

1 [Follow-Up Board Response - 2013-2014 Civil Grand Jury Report - "Ethics in the City:
2 Promise, Practice or Pretense"]

3 **Motion responding to the Civil Grand Jury request to provide a status update on the**
4 **Board of Supervisors' responses to Recommendation Nos. 2, 11, 16, 18, and 21**
5 **contained in the 2013-2014 Civil Grand Jury Report, entitled "Ethics in the City:**
6 **Promise, Practice or Pretense;" and urging the Mayor to cause implementation of**
7 **accepted findings and recommendations through his/her department heads and**
8 **through the development of the annual budget.**

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10 WHEREAS, The 2013-2014 San Francisco Civil Grand Jury published a report, entitled
11 "Ethics in the City: Promise, Practice or Pretense" (Report) in June 2014; and

12 WHEREAS, The Board of Supervisors' Government Audit and Oversight Committee
13 (GAO) conducted a public hearing to hear and respond to the Report on September 11, 2014,
14 and the Board of Supervisors adopted Resolution No. 346-14 reflecting the GAO responses to
15 the Report on September 16, 2014; and

16 WHEREAS, Recommendation No. 2 states: "The Board of Supervisors should request
17 an independent audit by the City Attorney to determine whether prohibited contributions were
18 forfeited to the City as required by law" and the Board of Supervisors on September 16, 2014,
19 responded in Resolution No. 346-14 that Recommendation No. 2 "requires further analysis,
20 for reasons as follows: The Board supports this recommendation, but implementing it will
21 require an individual Supervisor to propose an audit, which should be conducted by the
22 Controller's City Auditor Division with assistance from the City Attorney. The Board should
23 report to the Civil Grand Jury on the status of this recommendation within six months from the
24 date of the issuance of the Grand Jury report or by December 26, 2014;" and

1 WHEREAS, Recommendation No. 11 states: “The Ethics Commission in conjunction
2 with the City Attorney should develop a policy to ensure preservation of e-mails and text
3 messages consistent with preservation of other public records. The policy, along with policies
4 on preservation of public records, should be made available for public comment. Once it is
5 completed and published it should be made available on City Attorney and Ethics Commission
6 web pages that lists each Department, its policy, and how to obtain documents” and the Board
7 of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that
8 Recommendation No. 11 “requires further analysis, for reasons as follows: The Board of
9 Supervisors looks forward to upcoming work on this issue by the Sunshine Ordinance Task
10 Force, the Ethics Commission and the City Attorney, and will report back to the Civil Grand
11 Jury after their work and the conclusion of the relevant California Supreme Court case. The
12 Board should report to the Civil Grand Jury on the status of this recommendation within six
13 months from the date of the issuance of the Grand Jury report or by December 26, 2014;” and

14 WHEREAS, Recommendation No. 16 states: “The Ethics Commission should require
15 full disclosure of contributions or payments for official travel of City officials, including the
16 actual amount contributed and the names of the original donors. The official should also
17 disclose what official business was conducted, including meetings, who participated in the
18 meetings, topics, speeches given, ceremonies attended and other information” and the Board
19 of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that
20 Recommendation No. 16 requires “further analysis, for reasons as follows: The Board of
21 Supervisors is open to making changes in this area, and looks forward to the additional
22 analysis and recommendations of the Ethics Commission. The Board should report to the Civil
23 Grand Jury on the status of this recommendation within six months from the date of the
24 issuance of the Grand Jury report or by December 26, 2014;” and

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1 WHEREAS, Recommendation No. 18 states: “The Board of Supervisors should adopt
2 a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance”
3 and the Board of Supervisors on September 16, 2014, responded in Resolution No. 346-14
4 that Recommendation No. 18 “requires further analysis, for reasons as follows: The Board of
5 Supervisors will ask the Clerk of the Board to include this potential Board Rule change in the
6 next round of revisions of the Board's Rules of Order, which is expected in 2014. This process
7 will give the Board the opportunity to make this change. The Board will report back to the Civil
8 Grand Jury within six months from the date of the issuance of the Grand Jury report or by
9 December 26, 2014;” and

10 WHEREAS, Recommendation No. 21 states: “The Board of Supervisors should provide
11 the Commissioners an Executive Secretary separate from the existing Commission’s
12 employee base who will, among other duties, prepare the Commission’s agendas, maintain
13 minutes, lists of complaints, serve as a liaison for public input and interested persons
14 meetings and assist a Commission member to be the parliamentarian” and the Board of
15 Supervisors on September 16, 2014, responded in Resolution No. 346-14 that
16 Recommendation No. 21 “requires further analysis, for reasons as follows: The Board of
17 Supervisors will consider this recommendation as part of the Ethics Commission's next
18 budget. The Board agrees that an additional staff member could improve the effectiveness of
19 the Ethics Commission. The Board will report back to the Civil Grand Jury within six months
20 from the date of the issuance of the Grand Jury report or by December 26, 2014;” and

21 WHEREAS, The 2013-2014 City and County of San Francisco Civil Grand Jury
22 requested that the Board of Supervisors provide a status update on the responses to
23 Recommendation Nos. 2, 11, 16, 18, and 21; and

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1 WHEREAS, GAO conducted an additional hearing on December 11, 2014, to receive
2 an update from City departments on Recommendation Nos. 2, 11, 16, 18, and 21; now,
3 therefore, be it

4 MOVED, that the Board of Supervisors will not implement Recommendation No. 2
5 because while the Board supports this recommendation, implementing it will require an
6 individual Supervisor to propose an audit, which should be conducted by the Controller's City
7 Auditor Division with assistance from the City Attorney. While any Supervisor can undertake
8 such an effort, collectively the Board cannot preemptively guarantee one of its members will
9 choose to do so; and, be it
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11 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
12 11 will not be implemented because, by nature, such policy changes would be beyond the
13 jurisdiction of the Board of Supervisors. The Board looks forward to upcoming work on this
14 issue by the Sunshine Ordinance Task Force, the Ethics Commission and the City Attorney;
15 and, be it
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17 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
18 16 will not be implemented because, by nature, such policy changes would be beyond the
19 jurisdiction of the Board of Supervisors. The Board looks forward to the additional analysis
20 and recommendation of the Ethics Commission; and, be it

21 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
22 18 will not be implemented because, as evidenced by the Civil Grand Jury report, Supervisors
23 already willingly disclose their calendars; and, be it
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1 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
2 21 will not be implemented because the Board of Supervisors agrees that an additional staff
3 member could improve the effectiveness of the Ethics Commission. The Board will consider
4 this recommendation as part of the Ethics Commission's next budget. Unfortunately, the
5 constraints imposed by the Civil Grand Jury response process do not allow the Board to
6 officially say that this recommendation will be considered at a later date, though it will; and, be
7 it

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9 FURTHER MOVED, That the Board of Supervisors urges the Mayor to cause the
10 implementation of accepted recommendations through his/her department heads and through
11 the development of the annual budget.