

File No. 191133

Committee Item No. 2

Board Item No. 41

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight
Board of Supervisors Meeting:

Date: January 16, 2020

Date: January 28, 2020

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input 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 and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <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"/> | DRAFT Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI – November 13, 2019</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: January 10, 2020

Prepared by: John Carroll

Date: January 16, 2020

1 [Setting the Budget and Legislative Analyst Services Audit Plan - Ethics Commission -
2 FY2019-2020]

3 **Motion directing the Budget and Legislative Analyst to conduct a performance audit in**
4 **FY2019-2020 of the Ethics Commission as a priority.**

5
6 WHEREAS, It is the policy of the Board of Supervisors that each program of the City
7 and County of San Francisco be the subject of a performance audit at least once every eight
8 years; and

9 WHEREAS, The function of regular performance audits is to ensure that City
10 departments and agencies make prudent and efficient use of City resources and also
11 effectively perform the functions assigned to them by the Charter and applicable laws; and

12 WHEREAS, The Board of Supervisors previously adopted a motion directing the
13 Budget and Legislative Analyst to conduct performance audits in FY2019-2020 of (i) the
14 effectiveness of the City departments' pre-apprenticeship and workforce development and
15 community benefits programs; (ii) the administration by the Department of Homelessness and
16 Supportive Housing of homeless services; (iii) the policies and procedures of the Mayor's
17 Office of Housing and Community Development for the acquisition of sites for the
18 development or preservation of affordable housing; and (iv) Public Works' street resurfacing
19 program and street tree maintenance program; and

20 WHEREAS, The Budget and Legislative Analyst is currently conducting a performance
21 audit of the effectiveness of the City departments' pre-apprenticeship and workforce
22 development and community benefits programs; now, therefore, be it;

23 **MOVED, That the Budget and Legislative Analyst is hereby directed to conduct a**
24 **performance audit in FY2019-2020 of the Ethics Commission as a priority.**

Carroll, John (BOS)

From: LARRY BUSH <sfwtrail@mac.com>
Sent: Thursday, January 16, 2020 9:26 AM
To: Carroll, John (BOS)
Subject: Fwd: Audit committee hearing on President Yee proposal for Ethics Audit

Categories: 2020.01.16 - GAO, 2020.01.28 - BOS, 191133

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sent by Larry Bush

Begin forwarded message:

From: LARRY BUSH <sfwtrail@mac.com>
Date: January 16, 2020 at 9:17:01 AM PST
To: gordon.mar@sfgov.org, Aaron Peskin <Aaron.Peskin@sfgov.org>, Norman Yee <norman.yee@sfgov.org>, matt.haney@sfgov.org
Cc: Jon Golinger <jongolinger@gmail.com>, John Sinclair <Johnmarshallsinclair@yahoo.com>, Oliver Luby <oliverlear@yahoo.com>, Marc Saloman <marcsalomon@gmail.com>, Joe Julian <jjulian@sfsu.edu>, Paul Melbostad <pmelbostad@g3mh.com>, Charles Marsteller <cm_marsteller@hotmail.com>, Elena Schmid <eschmid@sonic.net>, Joseph Kelly <joe@kellyandiribarren.com>, Hulda Garfolo <hgarfolocgj@yahoo.com>, Sharyn Saslafsky <sasplanner@gmail.com>, allegra Fortunati <allegrafortunati@yahoo.com>, Bob Planthold <political_bob@att.net>, Charles Head <charlesnhead@hotmail.com>, Benjamin Becker <benjamintbecker@gmail.com>, Ivy Lee <ivy.lee@sfgov.org>, Lee Hepner <lee.hepner@sfgov.org>, Quentin Kopp <quentinkopp@gmail.com>, Peter Keane <pkeane@ggu.edu>
Subject: Fwd: Audit committee hearing on President Yee proposal for Ethics Audit

Audit committee chair Mar, committee members Peskin and Haney:

I regret that I will be unable to attend the committee meeting today and the agenda on President Yee's proposed audit of the ethics commission.

It was my hope to attend and express the support of Friends of Ethics and our supporters for President Yee's request that the board ask for a priority audit of the ethics commission agenda work and responsibilities.

We are strongly in support of President Yee's request and respectfully ask that our support be included in the committees record and shared with members of the board.

In 2011 I worked with then Friends of Ethics cofounder Eileen Hansen in outlining various aspects of a proposed review of the ethics commission requested by then Supervisor Campos. The board budget analyst did an outstanding job in issuing his findings in a 2012 report that became the basis for moving the ethics commission forward in meeting the challenges at that time.

In the years since that time the Civil Grand Jury did its own review in 2014 and additional studies have also been done.

Much of the work to date has been retrospective reviewing the ethics commission's mandates and the performance of other ethics bodies such as Los Angeles, and making recommendations.

However there is a major change in the landscape from when the ethics commission was founded in 1993 and the studies since then.

Even the premises that the public is best served by tracking money and contacts, monthly reporting, and so forth is called into question today when bots are campaign "workers," cheap fakes and deep fakes falsify information, geofencing allows for unregulated identification of voters for messaging, and more. Lobbyists have morphed into strategic advisors outside our disclosure rules, 501c4 nonprofits lead efforts like confirming Supreme Court nominees but are exempt from disclosing their funding sources, and instead our time is taken on the type size on door hangers. We are still building an ark for a flood when we face fires.

These are outside the capacity as it currently exists for our Ethics Commission, both in staffing and funding. Timeliness is hampered by a process that puts staffing upgrades on a 12-20 month track that leaves the public interest last.

It is our hope that an audit might examine how best to meet these challenges. Are we overdue for a public process that allows for remote participation as the FPPC does? Should we implement a system that provides for citizen review of campaign materials electronically? Do we have the right qualifications for Ethics Commission appointments and independence? How are we handling Whistleblowers in a changed workplace? Do we have too many cooks in the kitchen by splitting things between Ethics, the Controller, the City Attorney, District Attorney, HR, and the mayor? Should we contract out some work now that the FPPC has opened that possibility? How do we enlist the work of nonprofits engaged in ethics oversight?

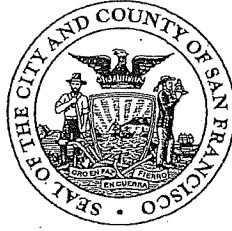
President Yee's audit request helps us to begin to ask better questions, knowing that the answers will always be subject to a changed environment.

We urge that his request be endorsed by the Audit Committee.

Larry Bush for Friends of Ethics

Sent by Larry Bush

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Harvey Rose, Budget and Legislative Analyst
LeeAnn Pelham, Executive Director, Ethics Commission

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: November 13, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Yee on November 5, 2019:

File No. 19133

Motion directing the Budget and Legislative Analyst to conduct a performance audit in FY2019-2020 of the Ethics Commission as a priority.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Debra Newman, Office of the Budget and Legislative Analyst
Severin Campbell, Office of the Budget and Legislative Analyst
Gabriela Loeza, Office of the Budget and Legislative Analyst
Patrick Ford, Ethics Commission

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 NOV 5 AM 11:17
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Yee

Subject:

Performance Audit of Ethics Commission

The text is listed:

Please see attached motion.

Signature of Sponsoring Supervisor: [Signature]

For Clerk's Use Only

