

BOARD of SUPERVISORS



City Hall

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DATE: September 9, 2014

TO: Members of the Board of Supervisors

FROM: *AC* Angela Calvillo, Clerk of the Board

SUBJECT: 2013-2014 Civil Grand Jury Report "Survey of San Francisco Commission Websites"

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released July 8, 2014, entitled: **Survey of San Francisco Commission Websites**. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than September 6, 2014.

For each finding the Department response shall:

- 1) agree with the finding; or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- Mayor's Office
(Received September 5, 2014, for Findings 2 and 3 and Recommendations 2 and 3)
- Mayor's Office on Disability
(Received September 5, 2014, for Finding 1 and Recommendations 1a and 1b)
- City Attorney
(Received September 5, 2014, for Finding 4 and Recommendation 4)
- Office of Civic Engagement and Immigrant Affairs (submitted but not required)
(Received September 8, 2014, for Finding 1 and Recommendation 1b)

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board's official response by Resolution for the full Board's consideration.

c:

Honorable Cynthia Ming-mei Lee, Presiding Judge
Elena Schmid, Foreperson, 2013-2014 San Francisco Civil Grand Jury
Joy Bonaguro, Mayor's Office
Antonio Guerra, Mayor's Office
Roger Kim, Mayor's Office
Carla Johnson, Director, Mayor's Office of Disability
Ben Rosenfield, Controller
Asja Steeves, Controller's Office
Jon Givner, Deputy City Attorney
Rick Caldeira, Legislative Deputy
Severin Campbell, Budget and Legislative Analyst's Office
Matt Jaime, Budget and Legislative Analyst's Office
Adrienne Pon, Director, Office of Civic Engagement and Immigrant Affairs



September 5, 2014

The Honorable Cynthia Ming-mei Lee
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Lee:

Pursuant to Penal Code sections 933 and 933.05, the following is in reply to the 2013-2014 Civil Grand Jury report, *Survey of San Francisco Commission Websites*. We would like to thank the members of the Civil Grand Jury for their interest in the operations and transparency of the commission process.

The various boards, commissions, task forces, and committees that develop and approve policy are a core part of San Francisco government. The City has thousands of citizens that share in our commitment to solving problems and crafting a local government that better serves its citizenry.

As noted in the original report, the Jury found "that the commissions reviewed did well complying with open meeting standards. We noted consistent practices, with advance notice and scheduling of meetings, preparation of agenda, invitation of public comment, and posting of meeting minutes." While these practices exhibit San Francisco's culture of open and inclusive government, the Jury has correctly noted room for improvement. Providing greater access to annual reports and commission attendance would improve public transparency and knowledge of the commission process.

The Mayor's Office response to the Civil Grand Jury's findings and recommendations is as follows:

Accountability

Finding 2:

Fewer than 50% of the commissions post an annual report as required.

Response: *Agree.* City Charter section 4.103 mandates that, "each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors." However, while posting an annual report should be considered a best practice, this specific language does not specifically *require* posting on a website.

Recommendation 2:

The Mayor should ensure that each commission posts its annual report on the commission website and provides a URL link to the SFPL, promptly.

Response: *Recommendation will be implemented in the future.* By the end of the current fiscal year, a letter will be issued to all boards and commissions encouraging them to post their annual report on their website as well as send an e-copy of the report to the Library and the Board of Supervisors.

Attendance

Finding 3:

Commissioner attendance records are not readily available to the public. To discover this information after the fact is difficult.

Response: *Disagree.* Attendance records for Mayoral appointees are posted online on the Mayor's website. The "Mayoral Appointments" page links to quarterly attendance reports for boards and commissions.

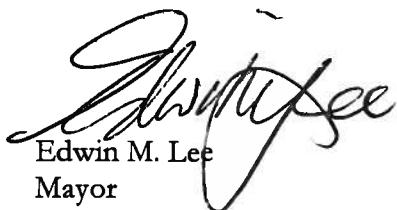
Recommendation 3:

All commissions should keep and post to their website a record of commissioner attendance. Maintenance of an ongoing record should be required.

Response: *Recommendation will not be implemented, not warranted.* While boards and commissions should keep and post to their website a record of attendance, this recommendation must be implemented by the individual entities themselves and not the Mayor's Office.

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

Sincerely,



Edwin M. Lee
Mayor

Mayor's Office on Disability



Edwin M. Lee
Mayor

Carla Johnson, CBO, CASp.
Director

Hon. Cynthia Ming-Mei Lee
Presiding Judge, County of San Francisco
Superior Court of California
400 McAllister Street, Room 008
San Francisco, CA 94102

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Re: 2013-2014 Civil Grand Jury Report:
"Survey of San Francisco Commission Websites"

September 5, 2014

Dear Judge Lee:

This letter serves as the response from the Mayor's Office on Disability (MOD) to the 2013-2014 Civil Grand Jury's report on the survey of San Francisco commission websites, and their findings regarding notices that inform citizens of their rights, and the process, for requesting disability accommodations and or language support. I appreciate the Civil Grand Jury's efforts and their attention to this issue because access to the democratic and citizen participatory process that unfolds at all City and County Commissions, is a fundamental right for people with disabilities and paramount to our work as the City of San Francisco's overall ADA Coordinator.

I wish to clarify however that while MOD's role as San Francisco's ADA Coordinator means that we work collaboratively with the different City Departments and Commission Secretaries to ensure that their websites and meetings are accessible to all, language access is directly under the purview of the Office of Civic Engagement and Immigrant Affairs (OCEIA) through their enforcement of the Language Access Ordinance. As a result, you will be receiving separate correspondence from their Director explaining their actions in response to the Civil Grand Jury Report.

The Civil Grand Jury (CGJ) acknowledged that they had some difficulty identifying all of the commissions operating in San Francisco, and that they relied upon an index from a 2010 City Attorney Opinion to develop their list. Their bar graph statistics indicated that the CGJ surveyed thirty two websites serving the commissions. Unfortunately however the report did not contain a list of which websites they investigated. When we contacted the CGJ and requested clarification, they cited confidentiality concerns and were unable to provide us their list, so MOD chose to work from the most current list provided by the City Attorney's Office for boards & commissions that were created by City Charter. As a result, MOD surveyed thirty nine websites, or seven more than the CGJ.

In accordance with the Civil Grand Jury's report and authority, the Mayor's Office on Disability was directed to provide responses to Finding 1 and Recommendations 1a and 1b. The following are our responses:

Civil Grand Jury's Finding	MOD Response
<p>A statement that informs the process of requesting accommodation for physical disability and/or language support is not easily found on many commission websites.</p>	<p>Partially Agree. The Mayor's Office on Disability is the City's ADA compliance office and in this capacity it is our mission to ensure that all City and County programs, services and activities are compliant with Title II of the Americans with Disabilities Act (ADA). Providing a notice of the right to request disability accommodations and the process by which to do so is one of the fundamental administrative requirements of Title II of the ADA. While the ADA is clear that notice is required, it does not specifically state that notice shall be posted on a website (as opposed to including the information on a meeting Agenda), however we agree that this is a best practice because it makes the information easier to find.</p> <p>In accordance with the ADA, boards and commissions must provide communication access to people with disabilities; therefore all print and electronic communications must include an accessibility notice so that residents with disabilities have an equal opportunity to participate in the meetings. MOD conducts frequent training to various City departments and staff and emphasizes key elements of conducting fully accessible meetings including providing an accessibility notice in all event communications.</p> <p>The ADA, however, does not specifically address the needs of Limited English Proficiency (LEP) for San Francisco residents. The Language Access Ordinance (LAO) is the specific mandate that addresses this issue. The Office of Civic Engagement & Immigrant Affairs (OCEIA) is specifically tasked with monitoring and enforcing compliance with the LAO. Upon receiving the CGJ report, MOD immediately notified OCEIA and they will be preparing a separate report on the notification for language access.</p>

Civil Grand Jury's Recommendations	MOD Response
<p>1a. The Mayor's Office on Disability should coordinate with commissions to ensure that statements for accommodation are easily located on commission websites.</p>	<p><i>The recommendation has been implemented.</i> Upon receipt of the list of boards and commissions from the City Attorney's Office, MOD staff conducted a review of the 39 commission websites. MOD found that the majority of the commission agenda's (32 out of 39) contained an accessibility notice, but at the initial review only 12 of the commission's websites had specific statements for disability accommodations. Subsequent to the review, MOD staff identified and contacted all commission secretaries and provided technical assistance via electronic mail and telephone call. To date, 35 out of the 39 commissions now feature an accessibility notice prominently on both their website and agenda material. Of the remaining four commissions, all agenda materials now feature the accessibility notices. Two are in the process of updating their website through their webmaster. And two failed to respond despite multiple attempts to reach them.</p>
<p>1b. When commission websites are developed to include language support that support should be provided in the same languages used in the voter's guide.</p>	<p><i>This recommendation will not be implemented by MOD.</i> As discussed previously, language support matters fall within the jurisdiction of the Office of Civic Engagement & Immigrant Affairs. They will be submitting a separate report addressing their efforts to implement language access.</p>

Thank you again for the Civil Grand Jury's attention to disability rights issues. If you have additional questions about this report please do not hesitate to contact me.

Sincerely,


 Carla Johnson, CBO, CASp.
 Director
 Enclosures [1]

Cc: Civil Grand Jury
 Board of Supervisors

MOD Reviewed List of Commission Websites & Agendas That Comply with Disability Access Notice
As of September 3, 2014

Commission Websites Reviewed	Disability Language on Webpage	Disability Language on Agendas	Notes	Website address
Access Appeals	Yes	Yes		http://sfdbi.org/access-appeals-commission
Commission on Aging	Yes	Yes		http://www.sfhsa.org/490.htm
Airport	Yes	Yes		http://www.flysfo.com/about-sfo/airport-commission/about-commission/disability-access
<i>Animal Control and Welfare</i>	No	Yes	<i>msg. 8/21/2014; 8/26/2014</i>	http://www.sfgov2.org/index.aspx?page=369
Asian Arts	Yes	Yes		http://www.asianart.org/visit/visitors-with-special-needs
Arts Commission	No	Yes		http://www.sfartscommission.org/
Building Inspection	Yes	Yes		http://sfdbi.org/about-bic
Children And Families First	Yes	Yes		http://www.first5sf.org/about/agendas
Civil Service	Yes	Yes		http://sfgov.org/civil_service/commission-hearing-policies-and-procedures
<i>City Hall Preservation Advisory</i>	No	Yes	<i>msg. 8/21/2014 and 8/22/2014; 8/26/2014</i>	http://sfgsa.org/index.aspx?page=743
Code Advisory	Yes	Yes		http://sfdbi.org/code-advisory-committee
Community Investment and Infrastructure	Yes	Yes		http://www.sfocii.org/index.aspx?page=261
Elections	Yes	Yes		http://www.sfgov2.org/index.aspx?page=4214#access
Entertainment	Yes	Yes		http://www.sfgov2.org/index.aspx?page=338
Environment	Yes	Yes		http://www.sfenvironment.org/commission
Ethics	Yes	Yes		http://www.sfethics.org/ethics/2009/05/contact-the-commission.html
Film	Yes	Yes		http://38.106.4.41/index.aspx?page=53
Fire	Yes	Yes		http://www.sf-fire.org/index.aspx?page=250
Historic Preservation	Yes	Yes		http://www.sf-planning.org/index.aspx?page=1892
Housing Authority	Yes	Yes		http://www.sfha.org/Board-of-Commissioners.html
Human Rights	Yes	Yes		http://sf-hrc.org/commission-meetings

**MOD Reviewed List of Commission Websites & Agendas That Comply with Disability Access Notice
As of September 3, 2014**

Commission Websites Reviewed	Disability Language on Webpage	Disability Language on Agendas	Notes	Website address
Human Services	Yes	Yes		http://www.sfhsa.org/491.htm
Immigrant Rights	Yes	Yes		http://www.sfgov2.org/index.aspx?page=2322
Juvenile Probation	Yes	Yes		http://sfgov.org/juvprobation/juvenile-probation-commission-meeting-information
Law Library	Yes	Yes		http://38.106.4.152/index.aspx?page=8
Library	Yes	Yes		http://sfpl.org/index.php?pg=2000059001
Local Agency Formation	Yes	Yes		http://www.sfbos.org/index.aspx?page=4154
Planning	Yes	Yes		http://www.sf-planning.org/index.aspx?page=7
Police	Yes	Yes		http://sf-police.org/index.aspx?page=2572
Port	Yes	Yes		http://www.sf-port.org/index.aspx?page=133
Public Utilities	Yes	Yes		http://www.sfwater.org/index.aspx?page=167
Rec and Park	Yes	Yes		http://sfrecpark.org/about/disability-questions/
Rent Board Commission	Yes	Yes		http://www.sfrb.org/index.aspx?page=938
Small Business	Yes	Yes		http://sfgsa.org/index.aspx?page=4204
Southeast Community Facility	Yes	Yes		http://sfgov.org/sefacility/meeting-information
SFMTA/MTC	Yes	Yes		http://www.sfmta.com/about-sfmta/organization/committees/multimodal-accessibility-advisory-committee-maac
<i>Veteran Affairs</i>	<i>No</i>	<i>No</i>	<i>msg. 8/21/2014; 8/26/2014</i>	http://sfgov.org/vets/
Status of Women	Yes	Yes		http://sfgov.org/dosw/cosw-meeting-information-0
Youth	Yes	Yes		http://www.sfbos.org/index.aspx?page=5653

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

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Deputy City Attorney

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September 5, 2014

Hon. Cynthia Ming-mei Lee
Presiding Judge
San Francisco Superior Court
400 McAllister Street, Room 8
San Francisco, California 94102

Re: City Attorney Office's response to the June 2014 Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites"

Dear Judge Lee:

In accordance with Penal Code Sections 933 and 933.05, the City Attorney's Office submits the following response to the Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites" issued in June 2014. The Grand Jury requested that this office respond to the report.

For the Civil Grand Jury finding for which you ask a response from the City Attorney's Office, you asked that we either:

1. agree with the finding, or
2. disagree with it, wholly or partially, and explain why.

For the Civil Grand Jury recommendation for which you ask a response from the City Attorney's Office, you asked that we report either:

1. the recommendation has been implemented, with a summary explanation; or
2. the recommendation has not been implemented but will be within a set timeframe as provided; or
3. the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
4. the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Accordingly, the City Attorney's Office responds as follows:

Finding No. 4: There is no easy reference to all of the commissions in San Francisco. The most complete list the Jury was able to find is located in the Index of the City Attorney Opinion 2010-01 (pages 98-99).

City Attorney's Office Response to Finding No. 4: Partially agree. There are a number of resources on City websites that list active commissions, including three that are particularly useful. First, the San Francisco Conflict of Interest Code (S.F. Campaign and Governmental Conduct Code, Article III, Chapter 1) lists all City decision-making bodies whose members must

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OFFICE OF THE CITY ATTORNEY

Letter to Hon. Cynthia Ming-mei Lee
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file Statements of Economic Interests with the City's Ethics Commission. Second, as the Jury's report notes, City Attorney Opinion 2010-01 lists City boards and commissions, along with a description of their duties and powers. This Office recently updated and re-issued that opinion as City Attorney Opinion 2014-01, available on the City Attorney's website at <http://www.sfcityattorney.org/modules/showdocument.aspx?documentid=1734>. Third, under Government Code Section 54972, the Clerk of the Board of Supervisors annually publishes a list of all boards, commissions, committees and task forces to which the Board of Supervisors makes appointments. The most recent such publication is available at <http://www.sfbos.org/Modules>ShowDocument.aspx?documentid=47458>. Although these three resources include information about all active commissions in the City, there is no alphabetical listing of active commissions easily accessible to the public.

Recommendation No. 4: The City Attorney should ensure that there is an annual list of active commissions that is complete and listed alphabetically.

City Attorney's Office Response to Recommendation No. 4: The recommendation has not been implemented but will be implemented within 90 days. The City Attorney's Office will prepare a list of decision-making boards and commissions created by ordinance or City Charter. The Board of Supervisors, the Mayor, and City agencies sometimes create advisory bodies that have no policy-making authority and whose members are not required to file financial disclosures. The City Attorney's Office does not track those bodies and may not maintain a list of them.

Very truly yours,

DENNIS J. HERRERA
City Attorney



Jon Givner
Deputy City Attorney

cc: Erica Major, Clerk's Office



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor

Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

September 5, 2014

Presiding Judge Cynthia Ming-mei Lee
Department 206
400 McAllister Street
San Francisco, CA 94102-4514

Re: 2013-14 Civil Grand Jury Report: *Survey of San Francisco Commission Websites*

Dear Judge Lee,

This letter responds to the 2013-14 Civil Grand Jury Report on the survey of San Francisco commission websites and its findings regarding notices that inform citizens of their rights, and the process, for requesting disability accommodations and/or language support. The Office of Civic Engagement & Immigrant Affairs (OCEIA) oversees citywide compliance with the San Francisco Language Access Ordinance (LAO) as authorized in San Francisco Administrative Code, Chapter 91: Language Access. The Mayor's Office on Disability (MOD) oversees ADA related disability accommodations will be responding to these issues in a separate letter.

In accordance with the Civil Grand Jury's report and authority, OCEIA is providing the following responses to Finding 1 and Recommendation 1b as it relates to language access.

CIVIL GRAND JURY'S FINDING	OCEIA'S RESPONSE
A statement that informs the process of requesting accommodation for physical disability and/or language support is not easily found on many commission websites.	<p>Partial Agreement: Disability accommodations are under the purview of MOD and MOD has responded separately to this issue. Language Access laws in San Francisco were enacted by the Board of Supervisors in 2001, first as the Equal Access to Services Ordinance and amended in 2009 as the Language Access Ordinance (LAO). OCEIA has been overseeing LAO compliance since 2009 and has been training city departments annually on requirements and responsibilities.</p> <p>All city departments that provide information or</p>

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	<p>services to the public are covered under the LAO. In addition, 26 named Tier 1 Departments must meet additional requirements and file annual compliance plans with OCEIA.</p> <p>The LAO does not specifically address requirements for website information. Departments are required to post notices in a public place informing Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.</p> <p>Section 91.6 of the LAO (Public Meetings and Hearings) requires City Boards, Commissions and Departments to provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing. Meeting minutes shall be translated if: 1) requested; 2) after the legislative body adopts the meeting minutes; and 3) within a reasonable time period thereafter. The LAO states that City Boards, Commissions and Departments shall <u>not</u> automatically translate meeting notices, agendas or minutes. There is no reference in the LAO to any requirement for website information for City Boards, Commissions and Departments.</p>
1 b. When commission websites are developed to include language support that support should be provided in the same languages used in the voter's guide.	<p>Will Not be Implemented at this time.</p> <p>The LAO specifies which languages are required for language support by authorizing OCEIA to annually determine whether at least 10,000 Limited English Speaking residents speak a shared language other than English. This sets a threshold that three languages meet at this time: Chinese (both Cantonese and Mandarin), Spanish and Filipino (Tagalog). Departments covered under the LAO must provide services in these required languages. This information is validated each year using the best available data from the United States Census Bureau and/or other reliable sources. Departments may use a determination of five percent of Limited English Speaking Persons who use the Department's services Citywide to provide support in languages other than the three currently required.</p> <p>There are a number of issues with website based</p>

information and translating this information accurately in language: 1) The LAO does not require ALL information to be translated (only vital information is required) and does not reference website information at all; 2) not all members of the public have access to the internet or are able to read/understand/access or navigate information in written form; and 3) current and common usage of online translation tools are inaccurate, particularly for character-based languages such as Chinese. OCEIA has been working with City departments to develop better online tools and approaches even those this is not required by the LAO or ADA and issued a number of guidances on language access.

Thank you for the Civil Grand Jury's attention to language access issues which we consider critical to full and meaningful civic participation. Please feel free to contact my office if you have any questions or need additional information.

Always,



Adrienne Pon
Executive Director

cc: Civil Grand Jury
Board of Supervisors