File No. 110793

Committee Item No. 4
Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight **Date:** September 22, 2011

Board of Supervisors Meeting **Date:** October 4, 2011

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OTHER (Use back side if additional space is needed)

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Completed by: Andrea S. Ausberry **Date** September 15, 2011
Completed by: A. Ausberry **Date** 9-28-11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 110793 RESOLUTION NO.

[Board Response to the 2010-2011 Civil Grand Jury Report Entitled "San Francisco's Ethics Commission: The Sleeping Watchdog"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "San Francisco's Ethics Commission: The Sleeping Watchdog" and urging the Mayor to cause the implementation of accepted findings and recommendations through his department heads and through the development of the annual budget.

WHEREAS, Under California Penal Code Section 933 et seq., the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the findings and recommendations contained in Civil Grand Jury Reports; and

WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or a department headed by an elected officer, the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority; and

WHEREAS, The 2010-2011 Civil Grand Jury Report entitled "San Francisco's Ethics Commission: The Sleeping Watchdog" is on file with the Clerk of the Board of Supervisors in File No. 110792 which is hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond to Finding Nos. 2, 4, and 7 as well as Recommendation Nos. 2, 4, and 7 contained in the subject Civil Grand Jury report; and

WHEREAS, Finding No. 2 states: "The failure of the Ethics Commission to enforce Sunshine Ordinance Task Force actions weakens the goal of open government and reduces the effectiveness of the Sunshine Ordinance;" and

WHEREAS, Recommendation 2 No. states: "All Sunshine Ordinance Task Force enforcement actions deserve a timely hearing by the Ethics Commission;" and

WHEREAS, Finding No. 4 states: "Currently commissioners are appointed by elected officials. In turn, the staff and commissioners scrutinize campaign expenditures and activities of those same elected officials. The Civil Grand Jury feels this leads to the appearance of impropriety;" and

WHEREAS, Recommendation No. 4 states: "The City Charter should be changed to add four additional commission members appointed by non-partisan community organizations and individuals such as: The League of Women Voters, Society of Professional Journalists, The San Francisco Labor Council, The Bar Association of San Francisco, and the Dean of UC Hastings Law School;" and

WHEREAS, Finding 7 No. states: "In the context of open government, providing audio recordings of the Commission meetings does not provide enough transparency;" and,

WHEREAS, Recommendation No. 7 states: "To maximize transparency, the San Francisco Ethics Commission should broadcast their meetings on the SFGOVTV television network;" and

WHEREAS, in accordance with 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. 2, 4 and 7, as well as Recommendation Nos. 2, 4 and 7 contained in the subject Civil Grand Jury report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that it agrees with Findings Nos. 2, 4 and 7; and be it

FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with Recommendation Nos. 2 and 7; and be it

FURTHER RESOLVED, That the Board of Supervisors reports that with regard to Recommendation No. 4, the Board of Supervisors does not take a position with regard to the specific recommendation but does think it is appropriate to consider future options to reduce the appearance of impropriety on the part of the Ethics Commission; and be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the implementation of accepted findings and recommendations through his department heads and through the development of the annual budget.