

Amendment of the Whole  
In Committee, Bearing Same Title  
9/22/11

FILE NO. 110793

RESOLUTION NO.

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

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

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

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

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

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

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

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

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

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

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

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

20           WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of  
21 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
22 Court on Finding Nos. 2, 4 and 7, as well as Recommendation Nos. 2, 4 and 7 contained in  
23 the subject Civil Grand Jury report; now, therefore, be it

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

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

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

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

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