

OFFICE OF THE MAYOR  
SAN FRANCISCO



Orig: GAS Clerk  
COB, epaq  
EDWIN M. LEE Leg Dep.  
MAYOR

August 15, 2011

The Honorable Katherine Feinstein  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

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Dear Judge Feinstein:

The following is in response to the 2010-2011 Civil Grand Jury report, "San Francisco's Ethics Commission: The Sleeping Watchdog." I would like to assure the Civil Grand Jury that the Ethics Commission takes its responsibilities seriously and the Mayor's Office fully supports the work of the Commission. The Commission investigates a variety of matters that they must address on a case by case basis. The Ethics Commission, the Office of the District Attorney and the Office of the City Attorney have and will continue to work diligently to approach all causes and complaints received in a timely manner.

Many of the recommendations of the Civil Grand Jury are reasonable. However, some recommendations would remove the discretion the Commission has to deal with each individual situation fairly. Additionally, because of limited resources or competing jurisdictions over a subject matter, imposing strict timelines may not be appropriate or feasible in all instances. As the Ethics Commission's response noted, it will review the recommendations provided by the Civil Grand Jury and improve its procedures where possible.

**The Mayor's Office responses to the Civil Grand Jury's findings are as follows:**

**Finding 4:** 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.

**Response:** Partially Disagree. It is true that elected officials appoint commissioners and that the staff at the Ethics Commissions then performs functions that look into the campaign expenditures and activities of the elected officials. As the Ethics Commission states in its response, this is an acknowledged conflict-of-interest that results from the structure set forth by the voters when they chose to establish the Ethics Commission. The Civil Grand Jury alleges an appearance of impropriety; however, the Commission is composed of members selected by a wide-range of city officials and each member is limited to a single six-year term. The City will continue to do all it can to ensure the Ethics Commission performs its duties with the utmost integrity and free of undue influence by elected officials or other interested parties.

Mayor's Office Response to the Civil Grand Jury  
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**Finding 7:** In the context of open government, providing audio recordings of the Commission meetings does not provide enough transparency.

**Response:** Partially Disagree. I agree that audio recordings alone are not ideal to ensure that the public has access to information on the Ethics Commission. The Commission properly notices the public about upcoming meetings. The Commission website posts agendas and minutes for all meetings. The meetings are conducted in a public setting, which the public can attend. The Ethics Commission also posts the audio files of meetings on its website. The Ethics Commission employs the use of social media to provide a low-cost method to disseminate information to the public as well. Therefore, I disagree that there is insufficient transparency in the proceedings of the Ethics Commission.

**The Mayor's Office responses to the Civil Grand Jury's recommendations are as follows:**

**Recommendation 4:** 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, and the Dean of UC Hastings Law School.

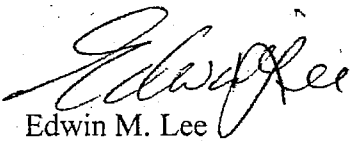
**Response:** Recommendation Requires Further Analysis. The voters chose the current composition of the Ethics Commission. Past efforts to change the structure of the Ethics Commission has not received voter approval.

**Recommendation 7:** To maximize transparency, the San Francisco Ethics Commission should broadcast their meetings on SFGOTV television network.

**Response:** Recommendation Requires Further Analysis. As I mentioned in my response to finding 7, I disagree that there is insufficient transparency in how the Ethics Commission currently conducts business. The Civil Grand Jury is asking that the Ethics Commission increase its outreach efforts. This recommendation will require further analysis in order to determine whether the City has sufficient budget resources to cover expenses associated with broadcasting Ethics Commission meetings as well as sufficient resources to relocate its meetings. The Commission currently holds hearings in a location in City Hall that is not equipped for video recording, and outfitting the room for video presents a substantial financial and management challenge for the Department of Technology. As such, providing video of the Commission hearings would require the Commission to change locations, which may also necessitate scheduling changes. The feasibility of implementing such a change requires further analysis.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,



Edwin M. Lee  
Mayor