco should expand the Grievance Procedure to the level necessary for the "prompt and equitable" resolution of ADA complaints.	Mayor's Office on Disability	Requires Further Analysis	As of April 2011, the number of ADA complaints that reach our office has remained virtually the same while the City's funding levels continue to shrink. Our client intake coordinator position that was eliminated in response to the budget crisis continues to be unfunded and many of the duties are being currently performed by temporary interns who are supervised by permanent staff. We have been unable to identify additional sources of City funding that would enable us to expand the ADA Grievance Procedure via broader outreach to the disability community.

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	2. San Francisco should expand the Grievance Procedure to the level necessary for the “prompt and equitable” resolution of ADA complaints.	Mayor's Disability Council	Requires Further Analysis	As of April 2011, the number of ADA complaints that reach our office has remained virtually the same while the City's funding levels continue to shrink. Our client intake coordinator position that was eliminated in response to the budget crisis continues to be unfunded and many of the duties are being currently performed by temporary interns who are supervised by permanent staff. We have been unable to identify additional sources of City funding that would enable us to expand the ADA Grievance Procedure via broader outreach to the disability community.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	The Human Rights Commission is tasked with addressing civil rights complaints, including disability rights complaints, in the private sector. Although it is important to address private sector ADA compliance issues as an alternative to litigation, because of HRC's role and area of responsibilities, a study is not warranted.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	Mayor's Office on Disability	Will Not be Implemented; Not Warranted or Not Reasonable	As stated in the June 15, 2010 letter, MOD does not have the fiscal or staff resources to implement a study on the feasibility of expanding its mandate to resolve access complaints in the private sector. While we have not implemented this recommendation, as expected, we have taken two steps to improve awareness of private sector compliance issues: 1) MOD has been working closely with the Office of Small Business, several San Francisco Supervisors, and the Bar Association of San Francisco to increase awareness of the access responsibilities of small businesses. We will be providing a training in May, and will be doing workshops around the City. 2) MOD has been working with the disability community on how the new definition of service and support animals will be interpreted in San Francisco for private businesses. With the help of volunteer student time, we have done outreach and are organizing a hearing in May to develop a city-wide response.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	Mayor's Disability Council	Will Not be Implemented; Not Warranted or Not Reasonable	As stated in the June 15, 2010 letter, MOD does not have the fiscal or staff resources to implement a study on the feasibility of expanding its mandate to resolve access complaints in the private sector. While we have not implemented this recommendation, as expected, we have taken two steps to improve awareness of private sector compliance issues: 1) MOD has been working closely with the Office of Small Business, several San Francisco Supervisors, and the Bar Association of San Francisco to increase awareness of the access responsibilities of small businesses. We will be providing a training in May, and will be doing workshops around the City. 2) MOD has been working with the disability community on how the new definition of service and support animals will be interpreted in San Francisco for private businesses. With the help of volunteer student time, we have done outreach and are organizing a hearing in May to develop a city-wide response.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	Department of Public Works	Will Not be Implemented; Not Warranted or Not Reasonable	Falls outside the responsibility of DPW

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	San Francisco Municipal Transportation Agency	Recommendation Implemented	The Recommendation has been implemented. On October 29, 2010 the SFMTA ADA coordinator wrote to MOD expressing their willingness to participate in this effort. Recommendation 3 suggests that the Mayor's Office of Disability (MOD) initiate a study with the cooperation of the city's ADA Coordinators regarding expansion of the City's grievance process to incorporate private sector ADA complaints. The SFMTA wrote to the Director of MOD on October 29, 2010 expressing the Agency's willingness to participate in this effort.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.	San Francisco Police Department	Recommendation Implemented	City Departments presently are required to have ADA related grievance procedures where complaints are logged and tracked; advising complainants if there were violations and what is being done. The expansion of needed protections designed to assist vulnerable members of the community is endorsed of the Traffic Company.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor's Office on Disability to Finding Nos. 2, 4 and 6, and Recommendation Nos. 2, 4 and 6 of the subject Grand Jury Report; (Resolution 384-10)
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	Office of the Mayor	Recommendation Implemented	The City continues to provide funds in the Capital Plan for improvement projects for the public right of way. In addition to using General Fund dollars, the City uses sales tax revenues and debt financing for these projects. In prior years, the City has tried to issue bonds in order to address ADA compliance, but the voters rejected these efforts. As resources become available, the City can achieve total compliance.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	Mayor's Office on Disability	Recommendation Implemented	The ADA Transition Plan for Facilities is comprehensive and updated annually. With consistent levels of funding allocated to ADA work through the 10 year Capital Plan, we anticipate that all improvements identified by the Transition Plan will be funded by 2016 with project completion within three years. For the ADA Transition Plan for Curb Ramps and Sidewalks, the City is developing a bond for the November 2011 ballot that would provide on-going and consistent funding for curb ramps and sidewalk repair for three years. We will also re-iterate that compliance with the ADA does not require a curb ramp at every location in which a pedestrian crossing exists. Nonetheless, the City has that as its goal. With updates to the database that more accurately reflect existing curb ramps and potential curb ramp locations, we are happy to report that the number of potential curb ramp locations has been reduced from 29,000 to just under 24,000. Depending on the level of funding available for street re-paving (which builds many curb ramps), the timeline expected to put a curb ramp at every potential pedestrian crossing is now reduced significantly. We expect such saturation within 12 to 15 years.

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	Mayor's Disability Council	Recommendation Implemented	The ADA Transition Plan for Facilities is comprehensive and updated annually. With consistent levels of funding allocated to ADA work through the 10 year Capital Plan, we anticipate that all improvements identified by the Transition Plan will be funded by 2016 with project completion within three years. For the ADA Transition Plan for Curb Ramps and Sidewalks, the City is developing a bond for the November 2011 ballot that would provide on-going and consistent funding for curb ramps and sidewalk repair for three years. We will also re-iterate that compliance with the ADA does not require a curb ramp at every location in which a pedestrian crossing exists. Nonetheless, the City has that as its goal. With updates to the database that more accurately reflect existing curb ramps and potential curb ramp locations, we are happy to report that the number of potential curb ramp locations has been reduced from 29,000 to just under 24,000. Depending on the level of funding available for street re-paving (which builds many curb ramps), the timeline expected to put a curb ramp at every potential pedestrian crossing is now reduced significantly. We expect such saturation within 12 to 15 years.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	Department of Public Works	Recommendation Implemented	The recommendation has been implemented in recent years, as the City has consistently allocated significant funds through its Ten Year Capital Plan and annual capital budget process. The City has used numerous funding sources for curb ramps and sidewalks, including general operating funds, sales tax revenues, and debt financing. The City will continue to pursue all viable means to continue funding in a manner that is as consistent from year to year as possible and in conformance with the DPW ADA Transition Plan for Curb Ramps and Sidewalks.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.	San Francisco Municipal Transportation Agency	Recommendation Implemented	The Recommendation has been implemented. Work completed in 2008 and 2009. The Facilities Transition Plan (FTP) identified two SFMTA facilities that needed accessibility upgrades. The City has completed the work on those two facilities. SFMTA continues to work with the Department of Public Works and the Mayor's Office on Disability - the entities responsible for implementing the FTP - to find additional funding and identify future facility improvements. SFMTA considers accessibility upgrades to existing facilities beyond what was required in the FTP to be a priority, and it will persist in its efforts to seek funding for such projects. Currently, any facility modifications done by SFMTA include accessibility upgrades and funding for those upgrades. SFMTA fully supports any additional funding for future facility improvements and is supportive of identifying additional means of funding for these improvements.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Department of Public Works to Finding No.5 and Recommendation No.5 of the subject Grand Jury Report; (Resolution 384-10)
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.	Office of the Mayor	Requires Further Analysis	Because staffing levels and resources are dictated by the budget conditions, it is not always feasible to maintain full staffing levels if inappropriate under the financial conditions. The City does pursue enforcement and monitoring of the public right of way, nonetheless. DPW has in place its Sidewalk Inspection and Repair Program and it allows departments to inspect and repair city sidewalks.

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.	Department of Public Works	Requires Further Analysis	DPW vigorously pursues enforcement and monitoring of the public right of way. However, staffing levels are dictated by many factors and given the current economic climate, the city and DPW must consider their multiple obligations to the public, including critical health and safety issues, when setting staffing levels for sidewalk inspection. Notwithstanding diminishing resources, DPW has in place its Sidewalk Inspection and Repair Program (SIRP) that allows DPW to proactively inspect and repair city sidewalks, in addition to its program for responding to individual complaints. The program is running well and has resulted in 40% to 45% fewer complaints in the areas where SIRP has been implemented.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor's Office on Disability to Finding Nos. 2, 4 and 6, and Recommendation Nos. 2, 4 and 6 of the subject Grand Jury Report; (Resolution 384-10)
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	Office of the Mayor	Recommendation Implemented	The MTA and SFPD have programs that address this issue. The SFPD trains new recruits with ADA-related training and the departments' Police Crisis Intervention Program provides training that helps law enforcement handle more situations involving mental illness and disability more effectively. The MTA also has dedicated staff to handle ADA compliance and provide trainings. Because of the availability of resources, both departments will work to further training programs but do not agree on that these efforts will be completed by December 2011.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	Mayor's Office on Disability	Recommendation Implemented	MOD in collaboration with the City Attorney's Office conducted a training of all division heads and managers at SFMTA in September of 2010. In addition MOD staff collaborated with the ADA Coordinator at SFPD who was designing Roll-Call training curriculum on disability access issues. Due to staff constraints, MOD staff has not been conducting the training sessions directly, but these trainings occur on a regular basis.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	Mayor's Disability Council	Recommendation Implemented	MOD in collaboration with the City Attorney's Office conducted a training of all division heads and managers at SFMTA in September of 2010. In addition MOD staff collaborated with the ADA Coordinator at SFPD who was designing Roll-Call training curriculum on disability access issues. Due to staff constraints, MOD staff has not been conducting the training sessions directly, but these trainings occur on a regular basis.

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2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	San Francisco Municipal Transportation Agency	Recommendation Implemented	The Recommendation has been implemented. Our training program in areas of assistance and sensitivity to the needs of disabled persons was implemented in 1984. Currently, the SFMTA has an existing, comprehensive disability training program, provided by the SFMTA's Accessible Services Section, which includes assistance and sensitivity training for the service to, and interaction with, disabled persons in a manner that is effective and respectful of their rights. Trainings are held several times each year and are comprised of a core curriculum tailored to each audience. Transit Operators receive the most robust training; with each operator receiving an initial training as a new hire, and a refresher training as part of his or her Vehicle Transit Training (VTT) recertification. We also provide trainings to Management, Transit Fare Inspectors, Station Agents, and other front line staff on an as needed basis. In all of our trainings, we use a combination of video and oral presentations, supplemented by lecture, to introduce each participant to the history of the disabled movement, give an overview of key transit related issues affecting the disabled community, and provide a firm foundation in how to provide service to, and interact with, members of the disabled community in a manner that is effective and respectful. In addition to training provided to our front line staff by SFMTA's Accessible Services Section, the Mayor's Office of Disability and the City Attorney's Office, on September 20, 2010, provided training on Title II of the ADA to the Directors of all SFMTA Divisions. This training was part of an MOD initiative conducted over the past two years to train the management of all City departments to make certain that they understand the City's obligations under the ADA and can provide leadership within their respective departments or divisions to guarantee that the City's program, services and activities are accessible to people with disabilities. SFMTA staff is continuously updating our training materials. We monitor our ADA related complaints, along with reports submitted through our clandestine observer program to identify reoccurring ADA violations. We also work with SFMTA frontline staff to identify existing SFMTA policies that could benefit from greater clarity. This knowledge is then used to help inform and develop new training materials, which are then incorporated into our core curriculum. SFMTA believe that our existing disability training program is comprehensive, includes assistance and sensitivity training for the service to, and interaction with, disabled persons in a manner that is effective and respectful of their rights, and is sufficient to meet the objectives outlined in Recommendation 6. For additional information, please see our October 29, 2010 supplemental response to the Grand Jury on Finding 6.
2009-10	Americans with Disabilities Act: Is San Francisco in Compliance?	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.	San Francisco Police Department	Recommendation Implemented	The Traffic Company has commenced training its officers, educating the public and enforcing the access laws in the public right of way to help ensure that the disabled have accessibility in the public right and are able to get from point A to point B safely and efficiently.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	A1. The San Francisco City Charter should be amended, as follows: For new employees, the pension multiplier should be set at a level to provide fiscally sound future pensions - fair to employees and taxpayers alike. For new Miscellaneous employees, the retirement age to receive full benefits should be comparable to that of Social Security and/or private sector recipients, and be fair to employees and taxpayers alike. The Jury recommends that City officials consider a hybrid retirement plan with components of both Defined Benefit and Defined Contribution, 40 1 (k)-type, in the next negotiated contract in 2012. No cost-of-living or other increase should be awarded to retirees unless the pension fund is found through a multi-year analysis to be actuarially sound and fully funded. SFERS and actuaries for the City should research other public and private sector data to determine fair pension benefits and the results should be reported at SFERS board meetings and to the Board of Supervisors to lead to a sustainable plan.	Board of Supervisors	Requires Further Analysis	RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that it partially agrees with Finding A1 of the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble" because, although prior voter approved propositions have impacted future pension liabilities, additional solutions will be required in the future to avoid significant trade offs in the City's budget; FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor on Recommendation A1, except for the third paragraph of the Mayor's response regarding hybrid pension models because the Board of Supervisors considers the hybrid pension model worthy of further consideration; (Resolution 460-10)
2009-10	Pension Tsunami: The Billion Dollar Bubble	A1. The San Francisco City Charter should be amended, as follows: For new employees, the pension multiplier should be set at a level to provide fiscally sound future pensions - fair to employees and taxpayers alike. For new Miscellaneous employees, the retirement age to receive full benefits should be comparable to that of Social Security and/or private sector recipients, and be fair to employees and taxpayers alike. The Jury recommends that City officials consider a hybrid retirement plan with components of both Defined Benefit and Defined Contribution, 40 1 (k)-type, in the next negotiated contract in 2012. No cost-of-living or other increase should be awarded to retirees unless the pension fund is found through a multi-year analysis to be actuarially sound and fully funded. SFERS and actuaries for the City should research other public and private sector data to determine fair pension benefits and the results should be reported at SFERS board meetings and to the Board of Supervisors to lead to a sustainable plan.	Office of the Mayor	Requires Further Analysis	While we have taken a number of important and significant steps towards pension reform, there is still more that can be done. The retirement age at which miscellaneous employees receive maximum benefits was recently increase to age 62. This is among the highest in California. The City should not create a hybrid system that combines elements of a Defined Benefit Plan and a Defined Contribution Plan at this time. Defined Contribution Plans carry risks that have led to negative unanticipated consequences for many private sector employees, and it would be imprudent to switch to any new model that has not proven to be dependable over the long run. However, The Mayor does agree that the City should continue to review other models and structures that could be appropriate for the City. While it is true that cost of living adjustments are awarded regardless of the financial stability of the pension fund, the additional supplemental COLA amount of up to 3.5% is only awarded if there are sufficient excess investment earnings. The Mayor agrees that the City should further evaluate whether it is beneficial as a matter of policy to award a COLA when the retirement system's investment earnings are flat.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B1. The Mayor and the Board of Supervisors should prepare a plan within the next year to fund the projected \$1 billion in pension costs.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not	FURTHER RESOLVED, That the Board of Supervisors agrees with Recommendation B1; (Resolution 460-10)

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2009-10	Pension Tsunami: The Billion Dollar Bubble	B1. The Mayor and the Board of Supervisors should prepare a plan within the next year to fund the projected \$1 billion in pension costs.	Office of the Mayor	Recommendation Implemented	The Mayor's Office and city departments continue to work to address the projected \$1 billion pension cost. Over the past several years, the Mayor's Office has held regular meetings with city departments, labor representatives and other stakeholders to explore and develop options for long-term pension and benefits reforms. These efforts led to the passage of Proposition D of June 2010 that limits pension costs. Additionally, two years ago the Mayor directed the Controller to undertake the Budget Improvement Project, an effort to examine long-term financial issues and develop reforms to the City's budget process and financial planning. The Mayor worked with the Board of Supervisors to turn the results of that process into Proposition A, which voters approved in November 2009. Under Proposition A, the City is now developing two year budgets, financial policies and a five-year financial plan to address major financial issues including pension and other benefit costs.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B1. The Mayor and the Board of Supervisors should prepare a plan within the next year to fund the projected \$1 billion in pension costs.	Office of the Controller	Recommendation Implemented	City leadership may consider how to manage retirement costs and benefits as part of its overall financial planning, and the Mayor and Board of Supervisors may make proposals regarding retirement benefits within the current system to put before the voters. These considerations already occur through the City leadership's and managers' review of pension costs and contribution rates and their financial impacts in the budget process and in other settings. Benefits, terms and conditions of SFERS are set in the Charter, and changes to them are a matter for voter approval; the Charter also requires that each year's budget be balanced. Balancing future budgets will require some combination of expenditure reductions and/or additional revenues. The Controller is working with City leadership to enact Proposition A mandated changes (a two-year (biennial) budget and a five-year financial plan which forecasts revenues and expenses and summarizes expected public service levels and funding requirements for that period) to the City's budget and financial processes, which are likely to stabilize spending through requiring multi-year budgeting and financial planning. In the winter and spring of 2011, the Controller's Office is participating in a working group analyzing and developing ballot proposals, labor proposals and budgeting proposals to address OPEB liability, current health care liability, pension liability, other benefit and pension matters. The Mayor's Office and members of the Board of Supervisors will introduce one or more proposals for the Nov. 2011 ballot on this subject, and work through other City processes as well.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor on Finding B2; FURTHER RESOLVED, That the Board of Supervisors disagrees with Recommendation B2 and incorporates and adopts the response of the Department of Human Resources; (Resolution 460-10)
2009-10	Pension Tsunami: The Billion Dollar Bubble	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	As part of the collective bargaining process, the Department of Human Resources relies on data furnished by the SFERS and the Controller's Office to evaluate cost increases associated with pensionable compensation. Requiring voter approval of any employee wage increases that would result in an increase in pensions would likely violate both the Charter and the State law on collective bargaining. The recommendation does not recognize that all increases in pension obligations were voter-approved. Without voter approval, DHR cannot change employee retirement plans. DHR has the responsibility to negotiate wages and benefits with labor organizations in accordance with the Charter, and this responsibility cannot be delegated to the voters.

CGJ Year	Report Title	Recommendation	Response Required	2011 Response	2011 Response Text
2009-10	Pension Tsunami: The Billion Dollar Bubble	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.	Office of the Controller	Will Not be Implemented; Not Warranted or Not Reasonable	The Department of Human Resources (DHR) enters into collective bargaining with the City's labor groups using data furnished by the Retirement System and the Controller's Office to evaluate cost increases to any pensionable compensation. Requiring voter approval of employee wage increases would likely violate both the Charter and State law with regard to collective bargaining. The Civil Grand Jury recommendation fails to recognize that all changes in pension obligations are voter-approved and DHR cannot change employee retirement plans. Labor agreements legitimately address wages and benefits and are appropriately and efficiently within the City's (DHR's) authority to negotiate. A wide variety of factors including wage levels, hiring and staffing, attrition, management decisions, and many others, affect the total amount of pensionable compensation and the City's obligations. These factors do not however change the retirement elements that require voter approval such as changes to defined benefits, eligibility, and service requirements. The City, through DHR and the Controller's Office, projects the current and future costs of wage increases and of pensionable compensation as part of its negotiations and budget processes. Actuarial services are not indicated for this purpose. Actuarial analysis is done as part of the annual valuation and contribution rate-setting process at SFERS, and whenever a change to retirement conditions and requirements is proposed.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.	Department of Human Resources	Recommendation Implemented	Actions 1 and 4: This recommendation has already been implemented in part, and cannot be implemented in remainder. As to the recommendation that DHR not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval, please note that under Charter §A8.409, the City is obligated to bargain with recognized employee organizations over wages and benefits. Any increase in pensionable compensation necessarily results in a corresponding increase in employer contributions to retirement. It also increases the amount that the employee is required to contribute, since the employee's contribution is based on a set percentage rate of salary by Charter mandate. It would violate both our Charter and State law governing collective bargaining if the City were to require every negotiated wage increase to be submitted to the voters for approval. Further, please note that under the City's Charter, DHR has no ability to change employee retirement plans; as all such changes must be approved by the voters. Accordingly, all of the retirement enhancements that are noted in the Grand Jury's report were in fact approved by the voters. As to the recommendation that DHR engage the City's professional actuary to investigate any increase in pensionable compensation, this recommendation will not be implemented. During collective bargaining, DHR already engages SFERS and the Controller's Office to evaluate cost increases to any pensionable compensation. Both of these agencies employ actuaries on which DHR relies. It would not be practical—nor cost-effective—for the City to engage an actuary in every discussion with the City's 48 labor groups over possible wage increases and the corresponding impact on pensions. Moreover, we note that the Charter does not specifically include impact on employer pension costs as a factor that must be determined by an arbitrator in determining wage increases.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.	San Francisco Employee Retirement System	Will Not be Implemented; Not Warranted or Not Reasonable	The Retirement System has no role, duty or obligation regarding this issue. Also, to clarify, the professional Actuary is engaged by the Retirement System and not the City.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B3. DHR should compare the retirement benefits in other California cities to determine whether the pension benefits are excessive. The results should be reported to the Mayor and Board of Supervisors.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors agrees with Finding B3; FURTHER RESOLVED, That the Board of Supervisors agrees with Recommendation B3; (Resolution 460-10)

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2009-10	Pension Tsunami: The Billion Dollar Bubble	B3. DHR should compare the retirement benefits in other California cities to determine whether the pension benefits are excessive. The results should be reported to the Mayor and Board of Supervisors.	Office of the Mayor	Recommendation Implemented	San Francisco's retirement benefits are lower than those of most other cities in California.
2009-10	Pension Tsunami: The Billion Dollar Bubble	B3. DHR should compare the retirement benefits in other California cities to determine whether the pension benefits are excessive. The results should be reported to the Mayor and Board of Supervisors.	Department of Human Resources	Recommendation implemented	DHR has compared the retirement benefits provided by the City to those of other cities and counties in California and has determined that our retirement plans for both miscellaneous and safety are on the lower end of those provided across California (please see the chart included in DHR's original response to the Civil Grand Jury in August 2010). This information was shared with both the Mayor's Office and the Board of Supervisors pursuant to the formulation of Proposition B in the winter and spring of 2008.
2009-10	Pension Tsunami: The Billion Dollar Bubble	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.S9S-11 (e). The Jury recommends that the City Attorney and/or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding §A8.S9S-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor and the Department of Human Resources on Finding C1; FURTHER RESOLVED, That the Board of Supervisors disagrees with Recommendation C1 and incorporates and adopts as its own the response of the City Attorney; (Resolution 460-10)
2009-10	Pension Tsunami: The Billion Dollar Bubble	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.S9S-11 (e). The Jury recommends that the City Attorney and/or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding §A8.S9S-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	City Charter §A8.595-11(e) does not require the SFERS to enter into a meet and confer with the City's safety employee unions. Therefore, the City Attorney cannot initiate legal proceedings to require such action. Per the City Attorney, the City has complied with the cost-sharing provisions of Proposition H.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.S9S-11 (e). The Jury recommends that the City Attorney and/or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding §A8.S9S-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.	Office of the City Attorney	Will Not be Implemented; Not Warranted or Not Reasonable	As explained in the response to the Civil Grand Jury, the City Attorney's Office will not implement the recommendation to sue the Retirement Board and it cannot implement the recommendation to provide documentation regarding meet and confer between the City's labor negotiators and the police and firefighter unions. As explained further, the factual premises do not exist for the requested legal opinions regarding the Retirement System's duty to revise safety employee contributions, the Retirement Board's obligation to comply with its fiduciary duties, the meet and confer and cost cost-sharing provisions in Proposition H, and possible remedies to enforce compliance with the Charter. Therefore, these recommendations cannot be implemented. The City Attorney's Office is prepared to provide legal advice to the City policy-makers about options to achieve further cost-sharing from the public safety unions should they wish to pursue them.
2009-10	Pension Tsunami: The Billion Dollar Bubble	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.S9S-11 (e). The Jury recommends that the City Attorney and/or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding §A8.S9S-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.	Department of Human Resources	Will Not be Implemented; Not Warranted or Not Reasonable	This recommendation cannot be implemented by DHR, as this recommendation is directed to the City Attorney's Office. Accordingly, we defer to the City Attorney's Office for response to this recommendation.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.S9S-11 (e). The Jury recommends that the City Attorney and/or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding §A8.S9S-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.	San Francisco Employee Retirement System Board	Will Not be Implemented; Not Warranted or Not Reasonable	The SFERS Board has no duty to "meet and confer," or otherwise participate in negotiations between the City and its unions. The City Attorney makes legal determinations in his discretion, without direction from the SFERS Board.
2009-10	Pension Tsunami: The Billion Dollar Bubble	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter	Board of Supervisors	Will Not be Implemented; Not Warranted or Not	FURTHER RESOLVED, That the Board of Supervisors agrees with Finding C2; FURTHER RESOLVED, That the Board of Supervisors agrees with Recommendation C2 and incorporates and adopts as its own the responses of the City Attorney and the Department of Human Resources; (Resolution 460-10)
2009-10	Pension Tsunami: The Billion Dollar Bubble	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter	Office of the Mayor	Recommendation Implemented	Where the City Charter requires the City and its public safety unions to share costs, the City has and will continue to work with the unions as required under the Charter.
2009-10	Pension Tsunami: The Billion Dollar Bubble	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter	Office of the City Attorney	Will Not be Implemented; Not Warranted or Not Reasonable	As stated in the response to the Civil Grand Jury as legal advisors to the City, we are not in a position to respond to the recommendation. For that reason, the City Attorney's Office cannot implement Recommendation C2. But, we note that the City and the public safety unions are in discussions to reach an agreement to share more in the cost to provide pension benefits.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter	Department of Human Resources	Recommendation implemented	Actions 1 and 2: This recommendation has already been implemented, as the parties have met Charter obligations under Proposition H; however, DHR will continue to meet and confer with the City's Police and Fire unions to ensure ongoing compliance with the cost-sharing obligations under Proposition H. The City met and conferred with the Police and Fire groups in the spring of 2003, during the first round of labor negotiations following passage of Proposition H, and negotiated provisions in the collective bargaining agreements covering police officers and firefighters to address Charter obligations as to cost-sharing. At that time, both the Police and Fire unions agreed to pay the maximum employee pension contribution allowed under the Charter (7.0%, old plan; or 7.5%, new plan). These agreements were reached in recognition of the parties' cost-sharing obligations under Proposition H, the fact that the City's pension costs were projected to increase above 0%, and to facilitate balancing the City's budget. DHR recently met and conferred with the Police and Fire unions to review and discuss cost-sharing obligations under Proposition H. According to the San Francisco Employees Retirement System, the Proposition H costs to the City for Fiscal Year 2011-2012 are projected to be \$30,349,000 for Police and Fire; however, the combined pension contributions by Police and Fire will amount to \$35,000,000 (over \$4,000,000 greater than the increased costs under Proposition H). Therefore, Police and Fire continue to meet their cost-sharing obligations under Proposition H.
2009-10	Pension Tsunami: The Billion Dollar Bubble	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter	San Francisco Employee Retirement System Board	Will Not be Implemented; Not Warranted or Not Reasonable	The SFERS Board has no duty or responsibility to negotiate with the City and its unions.
2009-10	Pension Tsunami: The Billion Dollar Bubble	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor on Finding D1; FURTHER RESOLVED, That the Board of Supervisors agrees with Recommendation D1 and acknowledges that it requires further analysis; (Resolution 460-10)

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2009-10	Pension Tsunami: The Billion Dollar Bubble	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.	Office of the Mayor	Recommendation Implemented	The Mayor and Supervisor Sean Elsbernd introduced a Charter amendment to the Board of Supervisors in 2008, which would have required a three-year average to determine pensionable income. The Board of Supervisors voted to reduce that time to two years. The measure, Proposition D of June 2010 passed and it requires a two-year average to avoid spiking in the final year. Although pensionable income is determined by Charter, the Mayor's Office will continue to work with DHR, SFERS and the Controller's Office to limit final pensionable compensation to the extent possible under the charter and collective bargaining agreements. The Mayor's Office agrees with the recommendation that employees should not draw from two simultaneous city jobs and that pensionable compensation should not include pay for two separate pay types. The Mayor's Office and DHR are working together to ensure that there are systematic controls in place to eliminate this practice where it exists.
2009-10	Pension Tsunami: The Billion Dollar Bubble	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.	Office of the Controller	Recommendation Implemented AND Will Not be Implemented	The Controller's Office agrees that "pension spiking" and "pension-pyramiding" are unfair and costly practices and should be prevented. We note that CGJ recommendations 1. and 2. require voter approval and that recommendations 4. and 5. are addressed as part of the Controller's Office's payroll audit program (as well as other City programs), which audits controls on assignments, on pay and on retirement calculations to control the risk of "spiking" and "pyramiding" and insure that City employees are appropriately compensated and their pensions are determined in accordance with all applicable codes. In response to recommendation 3., the Controller's Office includes payroll practices as part of its annual risk assessment and considers whether to schedule internal audit(s)--these specific issues are not scheduled for an audit in the near term.
2009-10	Pension Tsunami: The Billion Dollar Bubble	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.	Department of Human Resources	Will Not be Implemented; Not Warranted or Not Reasonable	Actions 1, 2 and 4: DHR is unable to implement recommendations 1, 2 and 5, as they require a Charter amendment. As the third recommendation is directed to the Controller's Office, DHR also cannot implement this recommendation. However, the fourth recommendation (disallow employees from drawing pensions from two simultaneous City jobs) has been partially implemented and will hopefully be fully implemented in the future with the upgrade of the City's payroll and personnel system (PeopleSoft). DHR has met several times with DPH to work on a means of better coordinating communication between their different divisions (e.g., General Hospital, Laguna Honda, Clinics) to ensure that there is better knowledge as to how staff are utilized that work in more than one division. With the implementation of the new PeopleSoft system by eMerge, the various payroll divisions should have real time knowledge of the hours worked by employees that work in more than one division, so they can prevent employees from earning more than 80 pensionable hours in a pay period.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.	San Francisco Fire Department	Will Not be Implemented; Not Warranted or Not Reasonable	The SFFD maintains that pension spiking does not occur among its retirees. Any increases to final pensionable compensation are in accordance with established Citywide pay practices and procedures, including applicable MOU provisions and Merit System principles. Increases can be attributed to negotiated contract enhancements (pre- or post-retirement) or promotion in rank pre-retirement through the following MOU or DHR and Civil Service-approved appointment methods: Like Work-Like Pay, Acting Assignment, Provisional or Exempt Appointment, or Permanent Appointment from an eligible list. Increases to final pensionable compensation do not occur for the purpose of inflating or "spiking" retirement benefits. It is not within the purview of the SFFD to comment on the Action Plan for any of the D1 bullets. Moreover, bullets 4 and 5 do not occur in the SFFD. During the CGJ fact-finding phase, it was mentioned that these anomalies were particular to the Nursing classification in the Public Health System. Finally, the SFFD is committed to participate in any discussions that may occur regarding the first three bullets.
2009-10	Pension Tsunami: The Billion Dollar Bubble	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.	Board of Supervisors	Will Not be Implemented; Not Warranted or Not Reasonable	FURTHER RESOLVED, That the Board of Supervisors incorporates and adopts as its own the response of the Mayor and the Department of Human Resources on Finding E1; FURTHER RESOLVED, That the Board of Supervisors agrees with Recommendation E1; (Resolution 460-10)
2009-10	Pension Tsunami: The Billion Dollar Bubble	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.	Office of the Mayor	Recommendation Implemented	The City does have a large unfunded liability for retiree health care obligations. Through voter-approved propositions, the City has begun to address this issue by requiring the City and its employees to contribute to the Retiree Health Trust Fund. The Mayor's Office will continue to work with the Controller's Office and DHR to address this liability.
2009-10	Pension Tsunami: The Billion Dollar Bubble	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.	Office of the City Attorney	Will Not be Implemented; Not Warranted or Not Reasonable	The Department of Human Resources is responsible for initiating meet and confer with employee bargaining units and for advocating on behalf of the City in that process. The City Attorney's Office may, and does, assist with that function, but under the Charter, the Department of Human Resources has primary responsibility for the meet and confer process. For that reason, the City Attorney's Office cannot implement Recommendation E I, but we are ready to assist the department if requested. We note that the City and employee bargaining units are in discussions to address the unfunded liability for retiree healthcare and we will advise the City as requested.
2009-10	Pension Tsunami: The Billion Dollar Bubble	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.	Office of the Controller	Recommendation Implemented	In the winter and spring of 2011, the Controller's Office is participating in a working group analyzing and developing ballot proposals, labor proposals and budgeting proposals to address OPEB liability, current health care liability, pension liability, other benefit and pension matters. The Mayor's Office and members of the Board of Supervisors will introduce one or more proposals for the Nov. 2011 ballot on this subject, and work through other City processes as well. Meet and confer processes for these proposals are underway.

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2009-10	Pension Tsunami: The Billion Dollar Bubble	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.	Department of Human Resources	Recommendation implemented	Actions 1 and 2: This recommendation has been implemented to the extent possible, but DHR will continue to pursue expansion. Pursuant to Proposition B (June 2008 Ballot), all employees hired on or after January 10, 2009 must contribute 2% of their salary into the City's Retiree Health Care Trust Fund Contribution, and the City contributes an additional 1% for each corresponding 2% contribution. Approximately 10% of the City's workforce is making this mandatory contribution. This amount serves to entirely prefund those new employees' retiree health benefits and a portion of the City's unfunded liability for retiree health benefits for employees who were hired prior to January 10, 2009. Further, DHR has sought contributions to the Retiree Health Care Trust Fund from non-contributing employees through the collective bargaining process during the last two rounds of bargaining and will continue to do so in future labor negotiations.
2009-10	Pension Tsunami: The Billion Dollar Bubble	F1. The Mayor needs to appoint two Commissioners to represent the public's interest.	Office of the Mayor	Will Not be Implemented; Not Warranted or Not Reasonable	These commission appointments have been made. Upon appointment, all commissioners are required to discharge faithfully the duties of the particular commission or board to which they are appointed. In the case of SFERS, the commissioners represent the interest of the members and their beneficiaries, not only the public at large.
2009-10	Pension Tsunami: The Billion Dollar Bubble	F2. It is important for the public Commissioners appointed by the Mayor to attend the Board meetings. They should attend regular monthly Board meetings or resign.	Office of the Mayor	Recommendation Implemented	All commissioners should attend regular monthly Board meetings. The board also has a committee structure that allows its members to discharge its duties even if a member is not able to make every Board meeting.
2009-10	Pension Tsunami: The Billion Dollar Bubble	F2. It is important for the public Commissioners appointed by the Mayor to attend the Board meetings. They should attend regular monthly Board meetings or resign.	San Francisco Employee Retirement System Board	Recommendation Implemented	Commissioners are aware of their fiduciary duty, and of the importance of attending Board, Committee, and educational sessions. Attendance records are regularly and currently maintained.