

QUALCOMM STADIUM REVISITED GOING, GOING, GONE FROM THE “Q”

SUMMARY

The 2006-2007 San Diego County Grand Jury visited Qualcomm Stadium in October 2006, to inspect the holding-cell facilities, per Penal Code §921. While there, as a follow-up to 1997-1998 Grand Jury Report titled *The City Box at Qualcomm Stadium*, the Jury inspected the Directors’ Area, also known as the City Box, and reviewed the sign-in sheet for those in attendance at the sporting event. Subsequently, the Jury reviewed *The Qualcomm Stadium Advisory Board*, a 2005-2006 Grand Jury report, and obtained the Board’s meeting agendas and minutes from the City of San Diego website (www.sandiego.gov/city-clerk/boards-commissions/qualcomm).

The Qualcomm Stadium Directors’ Area is governed by City Council Policy No. 700-22, (Appendix A) with an effective date of March 24, 1998 and labeled as “Current” on the website for the City of San Diego (www.sandiego.gov). This policy establishes “guidelines for admission of officials and their guests to the Directors’ Area at Qualcomm Stadium.” City of San Diego Officials identified include the Mayor, Council Members, City Attorney and City Manager, as well as Qualcomm Stadium Advisory Board (QSAB) members and the Credential Pool. All are described as “credential holders,” per Policy No. 700-22. The Credential Pool category is no longer included on current sign-in sheets provided by the Stadium Manager. In fact, the Qualcomm Stadium Advisory Board’s Minutes for its June 8, 2006, meeting contains an Agenda Item under New Business regarding an “Update of Board Policy on Use of the Director’s Area.” It further reads that changes were made to the policy “. . . to make it similar to Petco’s policy. The distribution of tickets will be uniformed (sic) with Petco’s policy as well.” The QSAB unanimously passed a Motion to approve changes to the Use of the Director’s Area Policy. However, the San Diego City Council has not yet passed a resolution amending 700-22 to reflect the changes suggested by the QSAB.

In contrast, Council Policy No. 700-47 (Appendix B), effective March 28, 2006, established “guidelines for admission of officials and their guests to the City Suite of each game or event held at PETCO Park,” which is described as a “co-owned facility (constructed January 2004) by the City of San Diego and the San Diego Padres.” City of San Diego Officials identified are: Mayor (six seats), City Council President (four seats), Council Members (two seats per Council Office - 14 seats total) and City Attorney (two seats).

Both Council Policies state seats are to be utilized by credential holders for the purpose of promoting or marketing the City of San Diego that may lead to increased economic, governmental or social service to the City. They include ticket utilization to recognize

civic and community leaders and volunteers, in addition to City employees, who perform exceptional service to the City. Each Council Policy states, “A Guest Book will be maintained in the Directors’ Box/City Suite for all guests to sign and list their group affiliation.” The Guest Book at Qualcomm Stadium was a 2-page sign-in sheet, listing the credential holders by Office held, both elected and appointed, with a space for a signature for each guest. There is an additional space to indicate if the guest has paid \$10.00 for unlimited food and beverages during the event (information provided by the stadium staff host in the City Box).

PURPOSE

The 2006-2007 San Diego County Grand Jury conducted this study to determine if:

- City Council Policy No. 700-22 is being followed at Qualcomm Stadium
- Elected officials abuse this perquisite
- The nine Qualcomm Stadium Advisory Board members are deserving of two seats in the Directors’ Area and reserved parking for one vehicle for each scheduled San Diego Chargers and San Diego State University (SDSU) football game at the “Q.”

PROCEDURES

Visits:

- Qualcomm Stadium Directors’ Area/City Box during a Chargers game in October 2006.
- Qualcomm Stadium Advisory Board meeting on April 12, 2007.

Documents Reviewed:

- “2006 City Suite Tickets - Chargers Sign-In Sheet(s)” for the Directors’ Area/City Box for nine Chargers games and six SDSU football games.
- City Council Policies 700-22 and 700-47.
- City of San Diego Official Website (www.sandiego.gov).
- Qualcomm Stadium Advisory Board Duties, Appointment, Term and Composition on the City’s website.

- Qualcomm Stadium Advisory Board Agendas and Minutes, on the City’s website, from January 10, 2006, for each month through March 8, 2007.
- San Diego Chargers 2006 Ticket Prices from the City’s website.

DISCUSSION – Possible Abuse of City Council Policy 700-22

While Grand Jury members were inspecting the holding-cell facilities at Qualcomm Stadium in October 2006, during a National Football League game, a San Diego Police Department officer escorted jurors on a tour of stadium security facilities. The tour included a visit to “City Box 6-A,” also known as the “Directors’ Area.” The officer did not enter the City Box and asked that this be noted on our record of the visit. A reason was not provided for this request. The City Box is located on the Press Level above the 50-yard line. While there, jury members inspected the sign-in sheet and noted that **most of the signatures on the sheet were illegible and no affiliation was listed as required by City Council Policy 700-22.**

Subsequently, Grand Jurors requested copies of sign-in sheets for all San Diego Chargers and SDSU Aztecs football games. A review of the records for Aztecs games clearly revealed that the credential holders rarely used the tickets, especially toward the end of the unsuccessful Aztecs season. In contrast, records for Chargers’ games revealed it was rare for credential holders to not use their tickets and parking privileges. In addition, sign-in sheets for the NFL games revealed that signatures were fairly illegible, despite the column headed “Print Name” and no affiliation was listed. Further, City Council Members were using the tickets themselves or had family members attend games as guests of the City of San Diego. Following a Grand Jury request for copies of these records, the “sign-in” sheets were changed in early December 2006 to include a column for “Affiliation” and “Print” was now circled in the “Print Name” column. When the latter records were reviewed, **the abuse of these tickets became more apparent when the names of “guests” were legible.** These included a council member’s spouse (multiple games), children (multiple games), brother (multiple games) and brother-in-law. Several council members held drawings for their tickets, as indicated by the information provided by their “guests.” The Mayor and the Stadium Manager appear to have used their tickets (six and eight, respectively) for recognition and/or marketing purposes, by the affiliations listed (e.g., USMC or USN – Military for the Mayor’s guests and Vendor for the Stadium Manager’s guests) on the sign-in sheets. The tickets provided to the City Attorney (two per game) were either not used or used by eligible guests, per 700-22.

FACTS AND FINDINGS

Fact: The sign-in sheet for the City Box at Qualcomm Stadium is a public record of

guests of credential holders and is to be legible and list the affiliation of all persons who attend Chargers games in City Box 6A.

Fact: Sign-in sheets for guests contain illegible signatures rather than a printed name and no affiliation listed, as required by City Council Policy 700-22

Finding: This practice renders the record almost useless in determining who is actually using the \$92 per game tickets (as listed for Press Level tickets on the City website).

Finding: Some City Council Members have abused the perquisite of two free tickets and a reserved parking space for each game by inviting guests, such as immediate family members or relatives, **who do not meet the criteria of City Council Policy 700-22.**

Fact: The City of San Diego is currently in serious financial condition.

Finding: Tickets currently provided without charge to City Council Members (a total of 18 tickets per game) could be sold for their \$92 face value to raise \$1,656 per game, plus \$180 for nine reserved parking spaces at \$20 each for a total of \$1,836 times eight games for a grand total of \$14,688 per regular season home schedule. Playoff games would add to this total at whatever face value is placed on the tickets and the parking. The six SDSU games were not included in this computation.

RECOMMENDATIONS

The 2006-2007 San Diego County Grand Jury recommends that the Mayor of the City of San Diego:

- 07-70:** Direct the Qualcomm Stadium General Manager to redesign the Sign-In Sheet to include a space to list the Affiliation of each guest in City Box 6-A. Each guest must be required to clearly print his/her name and an affiliation as part of the public record for each stadium event.
- 07-71:** Direct the City Auditor or City Treasurer to conduct an annual audit of the City Box at Qualcomm Stadium to determine if it is being utilized properly and by persons who meet the criteria of updated City Council Policy 700-22 and recoup reimbursement of the fair market value of the tickets inappropriately used.

The 2006-2007 San Diego county Grand Jury recommends that the San Diego City Council:

- 07-72:** Update/Amend Council Policy 700-22 to bring it “Current” as soon as possible.

- 07-73:** Enforce the updated policy and allow credential holders to give their tickets to guests who do not meet criteria as stated in the Policy 700-22 and require those guests to pay the City Treasurer the fair market value of the ticket (\$92).
- 07-74:** Sell tickets not being used by credential holders to the general public for the Fair market value of \$92, with proceeds to be used for youth sports-related programs.
- 07-75:** Amend Council Policy 700-22 to reflect changes suggested by the Qualcomm Stadium Advisory Board to bring uniformity to the Council Policies governing City Suites at Petco Park and Qualcomm Stadium.
- 07-76:** Amend City Council Policy 700-22 to remove City Council members and the City Attorney from the list of public officials who receive free tickets and reserved parking for all events at Qualcomm Stadium.
- 07-77:** Amend City Council Policy 700-22 to allow only the Mayor, as the CEO of the City of San Diego, and the Stadium General Manager, as the chief marketing agent for the stadium, to retain their free tickets (six and eight respectively) and reserved parking for their guests for all events at Qualcomm Stadium.

DISCUSSION – Qualcomm Stadium Advisory Board

Subsequent to the visit by Grand Jury members to Qualcomm Stadium in October 2006, Agendas and Minutes of the nine-member Qualcomm Stadium Advisory Board were reviewed on the City of San Diego’s website (www.sandiego.gov/city-clerk/boards-commissions/qualcomm). Board members are nominated by the Mayor and confirmed by the City Council. The original intent was to follow up on the 2005-2006 Grand Jury Report on this Advisory Board to determine whether the recommendations were being followed and if responses were provided by the Board to the Mayor and City Council and transmitted to the Presiding Judge of the San Diego Superior Court, as required by Penal Code Section §933(c). Jurors found a Notice of a Special Session of the Qualcomm Stadium Advisory Board to be held on Wednesday, April 26, 2006, at 8:00 am in the Stadium Administrative Office Conference Room at Qualcomm Stadium. The “AGENDA” contained only one item, which was “Discussion of Grand Jury Report.”

However, there were no Minutes for this Special Session on the City’s website. The Grand Jurors found this to be unusual and requested a copy of the Minutes from the City as a Public Records Act Request. After some delay, the Grand Jury was advised by a city official that the Minutes for the April 26, 2006, Special Meeting of the Qualcomm Stadium Advisory Board (QSAB) were never produced. A response dated March 21, 2007, received on April 3, 2007, included “. . . due to an administrative oversight the meeting minutes were never recorded.” It also stated “The QSAB takes its public disclosure requirements very seriously and regrets this procedural error.”

Having had their interest piqued even further, Grand Jurors reviewed the Agendas and Minutes in more detail and learned that many meetings were short. The QSAB generally meets on the second Thursday of each month at 8:15 a.m. at Qualcomm Stadium in the Administrative Office Conference Room. Beginning in January 2006 (the first meeting listed on the City website) through March 2007, the lengths of the morning meetings were recorded as follows:

<u>Date</u>	<u>Call to Order</u>	<u>Adjourn</u>	<u>Length of Meeting</u>
January 10, 2006	8:20	8:55	35 minutes
February 9, 2006	8:20	8:50	30 minutes
March 9, 2006	8:15	10:00	1 hr. 45 minutes
April 13, 2006	8:15	10:00	1 hr. 45 minutes
April 26, 2006 – Special Mtg. 8:00 No Minutes were produced for this meeting			
May 11, 2006	8:15	10:00	1 hr. 45 minutes
June 8, 2006	8:15	10:00	1 hr. 45 minutes
July 13, 2006	8:20	8:45	25 minutes
August 10, 2006	8:20	8:50	30 minutes
September 14, 2006	8:15	8:40	25 minutes
October 12, 2006	8:15	8:40	25 minutes
November 9, 2006	8:15	9:00	45 minutes
December 14, 2006	8:15	9:00	45 minutes
January 11, 2007	8:15	9:00	45 minutes
February 8, 2007	8:20	8:30	10 minutes
March 8, 2007	8:15	9:45	1 hr. 30 minutes
April 12, 2007	(No Minutes were yet posted when this report went to print).		

Thus, nine Qualcomm Stadium Advisory Board members attend one meeting per month for less than two hours, sometimes as short as 10 minutes, and receive two free tickets and a reserved parking space to every Chargers and SDSU football game. At \$92 per ticket and \$20 per parking space, it becomes \$204 per game multiplied by eight Chargers games for a total of \$14,688 for the regular season. Playoff games would add to this total. The six SDSU games were not included in this computation. When combined with a \$10 charge per game for unlimited food and beverages, it adds up to a terrific perk for a volunteer on a City Board or Commission. The Grand Jury knows of no other Board or Commission in the City of San Diego that receives a “reward,” other than validated parking in the City Concourse, for their volunteer service to the City. It’s time this perquisite for the QSAB ceased and the tickets and reserved parking were sold at their fair market value, with the proceeds used for youth sports programs, for example.

Grand Jurors who attended the April 12, 2007, meeting of the QSAB heard the Qualcomm Stadium Financial Report from the Stadium General Manager. Aside from the usual facts and figures, the General Manager reported the following “Expenses” to the QSAB and members of the public who were present: **Contractual Rent Credits of**

\$321,142.67, which is the Possessory Interest Tax that the City of San Diego pays to the County of San Diego on behalf of the Chargers Football Team; **Americans with Disabilities Act (ADA) Related Rent Credits of \$351,065.57 to the San Diego Chargers**, which includes \$20 per vehicle displaying a Disabled placard (these vehicles park free at the stadium and are estimated by the General Manager to number about 1,000 per game, which translates to \$20,000 per game) and the **Arbitration Award** which was **\$1.4 Million for Fiscal Year 2007, down from \$1.9 Million in Fiscal Year 2006**. This amount represents the agreed settlement between the City and the Chargers for ADA seats removed to provide better access for disabled citizens and their escorts who attend the games.

FACTS AND FINDINGS

Fact: The nine members of the Qualcomm Stadium Advisory Board are volunteers, who are nominated by the Mayor and confirmed by the San Diego City Council. Each QSAB member receives two free tickets and reserved parking for each scheduled Chargers and SDSU football game, during their four-year term on the Board. This translates to a considerable “perk” for volunteer service to the City of San Diego. Board members are also eligible to purchase unlimited food and beverages in the “City Box” for a nominal sum for each game.

Fact: The Qualcomm Stadium Advisory Board meets once a month at Qualcomm Stadium to discuss its concerns regarding the use and operation of the stadium. These meetings begin at 8:15 a.m. and last anywhere from 20 minutes to one hour and forty-five minutes. Ten of fifteen meetings reviewed, per the Minutes on the City’s website, took 45 minutes or less for business to be completed. Those same Minutes revealed that the Chargers did not have a representative present at any of the fifteen meetings.

Finding: No other City of San Diego Board or Commission volunteers receive this type of perquisite (two free tickets and free parking for each football event at the stadium) for their service. The basic “perk” is to have validated parking in the City Concourse garage by the staff member assigned to the Board or Commission, on which the volunteer serves.

Finding: The major tenant of Qualcomm Stadium has not had a representative present at meetings for more than one year, per the Minutes of the QSAB. Thus, it is almost impossible for interaction to occur between the Chargers and the QSAB at the monthly meetings.

Finding: If the free tickets and parking provided to the Qualcomm Stadium Advisory Board Members for only San Diego Chargers games, as a perquisite for their volunteer service, were sold at fair market value, the total raised would be \$14,688. These funds could be utilized for sports-related youth programs.

RECOMMENDATIONS

The 2006-2007 San Diego County Grand Jury recommends that the Mayor of the City of San Diego and the San Diego City Council:

- 07-78:** Amend City Council Policy 700-22 to remove Qualcomm Stadium Advisory Board members from the list of persons who receive free tickets and reserved parking for each Chargers and SDSU football game at Qualcomm Stadium.
- 07-79:** Sell the tickets now provided to QSAB members for Chargers games, which alone could raise as much as \$14,688, including reserved parking, for an eight-game Chargers regular season, with the sale of SDSU tickets adding to this total.

COMMENDATIONS

The Grand Jury commends the Stadium General Manager and staff for their cooperation in scheduling the visit to Qualcomm Stadium to inspect the San Diego Police Department's holding-cell facility and for their timely responses to Grand Jury requests for documents.

The Grand Jury also commends the officers of the San Diego Police Department, for their professionalism and courtesy during the Grand Jury's visit during a San Diego Chargers game in October 2006. In spite of some glitches with outdated communications equipment, especially the audio, security appeared to be in good order, with a solid plan in place to protect the players, officials and citizens who attend NFL events at the "Q."

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Mayor, City of San Diego	07-70, 07-71, 07-78, 07-79	8/24/07
City Council, City of San Diego	07-72 through 07-77, 07-78, 07-79	8/24/07