

File No. 110793

Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date: September 22, 2011

Board of Supervisors Meeting Date: _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement (Approved as to Form) |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Andrea S. Ausberry
Completed by: _____

Date September 15, 2011
Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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.**

8
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

1 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
2 Superior Court that it _____{agrees/disagrees} with Finding Nos. 2, 4 and 7 , for
3 reasons as follows _____; and be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that it _____
5 {agrees/disagrees} with Recommendation Nos. 2, 4 and 7, for reasons as follows
6 _____; 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/her department heads
9 and through the development of the annual budget.