AMENDED IN BOARD 10/1/2024

[Board Response - Civil Grand Jury Report - Commission Impossible? Getting the Most from

FILE NO. 240709

San Francisco's Commissions]

RESOLUTION NO. 480-24

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled "Commission Impossible? Getting the Most from San Francisco's Commissions;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her 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 California 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, Under San Francisco Administrative Code, Section 2.10(a), the Board of Supervisors must conduct a public hearing by a committee to consider a final report of the findings and recommendations submitted, and notify the current foreperson and immediate past foreperson of the Civil Grand Jury when such hearing is scheduled; and

WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b), the Controller must report to the Board of Supervisors on the implementation of

recommendations that pertain to fiscal matters that were considered at a public hearing held by a Board of Supervisors Committee; and

WHEREAS, The 2023-2024 Civil Grand Jury Report, entitled "Commission Impossible? Getting the Most from San Francisco's Commissions" ("Report") is on file with the Clerk of the Board of Supervisors in File No. 240709, 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. F1, F2, F3, F4, F5, F6, F7, F8, and F9 as well as Recommendation 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, R5.2, R6.1, R7.1, R7.2, R8.1, R9.1, R9.2, and R9.3, contained in the subject Report; and

WHEREAS, Finding No. F1 states: "No up-to-date, accurate list of active appointed bodies exits, which impedes government transparency;" and

WHEREAS, Finding No. F2 states: "It's difficult to evaluate appointed bodies, because no authority systematically reviews their performance;" and

WHEREAS, Finding No. F3 states: "The high number of advisory bodies creates unnecessary administrative burdens;" and

WHEREAS, Finding No. F4 states: "Unfilled seats can result in canceled meetings, which imposes extra costs and delays decision-making;" and

WHEREAS, Finding No. F5 states: "Most appointed bodies have no sunset dates, which affects their relevance and accountability;" and

WHEREAS, Finding No. F6 states: "The descriptors for commissions are varied and confusing;" and

WHEREAS, Finding No. F7 states: "Annual reports vary in content and availability, which greatly undermines their value;" and

WHEREAS, Finding No. F8 states: "The appointment process lacks visibility into appointee political activities;" and

WHEREAS, Finding No. F9 states: "A lack of training and performance reviews hampers commissioner effectiveness;" and

WHEREAS, Recommendation No. R1.2 states: "By December 17, 2024 if feasible, or by January 31, 2025 if not feasible, the Board of Supervisors shall pass an ordinance requiring the City Attorney's Office by January 31 of each year to prepare and make available to the public an up-to-date, accurate list of active commissions and other appointed bodies, as described in Recommendation 1.1;" and

WHEREAS, Recommendation No. R1.3 states: "The report referenced in Recommendation 1.1 shall be posted not only on the City Attorney's website, but also on a new Commissions Oversight Body (COB) website (see Recommendation 2.1) or on a city website that is used more frequently by the public to obtain information about city programs and services. Good examples include Los Angeles County and San Diego County;" and

WHEREAS, Recommendation No. R2.1 states: "By May 1, 2025, the City shall enact an ordinance to create the Commissions Oversight Body (COB), or a body by another name as the Board of Supervisors deems appropriate. This ordinance shall set forth the membership requirements and the duties of the COB;" and

WHEREAS, Recommendation No. R2.2 states: "The ordinance described in Recommendation 2.1 shall set forth the membership requirements of the COB as follows:

- One representative from the Controller's Office, who will chair the COB. The Controller's Office shall provide the professional expertise and administrative assistance necessary to support the COB's duties.
 - One representative from the Mayor's Office.
 - One representative from the Office of the Clerk of the Board of Supervisors.

• Four residents of San Francisco who do not work in city government, who are not members of any commission or board, and whose professional experience or civic participation qualify them for this role. The Controller, Mayor, Board of Supervisors and City Attorney shall each appoint one of these residents, with no confirmation requirement;" and

WHEREAS, Recommendation No. R2.3 states: "The ordinance described in Recommendation 2.1 shall require the COB, by June 30 each year, to i) evaluate all appointed bodies on the list that will be issued by the City Attorney per Recommendation 1.1, and ii) produce an annual report containing the COB's evaluations and recommendations pertaining to all commissions (COB Annual Report) that shall be forwarded to the Board of Supervisors and the Mayor for further action;" and

WHEREAS, Recommendation No. R2.4 states: "For each appointed body to be evaluated per Recommendation 2.3, the ordinance described in Recommendation 2.1 shall require the COB to collect and include the following information in the annual report:

- Statement of purpose
- Effective date
- Sunset date (if any)
- Body's classification as decision-making or advisory, quasi-judicial, associated with state or federal law
- Legal authorization, whether by charter, ordinance, resolution, or by other means
- Appointing authority
- Summary of the body's key actions and accomplishments
- Link to the body's most recent annual report, if applicable
- Link to the body's website
- Number of members
- Number of required meetings per year

- Number of actual meetings
- Number of canceled meetings
- The number of board or commission member self- and peer-reviews completed
- Number of vacancies
- Number of expired terms with holdover members;" and

WHEREAS, Recommendation No. R2.5 states: "For each appointed body to be evaluated per Recommendation 2.3 and 2.4, the ordinance that is described in Recommendation 2.1 shall require the COB to recommend changes (if any) regarding the appointed body, to the Board of Supervisors and the Mayor, and to other entities as necessary to implement these recommendations. These recommendations can include, but are not limited to, a recommendation to remove members of a body, abolish the body, or retain the body with changes to its composition, duties, authority, meeting requirements, and sunset date;" and

WHEREAS, Recommendation No. R2.6 states: "The ordinance described in Recommendation 2.1 shall require the COB to evaluate advisory bodies annually, and to evaluate all other bodies every three years, with the option to do so on a rotating basis (evaluating about one-third of such bodies in year 1, one-third in year 2, and one-third in year 3);" and

WHEREAS, Recommendation No. R2.7 states: "The Mayor's Office shall include funding in the fiscal 2025 budget for additional staff or other resources, as needed, for the Controller's Office to perform the duties required by the COB as described in Recommendation 2.2;" and

WHEREAS, Recommendation No. R3.1 states: "The ordinance described in Recommendation 2.1 shall require that for each appointed body, the COB recommend retaining, abolishing, or merging with another appointed body, as part of the evaluation

process described in Recommendations 2.3, 2.4, and 2.5. To aid in making its initial recommendations, the COB shall review Appendix B: Abolish or Retain;" and

WHEREAS, Recommendation No. R4.1 states: "The City shall enact an ordinance limiting the membership of new decision-making bodies to 7 members or fewer and limiting the membership of new advisory boards to 11 members or fewer;" and

WHEREAS, Recommendation No. R4.2 states: "The ordinance described in Recommendation 2.1 shall require the COB to recommend reducing the size of all existing commissions and boards according to Recommendation 4.1;" and

WHEREAS, Recommendation No. R4.3 states: "The ordinance described in Recommendation 2.1 shall require the COB to develop guidelines for simplifying and streamlining the criteria for who can serve on commissions and boards;" and

WHEREAS, Recommendation No. R5.1 states: "By May 1, 2025, the City shall enact an ordinance or propose a ballot measure to codify a sunset date that does not exceed three years for all advisory bodies for which it has the authority to pass such an ordinance or propose such a ballot measure. If passed, this law shall apply immediately to advisory bodies that currently have no sunset date. For advisory bodies with a sunset date, this law shall apply if or when the body is reauthorized;" and

WHEREAS, Recommendation No. R5.2 states: "The Clerk of the Board shall notify the City Attorney six months before a body is scheduled to sunset so that the City Attorney can remove the body from the code if it is sunsetted;" and

WHEREAS, Recommendation No. R6.1 states: "By May 1, 2025, the City shall enact an ordinance or policy to standardize the names of future commissions and other appointed bodies. The Jury recommends the following naming conventions and recommends that the Board of Supervisors present the text of the ordinance or policy to the COB for approval:

• Commission or Board for a decision-making body, for example, Film Commission or

10

25

Assessment Appeals Board.

 Advisory Committee or Task Force for an advisory body. For example, Advisory Committee for bodies with a broad scope that have a longer duration (Bicycle Advisory Committee) and Task Force for bodies with a narrow scope and shorter duration (Permit Prioritization Task Force);" and

WHEREAS, Recommendation No. R7.1 states: "By May 1, 2025, the Board of Supervisors shall amend as follows Administrative Code Section 1.56 requiring appointed bodies to submit annual reports:

- (a) Annual reports shall be submitted to the COB for its review by March 31 of the following year.
- (b) Annual reports shall include the information specified in Appendix D: Annual Report Requirements." and

WHEREAS, Recommendation No. R7.2 states: "If the COB is not enacted, By May 1, 2025, the Board of Supervisors shall amend as follows Administrative Code Section 1.56 requiring appointed bodies to submit annual reports:

- (a) Annual reports shall be submitted to the COB for its review by March 31 of the following year.
- (b) Annual reports shall include the information specified in Appendix D: Annual Report Requirements;" and

WHEREAS, Recommendation No. R8.1 states: "By May 1, 2025 the City shall enact an ordinance requiring appointee Notice of Appointment statements for an appointed body to include the following information:

- Previous service as a member of a commission or board;
- Political activity, including service as an officer, employee, consultant, or volunteer for a political party or campaign committee;

- Lobbying activity, including contacting any legislative member, legislative staff, or government employee to influence the support or opposition to specific legislation;
- Local political campaign contributions in excess of \$500 per campaign;
- Relevant work or life experience that qualifies the appointee for the commission and reasons for wanting to serve;" and

WHEREAS, Recommendation No. R9.1 states: "By May 1, 2025 the City shall enact an ordinance requiring that within three months of an individual's initial appointment to a commission or board (including advisory bodies), the individual must undergo training to serve with excellence in the role. This training would be in addition to any other training required by law;" and

WHEREAS, Recommendation No. R9.2 states: "The Jury recommends that the training required by the ordinance described in Recommendation 9.1 be no less than two hours and no more than four hours in length. The ordinance shall designate one or more city departments as responsible for developing and administering the training program. The ordinance could but need not specify components of the training program. In addition to its being required for new commissioners, the program would be available on an optional basis to all commissioners;" and

WHEREAS, Recommendation No. R9.3 states: "By May 1, 2025 the city shall enact an ordinance requiring that commissioners (including advisory body members) participate in an annual performance review program that includes self- and peer-reviews. This ordinance shall designate one or more city departments as responsible for this performance review program;" 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

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, R5.2, R6.1, R7.1, R7.2, R8.1, R9.1, R9.2, and R9.3 contained in the subject Report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they disagree partially with Finding No. F1 for the following reasons: multiple departments currently publish lists; including the City Administrator, who publishes a commissions database; the City Attorney's office, which publishes a list of commissions; and the Clerk of the Board, which posts a list of commission vacancies as required by the Maddy Act; however, these lists do not track whether a commission is actively meeting; 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. F2 for the following reasons: it is true that there is no specific authority charged with systematically evaluating or reviewing commissions' performance, although individual appointing bodies may stay up to date on their appointed commissioners' work and consider commissioner performance, especially in connection to potential reappointment; 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. F3 for the following reasons: the number of advisory bodies does create an administrative burden, but is not "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: many appointed bodies do not have sunset dates, but many bodies continue to be relevant (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

ensure that the database reflects active appointed policy bodies with the following information about each body:

- (a) Statement of purpose;
- (b) Effective date;
- (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;
 - (i) Number of members; and
 - (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

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. R2.2 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.3 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.4 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.5 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.6 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2.7 will not be implemented because it is not warranted or is not reasonable for the following reasons: the Board cannot conduct a meaningful analysis of whether additional

funding is necessary until it understands the full extent of the changes to commissions that will be proposed and adopted following the processes resulting from the November 2024 election; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R3.1 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R4.1 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 of city commissions; any proposals to reduce the size of all 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. R4.2 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R4.3 will not be implemented because it is not warranted or is not reasonable for the following reasons: the COB will not be created for the reasons outlined in R2.1, so this recommendation will not be implemented; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R5.1 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 of city commissions; any proposals for additional ballot measures

or ordinances regarding sunset dates 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. 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

legislation in response to R1.2, including requiring the following information to be posted: statement of purpose, list of commission members, vacant seats, commission clerk/staff contact information, and information about when the commission meets; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R8.1 requires further analysis to be completed within six (6) months for the following reasons: the Board of Supervisors intends to implement this requirement but will need to perform further analysis within six (6) months to determine how this will be implemented legally and logistically in light of the various departments involved in running the city's commissions and the need to expand existing ethics requirements for all commissioners/appointees; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R9.1 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 training requirements 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. R9.2 will not be implemented because it is not warranted or is not reasonable for the following reasons: while training requirements may be implemented in the future, the nature and length of the required training should be discussed and adopted as part of the process that takes place following the November 2024 election; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R9.3 will not be implemented because it is not warranted or is not reasonable for the following reasons: while performance reviews may be formalized in the future, the nature of

performance metrics should be discussed and adopted as part of the process that takes place following the November 2024 election; and, be it

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



City and County of San Francisco Tails

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Resolution

File Number: 240709 Date Passed: October 01, 2024

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled "Commission Impossible? Getting the Most from San Francisco's Commissions"; and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

September 19, 2024 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 19, 2024 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 01, 2024 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

October 01, 2024 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240709

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 10/1/2024 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

London N. Breed Mayor Date Approved