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

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

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

WHEREAS, Recommendation No. 2 states: “The Board of Supervisors should request an independent audit by the City Attorney to determine whether prohibited contributions were forfeited to the City as required by law” and the Board of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that Recommendation No. 2 “requires further analysis, for reasons as follows: The Board supports this recommendation, but implementing it will require an individual Supervisor to propose an audit, which should be conducted by the Controller's City Auditor Division with assistance from the City Attorney. The Board should report to the Civil Grand Jury on the status of this recommendation within six months from the date of the issuance of the Grand Jury report or by December 26, 2014;” and
WHEREAS, Recommendation No. 11 states: "The Ethics Commission in conjunction with the City Attorney should develop a policy to ensure preservation of e-mails and text messages consistent with preservation of other public records. The policy, along with policies on preservation of public records, should be made available for public comment. Once it is completed and published it should be made available on City Attorney and Ethics Commission web pages that lists each Department, its policy, and how to obtain documents" and the Board of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that Recommendation No. 11 "requires further analysis, for reasons as follows: The Board of Supervisors looks forward to upcoming work on this issue by the Sunshine Ordinance Task Force, the Ethics Commission and the City Attorney, and will report back to the Civil Grand Jury after their work and the conclusion of the relevant California Supreme Court case. The Board should report to the Civil Grand Jury on the status of this recommendation within six months from the date of the issuance of the Grand Jury report or by December 26, 2014;" and

WHEREAS, Recommendation No. 16 states: "The Ethics Commission should require full disclosure of contributions or payments for official travel of City officials, including the actual amount contributed and the names of the original donors. The official should also disclose what official business was conducted, including meetings, who participated in the meetings, topics, speeches given, ceremonies attended and other information" and the Board of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that Recommendation No. 16 requires "further analysis, for reasons as follows: The Board of Supervisors is open to making changes in this area, and looks forward to the additional analysis and recommendations of the Ethics Commission. The Board should report to the Civil Grand Jury on the status of this recommendation within six months from the date of the issuance of the Grand Jury report or by December 26, 2014;" and
WHEREAS, Recommendation No. 18 states: “The Board of Supervisors should adopt a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance” and the Board of Supervisors on September 16, 2014, responded in Resolution No. 346-14 that Recommendation No. 18 “requires further analysis, for reasons as follows: The Board of Supervisors will ask the Clerk of the Board to include this potential Board Rule change in the next round of revisions of the Board's Rules of Order, which is expected in 2014. This process will give the Board the opportunity to make this change. The Board will report back to the Civil Grand Jury within six months from the date of the issuance of the Grand Jury report or by December 26, 2014;” and

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

WHEREAS, The 2013-2014 City and County of San Francisco Civil Grand Jury requested that the Board of Supervisors provide a status update on the responses to Recommendation Nos. 2, 11, 16, 18, and 21; and
WHEREAS, GAO conducted an additional hearing on December 11, 2014, to receive an update from City departments on Recommendation Nos. 2, 11, 16, 18, and 21; now, therefore, be it

MOVED, that the Board of Supervisors will not implement Recommendation No. 2 because while the Board supports this recommendation, implementing it will require an individual Supervisor to propose an audit, which should be conducted by the Controller’s City Auditor Division with assistance from the City Attorney. While any Supervisor can undertake such an effort, collectively the Board cannot preemptively guarantee one of its members will choose to do so; and, be it

FURTHER MOVED, That the Board of Supervisors reports that Recommendation No. 11 will not be implemented because, by nature, such policy changes would be beyond the jurisdiction of the Board of Supervisors. The Board looks forward to upcoming work on this issue by the Sunshine Ordinance Task Force, the Ethics Commission and the City Attorney; and, be it

FURTHER MOVED, That the Board of Supervisors reports that Recommendation No. 16 will not be implemented because, by nature, such policy changes would be beyond the jurisdiction of the Board of Supervisors. The Board looks forward to the additional analysis and recommendation of the Ethics Commission; and, be it

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

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

September 11, 2014 Government Audit and Oversight Committee - HEARD AND TABLED

December 11, 2014 Government Audit and Oversight Committee - PREPARED IN COMMITTEE AS A MOTION

December 11, 2014 Government Audit and Oversight Committee - RECOMMENDED

January 13, 2015 Board of Supervisors - CONTINUED
   Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

January 27, 2015 Board of Supervisors - NOT AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
   Ayes: 4 - Avalos, Campos, Mar and Yee
   Noes: 6 - Breed, Christensen, Cohen, Farrell, Tang and Wiener
   Excused: 1 - Kim

January 27, 2015 Board of Supervisors - APPROVED
   Ayes: 6 - Breed, Cohen, Farrell, Tang, Wiener and Yee
   Noes: 4 - Avalos, Campos, Christensen and Mar
   Excused: 1 - Kim

File No. 140793

I hereby certify that the foregoing Motion was APPROVED on 1/27/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board