

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  
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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

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

FURTHER RESOLVED, That the Board of Supervisors reports that with regard to Recommendation No. 4, the Board of Supervisors disagrees with Recommendation No. 4 and 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.



**City and County of San Francisco**

**Tails**

**Resolution**

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

**File Number:** 110793

**Date Passed:** October 04, 2011

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.

September 22, 2011 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 22, 2011 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 04, 2011 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

October 04, 2011 Board of Supervisors - AMENDED


Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener  
Noes: 1 - Avalos

October 04, 2011 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110793

I hereby certify that the foregoing  
Resolution was ADOPTED AS AMENDED on  
10/4/2011 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

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Unsigned

Mayor Edwin Lee

\_\_\_\_\_  
10/14/11

Date Approved

Date: October 14, 2011

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

File No.  
110793