AMENDED IN COMMITTEE 9/19/2024

FILE NO. 240709 RESOLUTION NO.

1	[Board Response - Civil Grand Jury Report - Commission Impossible? Getting the Most from San Francisco's Commissions]
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3	Resolution responding to the Presiding Judge of the Superior Court on the findings
4	and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled
5	"Commission Impossible? Getting the Most from San Francisco's Commissions;" and
6	urging the Mayor to cause the implementation of accepted findings and
7	recommendations through her department heads and through the development of the
8	annual budget.
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10	WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
11	Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
12	Court on the findings and recommendations contained in Civil Grand Jury Reports; and
13	WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
14	recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
15	county agency or a department headed by an elected officer, the agency or department head
16	and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
17	response of the Board of Supervisors shall address only budgetary or personnel matters over
18	which it has some decision making authority; and
19	WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
20	Supervisors must conduct a public hearing by a committee to consider a final report of the
21	findings and recommendations submitted, and notify the current foreperson and immediate
22	past foreperson of the Civil Grand Jury when such hearing is scheduled; and
23	WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
24	the Controller must report to the Board of Supervisors on the implementation of
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1	recommendations that pertain to fiscal matters that were considered at a public hearing held
2	by a Board of Supervisors Committee; and
3	WHEREAS, The 2023-2024 Civil Grand Jury Report, entitled "Commission Impossible?
4	Getting the Most from San Francisco's Commissions" ("Report") is on file with the Clerk of the
5	Board of Supervisors in File No. 240709, which is hereby declared to be a part of this
6	Resolution as if set forth fully herein; and
7	WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
8	to Finding Nos. F1, F2, F3, F4, F5, F6, F7, F8, and F9 as well as Recommendation Nos.
9	R1.2, R1.3, R2.1, R2.2, R2.3, R2.4, R2.5, R2.6, R2.7, R3.1, R4.1, R4.2, R4.3, R5.1, R5.2,
10	R6.1, R7.1, R7.2, R8.1, R9.1, R9.2, and R9.3, contained in the subject Report; and
11	WHEREAS, Finding No. F1 states: "No up-to-date, accurate list of active appointed
12	bodies exits, which impedes government transparency;" and
13	WHEREAS, Finding No. F2 states: "It's difficult to evaluate appointed bodies, because
14	no authority systematically reviews their performance;" and
15	WHEREAS, Finding No. F3 states: "The high number of advisory bodies creates
16	unnecessary administrative burdens;" and
17	WHEREAS, Finding No. F4 states: "Unfilled seats can result in canceled meetings,
18	which imposes extra costs and delays decision-making;" and
19	WHEREAS, Finding No. F5 states: "Most appointed bodies have no sunset dates,
20	which affects their relevance and accountability;" and
21	WHEREAS, Finding No. F6 states: "The descriptors for commissions are varied and
22	confusing;" and
23	WHEREAS, Finding No. F7 states: "Annual reports vary in content and availability,
24	which greatly undermines their value;" and

1	WHEREAS, Finding No. F8 states: "The appointment process lacks visibility into
2	appointee political activities;" and
3	WHEREAS, Finding No. F9 states: "A lack of training and performance reviews
4	hampers commissioner effectiveness;" and
5	WHEREAS, Recommendation No. R1.2 states: "By December 17, 2024 if feasible, or
6	by January 31, 2025 if not feasible, the Board of Supervisors shall pass an ordinance
7	requiring the City Attorney's Office by January 31 of each year to prepare and make available
8	to the public an up-to-date, accurate list of active commissions and other appointed bodies, as
9	described in Recommendation 1.1;" and
10	WHEREAS, Recommendation No. R1.3 states: "The report referenced in
11	Recommendation 1.1 shall be posted not only on the City Attorney's website, but also on a
12	new Commissions Oversight Body (COB) website (see Recommendation 2.1) or on a city
13	website that is used more frequently by the public to obtain information about city programs
14	and services. Good examples include Los Angeles County and San Diego County;" and
15	WHEREAS, Recommendation No. R2.1 states: "By May 1, 2025, the City shall enact
16	an ordinance to create the Commissions Oversight Body (COB), or a body by another name
17	as the Board of Supervisors deems appropriate. This ordinance shall set forth the
18	membership requirements and the duties of the COB;" and
19	WHEREAS, Recommendation No. R2.2 states: "The ordinance described in
20	Recommendation 2.1 shall set forth the membership requirements of the COB as follows:
21	 One representative from the Controller's Office, who will chair the COB. The
22	Controller's Office shall provide the professional expertise and administrative assistance
23	necessary to support the COB's duties.
24	One representative from the Mayor's Office.
25	 One representative from the Office of the Clerk of the Board of Supervisors.

1	 Four residents of San Francisco who do not work in city government, who are not
2	members of any commission or board, and whose professional experience or civic
3	participation qualify them for this role. The Controller, Mayor, Board of Supervisors and City
4	Attorney shall each appoint one of these residents, with no confirmation requirement;" and
5	WHEREAS, Recommendation No. R2.3 states: "The ordinance described in
6	Recommendation 2.1 shall require the COB, by June 30 each year, to i) evaluate all
7	appointed bodies on the list that will be issued by the City Attorney per Recommendation 1.1
8	and ii) produce an annual report containing the COB's evaluations and recommendations
9	pertaining to all commissions (COB Annual Report) that shall be forwarded to the Board of
10	Supervisors and the Mayor for further action;" and
11	WHEREAS, Recommendation No. R2.4 states: "For each appointed body to be
12	evaluated per Recommendation 2.3, the ordinance described in Recommendation 2.1 shall
13	require the COB to collect and include the following information in the annual report:
14	Statement of purpose
15	Effective date
16	Sunset date (if any)
17	 Body's classification as decision-making or advisory, quasi-judicial, associated with
18	state or federal law
19	• Legal authorization, whether by charter, ordinance, resolution, or by other means
20	Appointing authority
21	 Summary of the body's key actions and accomplishments
22	 Link to the body's most recent annual report, if applicable
23	Link to the body's website
24	Number of members
25	Number of required meetings per year

1	Number of actual meetings
2	Number of canceled meetings
3	 The number of board or commission member self- and peer-reviews completed
4	Number of vacancies
5	 Number of expired terms with holdover members;" and
6	WHEREAS, Recommendation No. R2.5 states: "For each appointed body to be
7	evaluated per Recommendation 2.3 and 2.4, the ordinance that is described in
8	Recommendation 2.1 shall require the COB to recommend changes (if any) regarding the
9	appointed body, to the Board of Supervisors and the Mayor, and to other entities as
10	necessary to implement these recommendations. These recommendations can include, but
11	are not limited to, a recommendation to remove members of a body, abolish the body, or
12	retain the body with changes to its composition, duties, authority, meeting requirements, and
13	sunset date;" and
14	WHEREAS, Recommendation No. R2.6 states: "The ordinance described in
15	Recommendation 2.1 shall require the COB to evaluate advisory bodies annually, and to
16	evaluate all other bodies every three years, with the option to do so on a rotating basis
17	(evaluating about one-third of such bodies in year 1, one-third in year 2, and one-third in
18	year 3);" and
19	WHEREAS, Recommendation No. R2.7 states: "The Mayor's Office shall include
20	funding in the fiscal 2025 budget for additional staff or other resources, as needed, for the
21	Controller's Office to perform the duties required by the COB as described in
22	Recommendation 2.2;" and
23	WHEREAS, Recommendation No. R3.1 states: "The ordinance described in
24	Recommendation 2.1 shall require that for each appointed body, the COB recommend
25	retaining, abolishing, or merging with another appointed body, as part of the evaluation

1	process described in Recommendations 2.3, 2.4, and 2.5. To aid in making its initial
2	recommendations, the COB shall review Appendix B: Abolish or Retain;" and
3	WHEREAS, Recommendation No. R4.1 states: "The City shall enact an ordinance
4	limiting the membership of new decision-making bodies to 7 members or fewer and limiting
5	the membership of new advisory boards to 11 members or fewer;" and
6	WHEREAS, Recommendation No. R4.2 states: "The ordinance described in
7	Recommendation 2.1 shall require the COB to recommend reducing the size of all existing
8	commissions and boards according to Recommendation 4.1;" and
9	WHEREAS, Recommendation No. R4.3 states: "The ordinance described in
10	Recommendation 2.1 shall require the COB to develop guidelines for simplifying and
11	streamlining the criteria for who can serve on commissions and boards;" and
12	WHEREAS, Recommendation No. R5.1 states: "By May 1, 2025, the City shall enact
13	an ordinance or propose a ballot measure to codify a sunset date that does not exceed three
14	years for all advisory bodies for which it has the authority to pass such an ordinance or
15	propose such a ballot measure. If passed, this law shall apply immediately to advisory bodies
16	that currently have no sunset date. For advisory bodies with a sunset date, this law shall apply
17	if or when the body is reauthorized;" and
18	WHEREAS, Recommendation No. R5.2 states: "The Clerk of the Board shall notify the
19	City Attorney six months before a body is scheduled to sunset so that the City Attorney can
20	remove the body from the code if it is sunsetted;" and
21	WHEREAS, Recommendation No. R6.1 states: "By May 1, 2025, the City shall enact
22	an ordinance or policy to standardize the names of future commissions and other appointed
23	bodies. The Jury recommends the following naming conventions and recommends that the
24	Board of Supervisors present the text of the ordinance or policy to the COB for approval:
25	 Commission or Board for a decision-making body, for example, Film Commission or

1	Assessment Appeals Board.
2	 Advisory Committee or Task Force for an advisory body. For example, Advisory
3	Committee for bodies with a broad scope that have a longer duration (Bicycle Advisory
4	Committee) and Task Force for bodies with a narrow scope and shorter duration (Permit
5	Prioritization Task Force);" and
6	WHEREAS, Recommendation No. R7.1 states: "By May 1, 2025, the Board of
7	Supervisors shall amend as follows Administrative Code Section 1.56 requiring appointed
8	bodies to submit annual reports:
9	(a) Annual reports shall be submitted to the COB for its review by March 31 of the
10	following year.
11	(b) Annual reports shall include the information specified in Appendix D: Annual Report
12	Requirements." and
13	WHEREAS, Recommendation No. R7.2 states: "If the COB is not enacted, By
14	May 1, 2025, the Board of Supervisors shall amend as follows Administrative Code
15	Section 1.56 requiring appointed bodies to submit annual reports:
16	(a) Annual reports shall be submitted to the COB for its review by March 31 of the
17	following year.
18	(b) Annual reports shall include the information specified in Appendix D: Annual Report
19	Requirements;" and
20	WHEREAS, Recommendation No. R8.1 states: "By May 1, 2025 the City shall enact ar
21	ordinance requiring appointee Notice of Appointment statements for an appointed body to
22	include the following information:
23	 Previous service as a member of a commission or board;
24	 Political activity, including service as an officer, employee, consultant, or volunteer for
25	a political party or campaign committee;

2 government employee to influence the support or opposition to specific legislation: 3 Local political campaign contributions in excess of \$500 per campaign; 4 • Relevant work or life experience that qualifies the appointee for the commission and reasons for wanting to serve;" and 5 6 WHEREAS, Recommendation No. R9.1 states: "By May 1, 2025 the City shall enact an 7 ordinance requiring that within three months of an individual's initial appointment to a 8 commission or board (including advisory bodies), the individual must undergo training to serve 9 with excellence in the role. This training would be in addition to any other training required by law;" and 10 11 WHEREAS, Recommendation No. R9.2 states: "The Jury recommends that the training 12 required by the ordinance described in Recommendation 9.1 be no less than two hours and 13 no more than four hours in length. The ordinance shall designate one or more city 14 departments as responsible for developing and administering the training program. The 15 ordinance could but need not specify components of the training program. In addition to its 16 being required for new commissioners, the program would be available on an optional basis to all commissioners;" and 17 18 WHEREAS, Recommendation No. R9.3 states: "By May 1, 2025 the city shall enact an 19 ordinance requiring that commissioners (including advisory body members) participate in an 20 annual performance review program that includes self- and peer-reviews. This ordinance shall 21 designate one or more city departments as responsible for this performance review program;" 22 and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of

Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior

Court on Finding Nos. F1, F2, F3, F4, F5, F6, F7, F8, and F9 as well as Recommendation

• Lobbying activity, including contacting any legislative member, legislative staff, or

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	1	Nos. R1.2	, R1.3,	R2.1.	, R2.2.	R2.3	, R2.4	, R2.5	R2.6	, R2.7	, R3.1	, R4.1	, R4.2	, R4.3.	, R5	.1
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- 2 R5.2, R6.1, R7.1, R7.2, R8.1, R9.1, R9.2, and R9.3 contained in the subject Report; now,
- 3 therefore, be it
- 4 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
- 5 Superior Court that they disagree partially with Finding No. F1 for the following reasons:
- 6 multiple departments currently publish lists; including the City Administrator, who publishes a
- 7 commissions database; the City Attorney's office, which publishes a list of commissions; and
- 8 the Clerk of the Board, which posts a list of commission vacancies as required by the Maddy
- 9 Act; however, these lists do not track whether a commission is actively meeting; and, be it
- 10 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
- of the Superior Court that they disagree partially with Finding No. F2 for the following reasons:
- it is true that there is no specific authority charged with systematically evaluating or reviewing
- 13 commissions' performance, although individual appointing bodies may stay up to date on their
- 14 appointed commissioners' work and consider commissioner performance, especially in
- connection to potential reappointment; and, be it
- 16 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
- of the Superior Court that they disagree partially with Finding No. F3 for the following reasons:
- the number of advisory bodies does create an administrative burden, but is not
- 19 "unnecessary;" and, be it

- FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
- of the Superior Court that they agree with Finding No. F4; and, be it
- FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
- of the Superior Court that they disagree partially with Finding No. F5 for the following reasons:
- 24 many appointed bodies do not have sunset dates, but many bodies continue to be relevant
- 25 (i.e., Police Commission, Health Commission, etc.); and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
of the Superior Court that they agree with Finding No. F6; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they disagree partially with Finding No. F7 for the following reasons: while there is some basic information that can likely be standardized among annual reports, the diversity of purposes for each commission or advisory body requires some flexibility for each commission on the format and timing of their reports; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F8 for the following reasons: people who apply or are nominated to commissions do not currently have to file a disclosure of political donations, affiliations, or lobbying activity with their applications, which obscures political activity in the appointment process; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they disagree partially with Finding No. F9 for the following reasons: many commissioners excel in their roles without formal training, but ensuring that commissioners receive training on rules of order, department processes, and overview of the city's structure may improve effectiveness overall; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R1.2 requires further analysis for the following reasons: Section 1.57 of the SF Administrative Code, which requires an online database on appointments and commissions, is already on the books; in addition, the City Administrator already maintains a database with much of the information required; however, within six (6) months, the Board of Supervisors intends to work with the Mayor's Office, City Attorney's office, City administrator's office, Clerk of the Board, and other relevant departments/bodies to improve on the existing ordinance to

- 1 ensure that the database reflects active appointed policy bodies with the following information 2 about each body: 3 (a) Statement of purpose;
- 4 (b) Effective date;

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- 5 (c) Sunset date (if any);
 - (d) Body's classification as decision-making or advisory, quasi-judicial, associated with state or federal law:
 - (e) Legal authorization, whether by charter, ordinance, resolution, or by other means;
 - (f) Link to the body's most recent annual report, if applicable;
 - (h) Link to the body's website;
- 11 (i) Number of members; and
- 12 (j) Whether they have met in the last year; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R1.3 will not be implemented because it is not warranted or is not reasonable for the following reasons; as explained in more detail below, any discussion about adding a new body, including a Commission Oversight Body, should be part of the process that takes place after the November 2024 election; however, while the Board of Supervisors will not create a new body, it will partially incorporate this recommendation into the ordinance described in its response to R1.2, and intends to require that a link to the commissions database be posted on the websites of any appointing authorities, including the City Attorney's Office, Mayor's office, and Board of Supervisors; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.1 will not be implemented because it is not warranted or is not reasonable for the following reasons: there is currently a citywide conversation about how we want to approach the oversight and reduction in city commissions; any proposals to add additional bodies

1	should be folded into whichever process is created following the November 2024 election,
2	which includes two ballot measures on the subject; and, be it
3	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
4	No. R2.2 will not be implemented because it is not warranted or is not reasonable for the
5	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
6	recommendation will not be implemented; and, be it
7	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
8	No. R2.3 will not be implemented because it is not warranted or is not reasonable for the
9	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
10	recommendation will not be implemented; and, be it
11	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
12	No. R2.4 will not be implemented because it is not warranted or is not reasonable for the
13	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
14	recommendation will not be implemented; and, be it
15	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
16	No. R2.5 will not be implemented because it is not warranted or is not reasonable for the
17	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
18	recommendation will not be implemented; and, be it
19	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
20	No. R2.6 will not be implemented because it is not warranted or is not reasonable for the
21	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
22	recommendation will not be implemented; and, be it
23	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
24	No. R2.7 will not be implemented because it is not warranted or is not reasonable for the
25	following reasons: the Board cannot conduct a meaningful analysis of whether additional

1	funding is necessary until it understands the full extent of the changes to commissions that will
2	be proposed and adopted following the processes resulting from the November 2024 election;
3	and, be it
4	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
5	No. R3.1 will not be implemented because it is not warranted or is not reasonable for the
6	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
7	recommendation will not be implemented; and, be it
8	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
9	No. R4.1 will not be implemented because it is not warranted or is not reasonable for the
10	following reasons: there is currently a citywide conversation about how we want to approach
11	the oversight and reduction of city commissions; any proposals to reduce the size of all
12	commissions should be folded into whichever process is created following the
13	November 2024 election, which includes two ballot measures on the subject; and, be it
14	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
15	No. R4.2 will not be implemented because it is not warranted or is not reasonable for the
16	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
17	recommendation will not be implemented; and, be it
18	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
19	No. R4.3 will not be implemented because it is not warranted or is not reasonable for the
20	following reasons: the COB will not be created for the reasons outlined in R2.1, so this
21	recommendation will not be implemented; and, be it
22	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
23	No. R5.1 will not be implemented because it is not warranted or is not reasonable for the
24	following reasons: there is currently a citywide conversation about how we want to approach
25	the oversight and reduction of city commissions; any proposals for additional ballot measures

1	or ordinances regarding sunset dates should be folded into whichever process is created
2	following the November 2024 election, which includes two ballot measures on the subject;
3	and, be it
4	FURTHER RESOLVED. That the Board of Supervisors reports that Recommendati

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R5.2 will not be implemented because it is not warranted or is not reasonable for the following reasons: while the Clerk of the Board already notifies commissions and the City Attorney's office about commissions and advisory bodies that are close to sunsetting as a courtesy, the authorizing authority for several commissions already directs the City Attorney to remove the commission on its designated sunset date; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R6.1 will not be implemented because it is not warranted or is not reasonable for the following reasons: there is currently a citywide conversation about how we want to approach the oversight and reduction in city commissions; any proposals to standardize names of future commissions should be folded into whichever process is created following the November 2024 election, which includes two ballot measures on the subject; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R7.1 will not be implemented because it is not warranted or is not reasonable for the following reasons: many commissions and advisory bodies already have legal deadlines for their annual reports that sometimes vary depending on the type of work they do; changes to existing deadlines for their annual reports should be folded into whichever process is created following the November 2024 election, which includes two ballot measures on the subject; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R7.2 will not be implemented because it is not warranted or is not reasonable for the following reasons: the Board of Supervisors will incorporate portions of Appendix D into its

1	legislation in response to R1.2, including requiring the following information to be posted:
2	statement of purpose, list of commission members, vacant seats, commission clerk/staff
3	contact information, and information about when the commission meets; and, be it
4	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
5	No. R8.1 1 will not be implemented because it is not warranted or is not reasonable for the
6	following reasons: the Board of Supervisors intends to implement this requirement but will
7	need to perform further analysis within six (6) months to determine how this will be
8	implemented legally and logistically in light of the various departments involved in running the
9	city's commissions and the need to expand existing ethics requirements for all
10	commissioners/appointees; and, be it
11	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
12	No. R9.1 requires further analysis to be completed within six (6) months for the following
13	reasons: there is currently a citywide conversation about how we want to approach the
14	oversight and reduction in city commissions; any proposals to add additional training
15	requirements should be folded into whichever process is created following the
16	November 2024 election, which includes two ballot measures on the subject; and, be it
17	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
18	No. R9.2 will not be implemented because it is not warranted or is not reasonable for the
19	following reasons: while training requirements may be implemented in the future, the nature
20	and length of the required training should be discussed and adopted as part of the process
21	that takes place following the November 2024 election; and, be it
22	FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
23	No. R9.3 will not be implemented because it is not warranted or is not reasonable for the
24	following reasons: while performance reviews may be formalized in the future, the nature of

1	performance metrics should be discussed and adopted as part of the process that takes place
2	following the November 2024 election; and, be it
3	FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
4	implementation of the accepted findings and recommendations through her department heads
5	and through the development of the annual budget.
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