Recommendation

The Commission has no direct authority over this issue, but understands that the Department has implemented several steps of review to address spikes in JH population, and facilitate release to detention alternatives.


-- While the entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in the addressing each of the first 8 points.

The entire report of the Civil Grand Jury is germane to the oversight responsibilities of the Juvenile Probation Commission, and the Commission has given the Chief Probation Officer the discretion to take appropriate actions in addressing each of the first 8 points.

This recommendation has been implemented in May 2005. The Juvenile Probation Department supported and encouraged by the Mayor’s Office of Criminal Justice.

This has been implemented. The SFPC Juvenile Division has worked closely with the Juvenile Detention Alternative Initiative (JDAI) to establish the existing Risk Assessment Instrument. This tool, required to be used by Juvenile Probation Officers before accepting a custodial arrest, attempts to identify offenders who present significant risk to the community as demonstrated by their actions, history, and nature of the offense. Offending youth who do not present a risk are provided alternative placement. The JDAI and Disproportionate Minority Confinement (DMC) monitor compliance and review criteria. The DCJ of SFPC Juvenile Division participates in both committees.

Will Not Be Implemented: Not Warranted or Not Reasonable

The Commission has not had authority over this issue, but understands that the Department has implemented several steps of review to address spikes in JH population, and facilitate release to detention alternatives.

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

The Commission has no direct authority over personnel issues, but is in Will Not Be Implemented: Not Warranted or Not Reasonable.

**Status of the Recommendations**

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**Notes:**
- **CGJ Year:** Year the recommendation was made.
- **Report Title:** Title of the report that made the recommendation.
- **Recommendation:** The recommendation as stated.
- **2006 Response:** Response to the recommendation in 2006.
- **2006 Response Text:** Text of the response in 2006.
- **2007 Response:** Response to the recommendation in 2007.

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(1) *Department did not respond with one of the four required actions.*

(2) *Response not required: Recommendation has been implemented or abandoned.*

Page 2 of 26
### Status of the Recommendations by the Civil Grand Jury 2004-05

<table>
<thead>
<tr>
<th>CGJ Year</th>
<th>Report Title</th>
<th>Recommendation</th>
<th>Implemented Required</th>
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<td>1. The new Chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI), with the goal of strict adherence to the use of the RAI by POs.</td>
<td>Implemented</td>
<td>The Chief of San Francisco Police Department (SFPD) notified the Juvenile Probation Department (JPD) that the SFPD did not respond with one of the four required actions.</td>
<td>Not Implemented or Not Reasonable</td>
<td>The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.</td>
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<td>2004-05</td>
<td>Juvenile Probation Department: An Opportunity for Reform</td>
<td>2. The new Chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI), with the goal of strict adherence to the use of the RAI by POs.</td>
<td>Implemented</td>
<td>The Juvenile Probation Department (JPD) responded that the instrument would not be revised at this time. However, managerial changes have occurred in the supervision of the RAI application.</td>
<td>Not Implemented or Not Reasonable</td>
<td>The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.</td>
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<td>Implemented</td>
<td>The Mayor's Office of Criminal Justice supports the department's decision to engage the Juvenile Detention Alternatives Initiative Executive Committee in this dialogue. In addition, a review of the items, weights, and application of the Risk Assessment Instrument will be conducted during December 2005. The group determined that the instrument would not be revised at this time. However, managerial changes have occurred in the supervision of the RAI application.</td>
<td>Not Implemented or Not Reasonable</td>
<td>The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.</td>
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<td>4. The new Chief of the JPD should engage all stakeholders within the context of the Juvenile Detention Alternative Initiative in a reconsideration of the Risk Assessment Instrument (RAI), with the goal of strict adherence to the use of the RAI by POs.</td>
<td>Implemented</td>
<td>The Chief Probation Officer, presented at the hearing, discussed the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report.</td>
<td>Not Implemented or Not Reasonable</td>
<td>The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.</td>
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(1) **Department did not respond with one of the four required actions.**

*Response not required: Recommendation has been implemented or abandoned.*

Page 3 of 26
The Board of Supervisors held hearings on the Civil Grand Jury Reports:

|----------|--------------|----------------|-------------------|---------------|--------------------|-------------------|-------------------|
| 2004-05  | A New Chief of the Juvenile Probation Department: An Opportunity for Reform | The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system. | Juvenile Probation Commission | Will Not Be Implemented | Not Warranted or Not Reasonable | The conversion of the Community Assessment Referral Center (CARC) into a 24/7 operation has been determined to be cost prohibitive.

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.035(a) and (b), the Board will not be implementing the recommendation. |

| 2004-05  | A New Chief of the Juvenile Probation Department: An Opportunity for Reform | The Community Assessment Referral Center (CARC) should be open 24 hours per day, 7 days per week and staffed by POs. This will accomplish the original intention for it to be the single screening point of entry into the juvenile justice system. | Juvenile Probation Commission | Will Not Be Implemented | Not Warranted or Not Reasonable | The conversion of the Community Assessment Referral Center (CARC) into a 24/7 operation has been determined to be cost prohibitive.

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The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.035(a) and (b), the Board will not be implementing the recommendation. |
This recommendation was not implemented by the Police Department.

The implementation of this recommendation requires further analysis. MOCJ will continue to participate in the discussion and planning around this important consideration. A final decision on this recommendation should be achieved within the next 3 months.

The Board of Supervisors held hearings on the Civil Grand Jury Reports:

-- The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on July 25, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Juvenile Probation Department's response to the report. William E. Miller, Chief Probation Officer, presented at the hearing. Implementation of some recommendations has been initiated. Further analysis is being done on others. The Controller's Office is addressing Recommendation 7 concerning management performance audits of community-based organizations. The Committee fixed the item.

Therefore, the Police Commission would defer to the responses received by you from the Police Department.

The matter is referred to the Police Department for implementation by the Police Commission (not reasonable).

The recommendation was not implemented by the Police Department. The matter is referred to the Police Department for implementation by the Police Commission (not reasonable).

This is not an item the commission has direct responsibility/authority over.

Implemented: Not Warranted or Not Reasonable

The recommendation was not implemented by the Police Department. The recommendation was not implemented by the Police Department (not reasonable).

This is not an item the commission has direct responsibility/authority over.

Implemented: Not Warranted or Not Reasonable

This is not an item the commission has direct responsibility/authority over.

Implemented: Not Warranted or Not Reasonable

This is not an item the commission has direct responsibility/authority over.

Implemented: Not Warranted or Not Reasonable
While the recommendation is valid, the Juvenile Probation Department's authority in SFPD matters is outside the scope of our control. Not within the purview of the Mayor's Office.

Mayor -- The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports. Must not be implemented. Not warranted or Not reasonable

The Juvenile Probation Department cannot respond to this Recommendation. Will Not Be Implemented: Not Warranted or Not Reasonable

Mayor -- The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports. Must not be implemented. Not warranted or Not reasonable

The recommendation does not apply to the Controller's Office and should be addressed by the Juvenile Probation Department.


** Recommendation not required: Recommendation has been implemented or abandoned.**

* Recommendation did not respond with one of the four required actions.

** Recommendation did not respond with one of the four required actions.**
This is a two-part recommendation:
The Board of Supervisors held hearings on the Civil Grand Jury Reports:

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Office of the Controller

**Recommendation Implemented**

The Controller's Office has created a program setting citywide fiscal and compliance standards for CBOs and coordinating the contract monitoring process among the departments that engage CBOs. In addition, financial and performance reviews of groups of CBOs were given top priority for funding in the future. Towards this end, CBOs serving youth now in the juvenile justice should have a higher funding priority than those that do.

---

Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Contract Justice, Office of the Controller and Police Department status reports.

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Office of the Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Contract Justice, Office of the Controller and Police Department status reports.

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Police Commission

**Recommendation Implemented**

The Police Commission has received the above request from the controller's office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.

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Juvenile Probation Department

**Recommendation Implemented**

The Juvenile Probation Department will be issuing new Requests For Proposals (RFPs) in April-May, 2006 that will require demonstrable performance indicators of positive outcomes as a key element for the Juvenile Probation Department to consider in all future program proposals and will be tied to all contract awards. Past program efficacy will determine the number of points an applicant will be granted during the deliberation of the new program proposal.

---

Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Contract Justice, Office of the Controller and Police Department status reports.

---

Mayor's Office of Criminal Justice

**Recommendation Implemented**

In the Future

Mayor -- The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports. The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.

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Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.

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Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.

---

Juvenile Probation Department

**Recommendation Implemented**

The Juvenile Probation Department is issuing new Request For Proposals (RFPs) in April-May, 2006 that will require program audits of CBOs that are “most likely” to reduce rates of detention as a key element for the Juvenile Probation Department to consider in all future program proposals and will be tied to all contract awards. Past program efficacy will determine the number of points an applicant will be granted during the deliberation of the new program proposal.

---

Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.

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Mayor's Office of Contract Justice

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Contract Justice, Office of the Controller and Police Department status reports.

---

Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.

---

Mayor

**Recommendation Implemented**

The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.
The Board of Supervisors held hearings on the Civil Grand Jury Reports:

- Probation Commission

**Implemented:** Not Warranted or Not Reasonable

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

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<td>CBOs that are most likely to reduce rates of detention should be given top priority for funding in the future. Towards this end, CBOs serving youth in the juvenile justice should have a higher funding priority than those that do not.</td>
<td>Impact</td>
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<td>New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.</td>
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<td>New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>Implement the recommendations of one community-based organization over another. While there is anecdotal feedback regarding various CBO's, the evaluation discussed in recommendation response #7 are needed to facilitate fair and equitable decision-making relative to funding priorities.</td>
<td>Impact</td>
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<td>The members of the Commission all have a familiarity with the juvenile justice system, all having had personal relationships with non-profits that serve youth in some way. Some are currently working in the field of youth development (eg. Commissioner Rojas works with the Boys and Girls Clubs, Commissioner Felicio is a co-founder of the 7 Treepes organization, Commissioner Balgan teaches at the Life Learning Center, Commissioner Hale works with Bayview youth in athletics.) Together they share a wealth of knowledge regarding the field of at-risk youth and youth serving organizations, and continue to learn more via their involvement in the Commission's oversight activities for the Juvenile Probation Department.</td>
<td>Impact</td>
<td>Juvenile Probation</td>
<td>Recommended</td>
<td>Analysis</td>
<td>Not Implemented or Not Reasonable</td>
<td>Not Implemented or Not Reasonable</td>
</tr>
<tr>
<td>2004-05</td>
<td>New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>Appointees to the Juvenile Probation Commission should be knowledgeable about the issues that confront youth at risk of detention and the organizations that serve them. They should devote the time and be willing to inform themselves of juvenile justice issues. Commissioners should not have any direct relationship with a CBO that may receive funding from the juvenile justice system. Commissioners should be evaluated according to these criteria and replaced when their terms expire if necessary.</td>
<td>Impact</td>
<td>Juvenile Probation</td>
<td>Recommended</td>
<td>Analysis</td>
<td>Not Implemented or Not Reasonable</td>
<td>Not Implemented or Not Reasonable</td>
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**Status of the Recommendations**

- **2004-05:** Funding youth risk in the juvenile justice system is a key factor in the MOCJ's funding decisions, however MOCJ also considers other factors (i.e., program effectiveness and outcomes) to determine the top funding priorities.
<table>
<thead>
<tr>
<th>CG/Year</th>
<th>Report Title</th>
<th>Recommendation</th>
<th>Reported Required</th>
<th>2006 Response (1)</th>
<th>2006 Response Text</th>
<th>2007 Response (1)</th>
<th>2007 Response Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>The Mayor's Office, The Board of Supervisors, and the Juvenile Probation Commission should address this recommendation.</td>
<td>Implemented Not Warranted or Not Reasonable</td>
<td>The Juvenile Probation Department cannot respond to this recommendation.</td>
<td>Will Not Be Implemented</td>
<td>The recommendation is outside the scope of the Juvenile Probation Department's authority.</td>
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</tr>
<tr>
<td>2004-05</td>
<td>A New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>The Mayor's Office supports the responses contained in the Juvenile Probation Department, Mayor's Office of Criminal Justice, Office of the Controller and Police Department status reports.</td>
<td>Implemented</td>
<td>Winter</td>
<td>Will Be Implemented in the Future</td>
<td>Beginning in January 2005, openings will become available on the Juvenile Commission and the Mayor's Office will consider these criteria in the appointment process.</td>
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</tr>
<tr>
<td>2004-05</td>
<td>A New Chief of the Juvenile Probation Department: An Opportunity for Reform</td>
<td>The Mayor's Office supports the response of the Mayor's Office to the recommendation.</td>
<td>Implemented</td>
<td>Winter</td>
<td>Will Be Implemented in the Future</td>
<td>Beginning in January 2005, openings will become available on the Juvenile Commission and the Mayor's Office will consider these criteria in the appointment process.</td>
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The City should immediately remove explicit or implicit preference based on race, sex, color, ethnicity or national origin from City contracting rules, publications, polices and practices.

Office of the Mayor

The Police Commission office has received the above request from the Controller's Office. Of the nine recommendations, it appears that the San Francisco Police Department, also a named respondent, is better positioned to respond to the recommendations that relate to Police Department operations. Therefore, the Police Commission would defer to the responses received by you from the Police Department.

Did Not Be Implemented | Not Warranted or Not Reasonable

The recommendation does not apply to the Controller's Office and should be addressed by Juvenile Probation Commission.

Office of the Controller

The recommendation is outside the scope of the Juvenile Probation Department's authority.

Office of the Mayor

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Office of the Mayor

The recommendation is outside the scope of the Juvenile Probation Department.
The City Attorney’s Office has done everything within its authority to implement this recommendation. At the request of City policymakers, the City Attorney’s Office drafted a Local Business Enterprise and Non-Discrimination in Contracting Ordinance, Administrative Code Section 17A, which creates opportunities in contracting with the City for small local businesses. The Board of Supervisors recently enacted a similar permanent ordinance, which will be located in Administrative Code Section 14B. Based on the July 26, 2004 ruling in the case of Coral Construction, Inc. v. City and County of San Francisco, San Francisco Sup. Ct. No. 421249, the City no longer enforces the MBE/WBE/LBE Ordinance located in Administrative Code Section 12A. The HRC has taken the following steps to implement this recommendation:

1. Based on the July 26, 2004 ruling in Coral Construction, Inc. v. City and County of San Francisco, San Francisco Sup. Ct. No. 421249, the Human Rights Commission no longer enforces the MBE/WBE/LBE Ordinance set forth in Administrative Code Section 12A for contracts issued after July 28, 2004. The HRC currently is implementing the City’s Disadvantaged Business Enterprise Ordinance, set forth in Administrative Code Section 14A, and would be responsible for implementing the Local Business Enterprise and Non-Discrimination in Contracting Ordinance. The HRC has revised the forms given to City contractors to include requirements that City contractors make good faith efforts to hire economically disadvantaged individuals. Those forms are in the process of being implemented. Those forms do not include any preferential treatment based on race, sex, color, ethnicity or national origin.

The Department of Human Resources has taken the following steps to implement this recommendation:


Recommendation Implemented: July 25, 2005. The Mayor’s Office continues to work closely with the Human Rights Commission, City Attorney, Controller, and the Board of Supervisors to ensure that City contracting procedures comply with state law. This includes development of a permanent Disadvantaged Business Enterprise ordinance, as well as review of other contracting procedures.

Affirmative Action


Recommendation Implemented: July 25, 2005. The Mayor’s Office continues to work closely with the Human Rights Commission, City Attorney, Controller, and the Board of Supervisors to ensure that City contracting procedures comply with state law. This includes development of a permanent Disadvantaged Business Enterprise ordinance, as well as review of other contracting procedures.

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The Board of Supervisors held hearings on the Civil Grand Jury Reports.

### Recommendation

**CGJ Year Report Title Recommendation**

<table>
<thead>
<tr>
<th>CGY Year</th>
<th>Report Title</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>2004-05</td>
<td>Issues in the San Francisco Police Department</td>
<td>1. The City should negotiate with the Police Officers' Association for elimination of Over Time (OT)/Compensatory Time (CT) benefits for top managerial staff and consider less costly alternatives such as limited administrative leave as provided by other jurisdictions and City departments.</td>
</tr>
<tr>
<td>2004-05</td>
<td>Compensation issues in the San Francisco Police Department</td>
<td>2. If top managerial staff continue to be eligible for CT accrual, the City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers.</td>
</tr>
<tr>
<td>2004-05</td>
<td>Compensation issues in the San Francisco Police Department</td>
<td>3. The City should negotiate to pay CT balances prior to the effective date of promotions to limit the inflationary effect of carrying CT balances for long periods of time.</td>
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**2006 Response Required**

- **Analysis of Recommendations:** The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing June 27, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Police Department's response to the Report. Police Chief Heather Fong and Philip Ginsburg, Director, Department of Human Resources, presented at the hearing. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.

**2006 Response Text**

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.

**2007 Response (1)**

- **Analysis of Recommendations:** The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing in the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committees (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation. The City should negotiate limits in the Memorandum of Understanding (MOU) on their accrual comparable to rank and file officers. The Board supported the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation. Pursuant to Board rules, the item was filed in January 2006.

**2007 Response Text**

The recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.

**2007 Response (2)**

- **Analysis of Recommendations:** The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing in the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committees (2004-2005 and 2005-2006). The Board supported the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.

**2007 Response Text**

The recommendation has not yet been implemented. Currently, the City is negotiating the MOU with the Police Officers' Association. The Police department has taken seriously the recommendations of the Civil Grand Jury in its preparations for negotiations. Proposals presented at this point in the negotiations are confidential. Implementation of this recommendation, if presented and adopted could not occur until July 1, 2007.
The Board of Supervisors held hearings on the Civil Grand Jury Reports: 2004-05

3. The City should negotiate to pay CT balances prior to the effective date of the MOU to limit the inflationary effect of carrying CT balances for long periods of time.


**” Response not required: Recommendation has been implemented or abandoned.

Does not pertain to the Mayor’s Office.

**” Response not required: Recommendation has been implemented or abandoned.

The Board of Supervisors held hearings on the Civil Grand Jury Reports: 2004-05

4. The SFPD should manage the CT banks with the objective of minimizing the long-term liability of large CT balances. Such management must include enforcement of CT caps. The law allows that such management may include requiring officers to use their accrued CT.

The Mayor’s Office supports the responses contained in the Department of Human Resources and Police Department status reports. Does not pertain to the Mayor’s Office.

Does not pertain to the Mayor’s Office.

The Board of Supervisors held hearings on the Civil Grand Jury Reports: 2004-05

5. Given that rank and file officers will have had four years to reduce their CT balances to 480 hours by the end of the current MOU, the City should negotiate for the next MOU, some penalty for continuing to maintain a CT balance greater than 480 hours, such as forfeiture of hours above 480.

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendation. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

**” Response not required: Recommendation has been implemented or abandoned.

**” Response not required: Recommendation has been implemented or abandoned.

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SFPD Will Be Implemented

This item may be addressed in the NEW Memorandum of Understanding amongst the City and County of San Francisco, the Police Commission, the Chief of Police, and the San Francisco Police Officers’ Association scheduled for July 1, 2007-June 30, 2011.

**SFPD** Recommendation Implemented

- The Board of Supervisors’ Government Audit and Oversight Committee conducted a public hearing June 27, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Police Department’s response to the Report. Police Chief Heather Fong and Philip Ginzburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.

- The recommendation has been implemented. In addition to a reduction of 18% in overnight vehicle use, the Department has been working with the Administrative Services Division to ensure Administrative Code compliance, fleet reduction, and fleet management of fuel usage.

- The Board of Supervisors’ Government Audit and Oversight Committee conducted a public hearing June 27, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Police Department’s response to the Report. Police Chief Heather Fong and Philip Ginzburg, Director, Department of Human Resources presented at the hearings. The item was continued to the call of the chair so that any members of the Civil Grand Jury or members of the Committee may check in and see how various findings and recommendations that have been concurred to with the Police Department are being implemented over time. Pursuant to Board rules, the item was filed in January 2006.

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<tr>
<td>2004-05</td>
<td>Compensation Issues in the San Francisco Police Department</td>
<td>The Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.</td>
<td>Board of Supervisors</td>
<td>Implemented: Not Warranted or Not Reasonable</td>
<td>The Board of Supervisors held the hearings on the Civil Grand Jury Reports: Status of the Recommendations</td>
<td>The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.05(a) and (b), the Board will not be implementing the recommendation.</td>
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<td>2004-05</td>
<td>City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006).</td>
<td>This Board of Supervisors should request that the Budget Analyst update the management audits of 1996 and 1998 regarding SFPD policies and practices and make recommendations for opportunities for cost savings.</td>
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<td>2005-05</td>
<td>Continuity Report</td>
<td>The Mayor's Office should develop a standardized protocol that complies with PC 933.05 for responding to CGJ reports.</td>
<td>Mayor</td>
<td>Recommendation implemented</td>
<td>Recommendation implemented September 12, 2005. The Mayor's Office is maintaining tracking of all CGJ recommendations for departmental implementation.</td>
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<tr>
<td>2005-05</td>
<td>Continuity Report</td>
<td>The Mayor's Office should require all City departments, offices, and agencies to use such a standardized protocol in their responses.</td>
<td>Mayor</td>
<td>Recommendation implemented</td>
<td>Recommendation implemented September 12, 2005. The Mayor's Office has requested that all departments follow a standardized format in responding to CGJ reports. However, due to the complexity of various requests, departments are permitted to deviate from the established format if necessary to accommodate an appropriate response.</td>
<td></td>
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<td>2005-05</td>
<td>Continuity Report</td>
<td>The Controller should provide to the Mayor and the Board of Supervisors an on-going annual status report of the agreed-to-be-implemented CGJ recommendations. Each agreement to be implemented recommendation should be reported on, until the respondent indicates it is fully implemented or abandoned because it is no longer reasonable or warranted. Such a report should include suggestions of ways to (a) accelerate the implementation of the open items or (b) revise the implementation of the recommendation: if need be, based on changed circumstances.</td>
<td>Board of Supervisors</td>
<td>Recommendation implemented</td>
<td>Recommendation implemented. In cases where an open item has been abandoned, the Controller is to report the status of the recommendation to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.</td>
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</table>

(1) "--" Department did not respond with one of the four required actions.
(2) **" Response not required: Recommendation has been implemented or abandoned.
Office of the Controller
Recommendation implemented. Beginning in 2006, the Office of the Controller (Controller) will be reporting on agreed-to-be-implemented civil grand jury recommendations until the respondent indicates a recommendation is fully implemented or abandoned because the recommendation is no longer reasonable or warranted. The tracking of the recommendations will begin with recommendations of the fiscal year 2003-04 Civil Grand Jury. As part of the follow-up procedures, respondents will be asked to suggest levels of implementation of open items or to identify the need to revise the implementation of recommendations due to changed circumstances. The Controller’s annual status report should be submitted to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.

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<tr>
<td>2004-05</td>
<td>Continuity Report</td>
<td>Part I.1. The Controller should provide to the Mayor and the Board of Supervisors an ongoing annual status report of the agreed-to-be-implemented civil grand jury recommendations. Each agreed-to-be-implemented recommendation should be reported on, until the respondent indicates it is fully implemented or abandoned. The implementation of recommendations will be monitored by the Controller, and the status of each recommendation is to be reported on at the beginning of each fiscal year. The Controller will report to the Mayor and the Board in sufficient time to allow for budgetary consideration for each upcoming fiscal year.</td>
<td>Office of the Controller</td>
<td>Recommendation implemented</td>
<td>A status report is provided by the Office of the Controller to the Mayor and the Board of Supervisors at the beginning of each fiscal year.</td>
<td>The Mayor and the Board of Supervisors receive the status report from the Office of the Controller at the beginning of each fiscal year.</td>
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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part I.2. The Board of Supervisors should hold an annual hearing on outstanding recommendations, where implementation is pending.</td>
<td>Board of Supervisors</td>
<td>The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on October 17, 2005, to review the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.</td>
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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part I.4. The Planning Department should prepare a Work Plan that identifies steps the Planning Department will take to complete the implementation of the agreed-upon-recommendations of the 2001/02 Civil Grand Jury report on Billboards Code Enforcement. Such a response should include the number of additional temporary and/or regular staff members required to carry out its implementation, the expected additional software capability to increase productivity in enforcing the plan, timelines for completing each plan-element, and potential sources for funding the plan.</td>
<td>Planning Department</td>
<td>The Department prepared a work plan on completion of a General Advertising Sign inventory in 2005, including determinations of legality and follow-up enforcement work. It also carried out the planning in 2005, including a California Penal Code Section 102210 - Board of Supervisors adopted the budget that provides for the Planning Department to work on a General Advertising Sign inventory in 2005, including determinations of legality and follow-up enforcement work.</td>
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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part II.1. The Planning Department should prepare a Work Plan that identifies steps the Planning Department will take to complete the implementation of the agreed-upon-recommendations of the 2001/02 Civil Grand Jury report on Billboards Code Enforcement. Such a response should include the number of additional temporary and/or regular staff members required to carry out its implementation, the expected additional software capability to increase productivity in enforcing the plan, timelines for completing each plan-element, and potential sources for funding the plan.</td>
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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part II.2. In order to ensure that the Planning Department can commence implementation of the Work Plan, including elimination of the Billboard code enforcement backlogs, the Department should request and receive &quot;start up&quot; monies for adequate temporary additional staffing to complete the assignment.</td>
<td>Board of Supervisors</td>
<td>The Board of Supervisors Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to review the findings and recommendations of the Civil Grand Jury and the Mayor's Office and Planning Department's responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.</td>
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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part II.3. In order to ensure that the Planning Department can commence implementation of the Work Plan, including elimination of the Billboard code enforcement backlogs, the Department should request and receive &quot;start up&quot; monies for adequate temporary additional staffing to complete the assignment.</td>
<td>Mayor's Office</td>
<td>Further analysis: The request from the Planning Department, the Mayor's Office will consider this issue during the budget planning process.</td>
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**Note:** Department did not respond with one of the four required actions.

*Response not required: Recommendation has been implemented or abandoned.*

The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on Monday, October 17, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the Mayor’s Office and Planning Department’s responses to the report. The Committee considered the actions requested by the Civil Grand Jury. The Committee filed this item.

As described above, recent amendments to 604.2 included an initial inventory-processing fee in the amount of $50 per sign. The Department collected $500K from the processing fee, which serves as “start-up” monies for adequate temporary additional staffing to complete the assignment.

This matter will be included in a rewrite of the Permit Tracking System.

As described above, the City is working with the Mayor’s Office to develop a funding strategy for the project and to keep the project on track.

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<td>2004-05</td>
<td>Continuity Report</td>
<td>Part IV-4. The Board of Supervisors should review the progress, including projected timelines, of the Department of Building Inspection Information Technology Exchange Project. Without such simultaneous tracking and coordinated action, it will be very difficult for the CPD enforcement staff to proceed as expeditiously as planned. The interface of information technology is essential for identifying targeted properties and billboards needing attention.</td>
<td>Department of Building Inspection</td>
<td>Department did not respond to this recommendation</td>
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<td>Planning Department</td>
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The Department did not respond with one of the four required actions. **Response not required: Recommendation has been implemented or abandoned.**

(1) **--** Department did not respond with one of the four required actions.

Page 16 of 26
### Status of the Recommendations

**by the Civil Grand Jury**

2004-05

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<td>2004-05</td>
<td>Continuity Report (1)</td>
<td>The Mayor, using his authority as Executive, in consultation with the Government Audit and Oversight Committee, should review the Mayor’s Office's recommendations for inclusion in the approved Work Plan.</td>
<td>Mayor's Office</td>
<td>implemented</td>
<td>Recommendation implemented September 12, 2005</td>
<td>Implemented Not Reasoned or Not Reasonable</td>
<td>The Board of Supervisors held hearings on the Civil Grand Jury Reports: City Services and Rules Committees (2003-2004) and Government Audit and Oversight Committee (2004-2005 and 2005-2006). The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.030(a) and (b), the Board will not be implementing the recommendation.</td>
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<tr>
<td>2004-05</td>
<td>Continuity Report (2)</td>
<td>The Mayor, using his authority as Executive, in consultation with the Government Audit and Oversight Committee, should review the Planning Director's Report semi-annually for progress in meeting the program milestones and timelines, identified in the approved Work Plan.</td>
<td>Mayor's Office</td>
<td>implemented</td>
<td>Recommendation implemented September 12, 2005</td>
<td>Implemented Not Reasoned or Not Reasonable</td>
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<td>2004-05</td>
<td>Employee or Independent Contractor?</td>
<td>The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended herein as Appendix C Forms 1-5 could serve as such documentation.</td>
<td>City Attorney</td>
<td>Will Not Be Implemented</td>
<td>2006 Response (1)</td>
<td>2006 Response Text</td>
<td>2007 Response (1)</td>
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<td>2004-05</td>
<td>Employee or Independent Contractor?</td>
<td>The City Attorney may continue to withhold approval as to form where, based on the facts presented, and applicable law, a particular contract would create an employment not independent contractor relationship.</td>
<td>City Attorney</td>
<td>Implemented</td>
<td>Recommendation implemented September 12, 2005</td>
<td>Implemented Not Reasoned or Not Reasonable</td>
<td>The Controller's Office agrees that the appropriate parties including the City Attorney, Department of Human Resources, Civil Service Commission, and Office of Contract Administration should work together to develop a 'common-law test' checkpoint for departments based on existing forms from other jurisdictions. It is recommended that this checkpoint be completed and submitted by City departments to the City Attorney (or other approving entity) as early in the contract process as possible, provided that the Civil Service Commission is able to create new exempt positions as a viable alternative. Ideally, the checkpoint would be submitted at the same time departments are submitting a Personal Services Summary to the Civil Service Commission per the City's established contract review process prior to contractor selection.</td>
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<td>2004-05</td>
<td>Employee or Independent Contractor?</td>
<td>The City should identify and adapt legal standards into a form that can then serve as documentation for the City Attorney's approval or disapproval of independent contractor status of the vendor. Completed forms such as any appended herein as Appendix C Forms 1-5 could serve as such documentation.</td>
<td>Controller's Office</td>
<td>Will Not Be Implemented</td>
<td>2006 Response (1)</td>
<td>2006 Response Text</td>
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<td>2004-05</td>
<td>Employee or Independent Contractor?</td>
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<td>2004-05</td>
<td>Employee or Independent Contractor?</td>
<td>The City Attorney's Office should either approve or reject each contract for services of individual vendors based on the submitted documentation described in the first recommendation.</td>
<td>City Attorney</td>
<td>--</td>
<td>2006 Response (1)</td>
<td>2006 Response Text</td>
<td>2007 Response (1)</td>
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(1) -- Department did not respond with one of the four required actions.

**Response not required: Recommendation has been implemented or abandoned.**

Page 17 of 26
City Attorney -- This recommendation is not directed to the City Attorney's Office. The City Attorney's response indicated that such monitoring would be prudent and the City Attorney is willing to work with departments to that end.

### Implementation

The City Attorney's Office has already responded to all recommendations that pertain to its functions.

### Status of the Recommendations

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<td>2005-05</td>
<td>5. All documentation to support an independent contractor determination should be permanently appended to each contract with a sole proprietor vendor and maintained by the Office of Contract Administration for the length of the longest statute of limitations.</td>
<td>The City Attorney, the Risk Manager, and those departments that administer financial and benefits programs. Nevertheless, OCA will not be able to implement the recommendation no. 5 because OCA does not approve all contracts. Although OCA could easily maintain a database and files of the sole proprietor contracts that OCA approves, OCA does not approve all independent contractors who provide services to the City. All public works related professional services are procured by departments authorized under Chapter 6 of the Administrative Code. Some departments are authorized to purchase services without the approval of the Purchaser such as, independent contracts, establishing procedures and protocols, and assist in monitoring through a post audit process.</td>
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The Board supports the recommendation of the Civil Grand Jury, but does not warrant the implementation. Not Warranted or Not Reasonable

The Ethics Commission has received funding to hire one additional Investigator. The Human Resources Director is responsible for establishing classifications, subject to appeal to the Civil Service Commission whose decision is final (Charter Section 10.103). Charter Section 10.104 defines specific categories that qualify positions exempt from civil service. The Civil Service Commission does not have the authority to extend exempt positions beyond those categories identified in the Charter.

The San Francisco Ethics Commission Budgeting and Staffing Issues

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Recommendation Implemented: Not Warranted or Not Reasonable

Recommendation not implemented: Recommendations made in accordance with Charter section 10.104—rather than entire classifications (with the exception of deputy director classifications). Also, the Civil Service Commission reviews Personnel Service Contract (PSC) requests from departments that wish to contract for services. PSC Form 1 requires departments to indicate why civil service classes are not applicable and/or whether it would be practical to adopt a new civil service code to perform the work.

CG/Year Report Title Recommendation 2006 Response (1) 2006 Response Text 2007 Response (1) 2007 Response Text

Employee or Independent Contractor?

Employee or Independent Contractor?

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One of the budget priorities for the next fiscal year is funding for a full-time Educator/Outreach Coordinator. Assuming budget approval, the Commission recommends:

**Recommendation**

The Ethics Commission has hired a well-qualified education and training officer who will provide training and perform duties as specified.

**Status of the Recommendations**

**Mayor** -- The Mayor's Office supports the response contained in the Ethics Commission status report. The recommendation has been implemented.

**Recommendation**

A training officer has been hired as of February 2007.

**Board of Supervisors** -- The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.005(a) and (b), the Board will not be implementing the recommendation.

**Ethics Commission** -- Although you ask for a response regarding lobbyists and campaign consultants, the 2004-05 Civil Grand Jury Report did not make findings or recommendations related to lobbyists and campaign consultants. Instead, the finding to which the recommendation listed in your report relate is Campaign Finance Reform. Here, the recommendation addresses the Board of Supervisors. While the Ethics Commission cannot answer for the Board of Supervisors, the Commission notes that the Commission has just completed a rigorous, eight-month review of the Campaign Finance Reform Ordinance and produced a host of reforms, updates and clarifications which it has adopted and which are currently pending before the Board of Supervisors. Members of the Board throughout the year have initiated legislation to amend the Campaign Finance Reform Ordinance. The recommendation has been implemented.


**Recommendation**

The Ethics Commission Budgeting and Staffing issues will be reviewed. The Commission should: 1. Initiate an independent, rigorous, and ongoing (it will take several election cycles) evaluation of the campaign finance ordinance and the voluntary public financing program.

**Recommendation**

The Ethics Commission should hire a well-qualified Education and Training Officer who would: 1. Train newly elected and appointed officers of the City to ensure that they understand and comply with the Code of Ethics and the City Charter. Their training should include an assessment of the ethical dimensions of their prospective positions. (A useful beginning model is to be found in Appendix D.2.) The Ethics Commission conducts training and education on a regular basis, focusing on specific issues such as improving decision-making in boardroom, dealing with the media, establishing and improving ethical standards which are in the public's interest, understanding and why the fiduciary power one has, though a highly valued asset, is ethically problematic and dangerous, and the like. 2. Assist in performing all other City Charter mandated education and training functions.

The Ethics Commission should hire a well-qualified Education and Training Officer who would: 1. Train newly elected and appointed officers of the City to ensure that they understand and comply with the Code of Ethics and the City Charter. Their training should include an assessment of the ethical dimensions of their prospective positions. (A useful beginning model is to be found in Appendix D.2.) The Ethics Commission conducts training and education on a regular basis, focusing on specific issues such as improving decision-making in boardroom, dealing with the media, establishing and improving ethical standards which are in the public's interest, understanding and why the fiduciary power one has, though a highly valued asset, is ethically problematic and dangerous, and the like. 2. Assist in performing all other City Charter mandated education and training functions.
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<th>CGY Year</th>
<th>Report Title</th>
<th>Recommendation</th>
<th>Implemented Required</th>
<th>2006 Response (1)</th>
<th>2006 response Text</th>
<th>2007 Responses (2)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>San Francisco Ethics Commission Budgeting and Staffing Issues</td>
<td>Statement of Economic Interests (SEIs) are filed with the Ethics Commission in the last four years.</td>
<td>Not implemented</td>
<td>Not implemented</td>
<td>Not implemented</td>
<td>Not implemented</td>
<td>Not implemented</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Ethics Commission has been able, using staff funded by temporary resources, to conduct facial audits of all SEIs filed with the Commission in the last two years. At this point the Ethics Commission does not have the staff resources to conduct random audits of SEIs. Instead, we rely on filing Officer Reports in which department heads must certify that all designated employees who are required to file SEIs with their respective departments have done so. If, in the course of these audits, the Ethics Commission finds any inaccuracies, it will conduct full audits of the employees involved.</td>
<td>Implemented</td>
<td>Implemented</td>
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<td>2004-05</td>
<td>San Francisco Ethics Commission Budgeting and Staffing Issues</td>
<td>All SEIs require individuals to disclose only certain financial interests that may be materially affected by governmental decisions they make or participate in making; the Ethics Commission's authority extends only to investigating suspicions of impropriety. The SEI does not require an analysis of all the financial assets of individuals.</td>
<td>Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable</td>
<td>Implemented</td>
<td>Implemented</td>
<td>Not implemented</td>
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<td>2004-05</td>
<td>San Francisco Ethics Commission Budgeting and Staffing Issues</td>
<td>The Ethics Commission will not be limited by law. The SEI requires individuals to disclose only certain financial interests that may be materially affected by governmental decisions they make or participate in making; the Ethics Commission's authority extends only to investigating suspicions of impropriety.</td>
<td>Implemented</td>
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<td>2004-05</td>
<td>San Francisco Ethics Commission Budgeting and Staffing Issues</td>
<td>The Ethics Commission's procedures for random audits for SEIs to ensure compliance with City regulations.</td>
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<td>The Controller's Office and the City Attorney's Office conducted an analysis of grants made from City fund sources to determine if these or ought to be any legal or functional distinction between grants and contracts, and explained the legal difference. The distinction is set forth in City Attorney Opinion no. 84-29.</td>
<td>Implemented</td>
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<td>The development and clarification of definition and coding and processing policies (ADPICS, FAMIS, approval path).</td>
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Note: 1. "Department did not respond with one of the four required actions. **Response not required: Recommendation has been implemented or abandoned."

Page 21 of 26
**Status of the Recommendations**

**by the Civil Grand Jury**

**2004-05**

**Controller’s Office Recommendation**

Date of implementation: December through March 2006

Summary of implemented action: The Controller’s Office identified grant payments made to for-profit entities and asked departments to comment on them. While analyzing such payments back in FY 02-03, the Controller’s Office found that a significant portion of these transactions were with public entities doing non-profit business with the City. The Controller’s Office is proposing to set up a category of vendors in the FAMIS database that would encompass any public agency (districts, authorities) that does business with the City. Some specific categories already exist (GOV or G) but have not been used in a consistent manner over time. Some potential categories include city districts, authorities, and foundations. By the Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

**Recommendation**

Implemented

**Board of Supervisors**

Date of implementation: December through March 2006

Summary of implemented action: The Controller’s Office observed that the dollar value of the grant payments to entities properly coded as for-profit has decreased over the last few years. The Controller’s Office is proposing to set up a category of vendors in the FAMIS database that would encompass any public agency (districts, authorities) that does business with the City. Some specific categories already exist (GOV or G) but have not been used in a consistent manner over time. Some potential categories include city districts, authorities, and foundations. By the Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

**Recommendation**

Implemented

**City Attorney**

Date of implementation: December through March 2006

Summary of implemented action: The City Attorney’s Office stated that grants may be awarded to for-profit entities unless existing policies are revised to permit them. If these policies are revised, they must provide specific justification for grants to for-profit entities.

**Recommendation**

Implemented

**2004-05 Civil Grand Jury**

**Difference Between a Contract and a Grant?**

1. The analysis by the Controller’s Office should address the question of whether or not all grants presently reported as grants to for-profit entities are properly categorized as such.

**Controller’s Office**

Date of implementation: December through March 2006

Summary of implemented action: The Controller’s Office identified grant payments made to for-profit entities and asked departments to comment on them. While analyzing such payments back in FY 02-03, the Controller’s Office found that a significant portion of these transactions were with public entities doing non-profit business with the City. The Controller’s Office is proposing to set up a category of vendors in the FAMIS database that would encompass any public agency (districts, authorities) that does business with the City. Some specific categories already exist (GOV or G) but have not been used in a consistent manner over time. Some potential categories include city districts, authorities, and foundations. By the Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

**Recommendation**

Implemented

**Ethics Commission**

Date of implementation: December through March 2006

Summary of implemented action: The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

**Recommendation**

Implemented/Will Not Be Implemented: Not Warranted or Not Reasonable

**Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller’s Office and the City Attorney’s Office will work on this matter. The Committee filed this item.**

**Response not required: Recommendation has been implemented or abandoned.**

Will Not Be Implemented: Not Warranted or Not Reasonable

The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller. Recommendation implemented

The Board supports the recommendation of the Civil Grand Jury, but does not have the operational authority to implement the recommendations. Therefore, pursuant to California Penal Code Sections 933.035(a) and (b), the Board will not be implementing the recommendation.

City Attorney -- This recommendation is not directed to the City Attorney's Office. The City Attorney's Office is not aware of any legislation enacted by the Board, but is prepared to assist should we receive a legislative request.

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<td>The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.</td>
<td>Board of Supervisors</td>
<td>The Board of Supervisors (Government Audit and Oversight Committees conducted a public hearing on September 14, 2004, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller’s Office, City Attorney’s Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller’s Office and the City Attorney’s Office will work on this matter. The Committee filed this item.</td>
<td>Implemented</td>
<td>Not Warranted or Not Reasonable</td>
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<td>The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.</td>
<td>City Attorney</td>
<td>The recommendation is not directed to the City Attorney’s Office. The City Attorney’s Office is not aware of any legislation enacted by the Board of Supervisors, but is prepared to assist should we receive a legislative request.</td>
<td>Recommendation</td>
<td>Implemented</td>
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<td>Difference Between a Contract and a Grant?</td>
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**2004-05**

1. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.

**2005-06**

1. The process of selecting the most competitive grantee must ensure that knowledgeable City officials with no conflict of interest make these decisions transparently.

**Notes:**

- "**" Response not required: Recommendation has been implemented or abandoned.
- "**" Department did not respond with one of the four required actions.

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*Page 24 of 26*
Status of the Recommendations


2004-05 What is the Difference Between a Contract and a Grant?

The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.

City Attorney

Recommended: Will Not Be Implemented

The recommendation is not directed to the City Attorney's Office. Although the City Attorney's Office does not play a role in the postings on the Controller's website, we are prepared to assist in differentiating contracts from grants should the Controller undertake this posting.

2004-05 What is the Difference Between a Contract and a Grant?

The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.

Controller's Office

Recommended: Further Analysis

Date of implementation: To be determined. Comments: As part of a larger initiative to improve City accountability to the public, the Controller's Office launched a new website that provides comprehensive information about payments made to vendors by all departments in April 2006. Designed as an interactive tool, users can create their own data reports by selecting a specific type of good or services (such as city grant programs or employee expenses) or vendors (such as "non-profit only"). As such, payments that are coded as grant payments (code 3800) can be easily identified by department and by vendor. Searchable information which is updated on a weekly basis, includes vendor status. PAWS document number, payment made, payments that are in process (a voucher has been posted but the check has not been issued yet), as well as remaining balance on encumbrance documents. To complete the implementation of Recommendation B, and to ensure the accuracy of information, the Controller's Office has been working with the non-profit vendors. If a vendor has been incompletely coded as a non-profit organization, departments have been asked to provide a copy of the IRS 501 (c)(3) form or the City's Business Tax P-25 form. All vendors that do not meet the criteria to be categorized as a non-profit vendor will have their status changed. A second phase of the project will be to look into the vendor payments coded under the "3800" category (City grant programs) to check whether they are linked to a grant agreement. As recommended in our guidelines, code 3800 shall be exclusively for outgoing grant transactions to eligible vendors.

2004-05 What is the Difference Between a Contract and a Grant?

The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.

Ethics Commission

Recommended: Will Be Implemented in the Future

The Ethics Commission is willing to review or provide input to any analysis conducted by the City Attorney or the Controller.

2004-05 What is the Difference Between a Contract and a Grant?

The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials.

Board of Supervisors

Recommended: Not Implemented or Not Reasonable

The Board of Supervisors has not heard the Ethics Commission's recommendation on a Charter Amendment to remove the conflict of interest exemption for grants. The Ethics Commission recommended that the Board of Supervisors amend the Conflict of Interest Code to add a 2/3 vote of the Board and approve a 4/5 vote of the Ethics Commission.

2004-05 What is the Difference Between a Contract and a Grant?

The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials.

City Attorney

Recommended: Not Implemented

The Board of Supervisors has not heard the Ethics Commission's recommendation on a Charter Amendment to remove the conflict of interest exemption for grants. The Ethics Commission recommended that the Board of Supervisors amend the Conflict of Interest Code to add a 2/3 vote of the Board and approve a 4/5 vote of the Ethics Commission.

2004-05 What is the Difference Between a Contract and a Grant?

The Ethics Commission should recommend a Charter Amendment to the voters that would remove an exemption for grants from Charter Section 3.2220 regarding conflict of interest of public employees and officials.

Controller's Office

Recommended: Not Implemented

The Board of Supervisors has not heard the Ethics Commission's recommendation on a Charter Amendment to remove the conflict of interest exemption for grants. The Ethics Commission recommended that the Board of Supervisors amend the Conflict of Interest Code to add a 2/3 vote of the Board and approve a 4/5 vote of the Ethics Commission.

2004-05 What is the Difference Between a Contract and a Grant?

The posting of contract and grant awards to non-profits on the Controller's website, should indicate if the awarding mechanism was a contract or a grant.

Supervisors

Recommended: Implemented

The Board of Supervisors and Oversight Committee conducted a public hearing on September 14, 2005, to discuss the findings and recommendations of the Civil Grand Jury and the responses of the Controller's Office, City Attorney's Office, and Ethics Commission to the report. Ed Harrington, Controller, and Robert Bryan, Deputy City Attorney, presented at the hearing. The Controller's Office and the City Attorney's Office will work on this matter. The Committee filed this item.
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<td></td>
<td>The Ethics Commission should recommend a charter amendment to the voters that would remove an exemption for grants from Charter Section 3.222 regarding conflict of interest of public employees and officials.</td>
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<td>The Ethics Commission believes that the Civil Grand Jury meant to address section 3.222 of the San Francisco Campaign and Governmental Conduct Code (&quot;S.F. C&amp;GC Code&quot;), which prohibits members of boards and commissions from contracting with the City and County of San Francisco, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District or the San Francisco Community College District, where the amount of the contract or subcontract exceeds $10,000. Under subsection (a)(4), a contract is &quot;any agreement to which the City and County is a party, other than a grant funded in whole or in part by the City and County or an agreement for employment with the City and County in exchange for salary and benefits.&quot; By prohibiting members of boards and commissions of the City and County from contracting with the City and County, the ordinance sought to eliminate both actual and perceived favoritism and preferential treatment in contracting. However, the ordinance also sought to ensure that no unnecessary barriers to public service were created by its enactment. See S.F. C&amp;GC Code § 3.200(d) (formerly § 3.200(a)). Thus, the exception of &quot;grant&quot; in the definition of &quot;contracts&quot; was made after a balancing of the interest of eliminating preferential treatment and the need to get qualified persons to serve on boards and commissions took place. The Civil Grand Jury has recommended that the Controller's Office and the City Attorney's Office conduct an analysis of grants made from City resources to determine if there is— or ought to be— any legal or functional distinction between contracts and grants. The Grand Jury has also recommended that if there is a meaningful or functional distinction between contracts and grants, the Board of Supervisors should pass legislation to define &quot;grants&quot; and provide for procedures for the application and award process for grants to ensure the most efficient use of public funds. The Ethics Commission supports the Grand Jury's recommendations and will recommend the removal of the exemption of grants from section 3.222 if this change to the law would address actual or perceived favoritism or preferential treatment in the award of grants and at the same time, ensure that qualified persons are available to serve on the City's boards and commissions. Pending the receipt of recommendations from the other appropriate departments, the Commission will consider legislation to remove the exemption of grants from section 3.222 if this change to the law would address actual or perceived favoritism or preferential treatment in the award of grants and, at the same time, ensure that qualified persons are available to serve on the City's boards and commissions.</td>
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(1) **Department did not respond with one of the four required actions.**

**** Response not required: Recommendation has been implemented or abandoned.