

BOARD of SUPERVISORS



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MEMORANDUM

Date: September 4, 2024
To: Honorable Members, Board of Supervisors
From: *ACC* Angela Calvillo, Clerk of the Board
Subject: 2023-2024 CIVIL GRAND JURY REPORT
Commission Impossible? Getting the Most from San Francisco's Commissions

We are in receipt of required responses to the San Francisco Civil Grand Jury report released June 20, 2024, entitled: "Commission Impossible? Getting the Most from San Francisco's Commissions." Pursuant to California Penal Code, Sections 933 and 933.05, named City Departments shall respond to the report within 60 days of receipt, or no later than August 20, 2024.

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:

- Office of the Mayor
- Controller's Office
- Office of the City Attorney

These City Departments submitted a consolidated response on August 20, 2024.

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 a hearing in September 2024.

c: Tom Paulino, Mayor's Office
Andres Power, Mayor's Office
Sally Ma, Mayor's Office
Brad Russi, Office of the City Attorney
Greg Wagner, City Controller
ChiaYu Ma, Office of the City Controller
Mark dela Rosa, Office of the City Controller
Alisa Somera, Office of the Clerk of the Board
Severin Campbell, Office of the Budget and Legislative Analyst
Reuben Holober, Office of the Budget and Legislative Analyst
Nicolas Menard, Office of the Budget and Legislative Analyst
Michael Carboy, 2023-2024 Foreperson, San Francisco Civil Grand Jury
Michael Carboy, 2024-2025 Foreperson, San Francisco Civil Grand Jury



August 19, 2024

The Honorable Anne-Christine Massullo
Presiding Judge, Superior Court of California, County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102-4512

Dear Judge Massullo,

In accordance with Penal Code 933 and 933.05, the following is in response to the 2023-2024 Civil Grand Jury Report, *Commission Impossible: Getting the Most from San Francisco's Commissions*. We would like to thank the members of the 2023-2024 Civil Grand Jury for their interest in the City's various appointed commissions, including how they originated, how they operate, and whether they are effective. Your analysis of how to improve the City's appointed commission structure is both timely and important.

The City's commission operations and reporting structure should be transparent and accountable, not just for the appointing bodies, but to all city residents. We welcome your recommendations to ensure standardization across our commissions to improve that transparency. However, systemic improvement of the City's commission structure – including potentially streamlining commission requirements and eliminating or consolidating certain commissions – would be best accomplished through broader Charter reform, which will reflect the interaction of commission changes together with other needed changes to City government.

Executive Directive 24-03 directs the Controller and City Administrator, in coordination with the Board of Supervisors, to conduct a comprehensive review of how to improve service delivery across our city. Through this process, we will examine and incorporate the Jury's findings and recommendations.

We appreciate the opportunity to comment on the Civil Grand Jury report's findings and recommendations. Please note the Office of the City Attorney's response will be included as a separate response but is supported by the Mayor's office.

A detailed response from the Mayor's Office and the Controller's Office is attached.

Sincerely,

A handwritten signature in black ink that reads "London Breed".

London N. Breed
Mayor

A handwritten signature in black ink that reads "Greg Wagner".

Greg Wagner
Controller

2023-24 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|--|--|---------------------------------------|--|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F1 | No up-to-date, accurate list of active appointed bodies exists, which impedes government transparency | Mayor [August 19, 2024] | Disagree wholly | The City Attorney's Office maintains a list of boards and commissions, which has been updated to be comprehensive. Additionally, in alignment with the Maddy Act, the Clerk of the Board maintains an annual list of bodies, positions, and their requirements, along with a list of any current vacancies among those commissions. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F2 | It's difficult to evaluate appointed bodies, because no authority systematically reviews their performance | Mayor [August 19, 2024] | Disagree partially | The Mayor's office monitors the activities of many of the various boards and commissions, and can evaluate the effectiveness of those bodies based in accordance with Mayoral priorities. Establishing universal performance metrics would require policy alignment that does not currently exist; indeed, the purpose of the commissions is to openly surface and debate differences in policy outlooks. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F3 | The high number of advisory bodies creates unnecessary administrative burdens | Mayor [August 19, 2024] | Agree | |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F4 | Unfilled seats can result in canceled meetings, which imposes extra costs and delays decision-making | Mayor [August 19, 2024] | Agree | |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F5 | Most appointed bodies have no sunset dates, which affects their relevance and accountability | Mayor [August 19, 2024] | Disagree partially | The Board of Supervisors' Rules of Order require "a sunset clause not to exceed three years" when creating policy bodies as a default provision. However, the Board and the Mayor may determine that a three-year sunset rule is not appropriate, on a case-by-case basis. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F6 | The descriptors for commissions are varied and confusing | Mayor [August 19, 2024] | Agree | |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F7 | Annual reports vary in content and availability, which greatly undermines their value | Mayor [August 19, 2024] | Disagree partially | Annual reports should be easily accessible by the public. However, while there are benefits to consistency, the City disagrees that any inconsistency in content "greatly undermines" the reports' value, as there are policy reasons for variation in both content and timing. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F8 | The appointment process lacks visibility into appointee political activities | Mayor [August 19, 2024] | Disagree partially | The San Francisco Charter requires the Mayor to set forth "the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County." Moreover, while the information is not included with appointment or nomination letters, campaign contributions and lobbying activity are publicly reported. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F9 | A lack of training and performance reviews hampers commissioner effectiveness | Mayor [August 19, 2024] | Disagree partially | As stated in the above response to Finding 2, it is difficult to establish a uniform standard of efficacy and performance, both across policy areas & commissions as well as policy outlooks. The Mayor monitors her appointees and generally will work with those commissioners to ensure engagement and policy awareness. Nevertheless, additional training on engagement and rules of order may be helpful. |

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|------------------|---|--|--|--|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R1.2 [for F1] | By December 17, 2024 if feasible, or by January 31, 2025 if not feasible, the Board of Supervisors shall pass an ordinance requiring the City Attorney's Office by January 31 of each year to prepare and make available to the public an up-to-date, accurate list of active commissions and other appointed bodies, as described in Recommendation 1.1. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | Additional legislation is not warranted, as the City Attorney's Office currently maintains a list of City boards and commissions and posts it on its website to the best of its ability. There is nothing to suggest that the City Attorney's office does not strive to accurately and completely list those boards and commissions, and the list has been updated to include commissions identified by the Grand Jury. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R1.3 [for F1] | The report referenced in Recommendation 1.1 shall be posted not only on the City Attorney's website, but also on a new Commissions Oversight Body (COB) website (see Recommendation 2.1) or on an city website that is used more frequently by the public to obtain information about city programs and services. Good examples include Los Angeles County and San Diego County. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | The Mayor and the City Attorney will work with the City Administrator to determine any appropriate additional website on which to post the City Attorney's online list of policy bodies. Reflecting the response in R2.1 below, the Mayor does not plan to legislate a Commissions Oversight Body. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.1 [for F2] | By May 1, 2025, the City shall enact an ordinance to create the Commissions Oversight Body (COB), or a body by another name as the Board of Supervisors deems appropriate. This ordinance shall set forth the membership requirements and the duties of the COB. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | While the Mayor agrees that the Commission structure requires some restructuring and streamlining to improve efficacy, a specific Commissions Oversight Body is not warranted. The Mayor has issued Executive Directive 24-03, convening a working group to include the City Attorney, City Administrator, City Controller, and Board of Supervisors in order to study, recommend, and implement good government Charter reform to increase the efficacy government and improve delivery of services. These will include an overhaul in commission structures. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.2 [for F2] | The ordinance described in Recommendation 2.1 shall set forth the membership requirements of the COB as follows: a) One representative from the Controller's Office, who will chair the COB. The Controller's Office shall provide the professional expertise and administrative assistance necessary to support the COB's duties. b) One representative from the Mayor's Office. c) One representative from the Office of the Clerk of the Board of Supervisors. d) Four residents of San Francisco who do not work in city government, who are not members of any commission or board, and whose professional experience or civic participation qualify them for this role. The Controller, Mayor, Board of Supervisors and City Attorney shall each appoint one of these residents, with no confirmation requirement. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | As reflected in response to R2.1, the Mayor does not plan to legislate a COB. However, the process laid out in ED 24-03 is similar in that it the mandated Working Group will include City Attorney, City Administrator, City Controller, Board of Supevisors, and other relevant departments. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.3 [for F2] | The ordinance described in Recommendation 2.1 shall require the COB, by June 30 each year, to i) evaluate all appointed bodies on the list that will be issued by the City Attorney per Recommendation 1.1, and ii) produce an annual report containing the COB's evaluations and recommendations pertaining to all commissions (COB Annual Report) that shall be forwarded to the Board of Supervisors and the Mayor for further action. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | As reflected in response R2.1, the Mayor does not plan to legislate a COB. The process mandated by ED 24-03 will evaluate and make recommendations for improvement, and may recommend a process for ongoing oversight. However, ongoing reporting as proposed will require considerable time and cost, as evaluation rubrics should be tailored to each commission given the considerable variability of the City's commissions structures, responsibilities, and authority. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.4 [for F2] | For each appointed body to be evaluated per Recommendation 2.3, the ordinance described in Recommendation 2.1 shall require the COB to collect and include the following information in the annual report: a) Statement of purpose b) Effective date c) Sunset date (if any) d) Body's classification as decision-making or advisory, quasi-judicial, associated with state or federal law e) Legal authorization, whether by charter, ordinance, resolution, or by other means f) Appointing authority g) Summary of the body's key actions and accomplishments h) Link to the body's most recent annual report, if applicable i) Link to the body's website j) Number of members k) Number of required meetings per year l) Number of actual meetings m) Number of canceled meetings n) The number of board or commission member self- and peer-reviews completed o) Number of vacancies | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | As reflected in response to R2.1, the Mayor will not convene the COB as described, and will not issue an annual report on commissions. The proposed information is available through the Maddy Act report, issued by the Clerk of the Board, and through the minutes of individual Commissions. Centralized evaluation of Commission "metadata" does not clearly lead to improved oversight of the overall system. |

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|------------------|--|--|--|---|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.5 [for F2] | For each appointed body to be evaluated per Recommendation 2.3 and 2.4, the ordinance that is described in Recommendation 2.1 shall require the COB to recommend changes (if any) regarding the appointed body, to the Board of Supervisors and the Mayor, and to other entities as necessary to implement these recommendations. These recommendations can include, but are not limited to, a recommendation to remove members of a body, abolish the body, or retain the body with changes to its composition, duties, authority, meeting requirements, and sunset date. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R2.1 above. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.6 [for F2] | The ordinance described in Recommendation 2.1 shall require the COB to evaluate advisory bodies annually, and to evaluate all other bodies every three years, with the option to do so on a rotating basis (evaluating about one-third of such bodies in year 1, one-third in year 2, and one-third in year 3). | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R2.1 above. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.7 [for F2] | The Mayor's Office shall include funding in the fiscal 2025 budget for additional staff or other resources, as needed, for the Controller's Office to perform the duties required by the COB as described in Recommendation 2.2 | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R2.1 above. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R3.1 [for F3] | The ordinance described in Recommendation 2.1 shall require that for each appointed body, the COB recommend retaining, abolishing, or merging with another appointed body, as part of the evaluation process described in Recommendations 2.3, 2.4, and 2.5. To aid in making its initial recommendations, the COB shall review Appendix B: Abolish or Retain. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R2.1 above. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R4.1 [for F4] | The City shall enact an ordinance limiting the membership of new decision-making bodies to 7 members or fewer and limiting the membership of new advisory boards to 11 members or fewer. | Mayor [August 19, 2024] | Requires further analysis | This recommendation will be considered as part of the the Charter Reform process laid out in ED 24-03 and associated study of commission structures. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R4.2 [for F4] | The ordinance described in Recommendation 2.1 shall require the COB to recommend reducing the size of all existing commissions and boards according to Recommendation 4.1. | Mayor [August 19, 2024] | Requires further analysis | This recommendation will be considered as part of the the Charter Reform process laid out in ED 24-03 and associated study of commission structures. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R4.3 [for F4] | The ordinance described in Recommendation 2.1 shall require the COB to develop guidelines for simplifying and streamlining the criteria for who can serve on commissions and boards. | Mayor [August 19, 2024] | Requires further analysis | This recommendation will be considered as part of the the Charter Reform process laid out in ED 24-03 and associated study of commission structures. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R5.1 [for F5] | By May 1, 2025, the City shall enact an ordinance or propose a ballot measure to codify a sunset date that does not exceed three years for all advisory bodies for which it has the authority to pass such an ordinance or propose such a ballot measure. If passed, this law shall apply immediately to advisory bodies that currently have no sunset date. For advisory bodies with a sunset date, this law shall apply if or | Mayor [August 19, 2024] | Requires further analysis | This recommendation will be considered as part of the the Charter Reform process laid out in ED 24-03 and associated study of commission structures. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R6.1 [for F6] | By May 1, 2025, the City shall enact an ordinance or policy to standardize the names of future commissions and other appointed bodies. The Jury recommends the following naming conventions and recommends that the Board of Supervisors present the text of the ordinance or policy to the COB for approval: a) Commission or Board for a decision-making body, for example, Film Commission or Assessment Appeals Board. b) Advisory Committee or Task Force for an advisory body. For example, Advisory Committee for bodies with a broad scope that have a longer duration (Bicycle Advisory Committee) and Task Force for bodies with a narrow scope and shorter duration (Permit Prioritization Task Force). | Mayor [August 19, 2024] | Has not yet been implemented but will be implemented in the future | The City shall develop such a policy in coordination with the process laid out in ED 24-03. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R7.1 [for F7] | By May 1, 2025, the Board of Supervisors shall amend Administrative Code Section 1.56 requiring appointed bodies to submit annual reports as follows: a) Annual reports shall be submitted to the COB for its review by March 31 of the following year. b) Annual reports shall include the information specified in Appendix D: Annual Report Requirements. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | As reflected in response R2.1, the Mayor will not convene the COB as described. Specific standardized information recommended for annual reports will be considered through the process laid out in ED 24-03. |

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|---|------------------|--|--|--|--|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R7.2 [for F7] | If the COB is not enacted, the Board of Supervisors shall amend Administrative Code Section 1.56 requiring appointed bodies to submit annual reports as follows: a) Annual reports shall be submitted to the COB for its review by March 31 of the following year. b) Annual reports shall include the information specified in Appendix D: Annual Report Requirements. | Mayor [August 19, 2024] | Requires further analysis | As reflected in response R2.1, the Mayor will not convene the COB as described. Specific standardized information recommended for annual reports will be considered through the process laid out in ED 24-03. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R8.1 [for F8] | By May 1, 2025 the City shall enact an ordinance requiring appointee Notice of Appointment statements for an appointed body to include the following information: a) Previous service as a member of a commission or board; b) Political activity, including service as an officer, employee, consultant, or volunteer for a political party or campaign committee; c) Lobbying activity, including contacting any legislative member, legislative staff, or government employee to influence the support or opposition to specific legislation; d) Local political campaign contributions in excess of \$500 per campaign; e) Relevant work or life experience that qualifies the appointee for the commission and reasons for wanting to serve. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | Compiling this information, much of which is already publicly available, will increase the difficulty and time necessary for making appointments and nominations, ultimately slowing deliberative processes and potentially leading to longer vacancies. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R9.1 [for F9] | By May 1, 2025 the City shall enact an ordinance requiring that within three months of an individual's initial appointment to a commission or board (including advisory bodies), the individual must undergo training to serve with excellence in the role. This training would be in addition to any other training required by law. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | The City agrees that improved baseline training and onboarding protocols would benefit both commissioners and the City. The Mayor's office is willing to coordinate with relevant Commission Secretaries on training and any identified gaps therein. However, an ordinance is not necessary. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R9.2 [for F9] | The Jury recommends that the training required by the ordinance described in Recommendation 9.1 be no less than two hours and no more than four hours in length. The ordinance shall designate one or more city departments as responsible for developing and administering the training program. The ordinance could but need not specify components of the training program. In addition to its being required for new commissioners, the program would be available on an optional | Mayor [August 19, 2024] | Has not yet been implemented but will be implemented in the future | See Response to R9.1 above. |
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R9.3 [for F9] | By May 1, 2025 the city shall enact an ordinance requiring that commissioners (including advisory body members) participate in an annual performance review program that includes self- and peer-reviews. This ordinance shall designate one or more city departments as responsible for this performance review program. | Mayor [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R9.1 above. No ordinance is necessary. The added cost in time and money that would be implicated by annual performance reviews outweighs the possible benefits, and other important commission business could be delayed because of the time necessary to complete this process. |

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|--|--|---|--|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | F2 | It's difficult to evaluate appointed bodies, because no authority systematically reviews their performance | CON [August 19, 2024] | Disagree partially | The Mayor's office is monitors the activities of many of the various boards and commissions, and can evaluate the effectiveness of those bodies based in accordance with Mayoral priorities. Establishing universal performance metrics would require policy alignment that does not currently exist; indeed, the purpose of the commissions is to openly surface and debate differences in policy outlooks. |

2023-24 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|---|------------------|---|--|---|--|
| Commission Impossible? Getting the Most from San Francisco's Commissions [June 20, 2024] | R2.7 [for F2] | The Mayor's Office shall include funding in the fiscal 2025 budget for additional staff or other resources, as needed, for the Controller's Office to perform the duties required by the COB as described in Recommendation 2.2 | CON [August 19, 2024] | Will not be implemented because it is not warranted or is not reasonable | See Response to R2.1 from Mayor's Office. |