<table>
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<tr>
<th>CGJ Year</th>
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<th>Department Required to Respond</th>
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<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R1: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.</td>
<td>Ethics Commission</td>
<td>Will not be implemented</td>
<td>The Ethics Commission sees no need for this and it is possible that the Charter would prohibit such a contract. Currently, the FPPC is not allowed to do this under state law (a pilot program exists between the FPPC and the County of San Bernardino, but this is the only jurisdiction allowed under existing statute.)</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R1: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.</td>
<td>Board of Supervisors</td>
<td>Will not be implemented</td>
<td>While the Board of Supervisors does not have the authority to implement this recommendation, the Board broadly agrees that such an arrangement would likely improve enforcement, and encourages the Ethics Commission and other elected officials to pursue it.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R1: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.</td>
<td>City Attorney</td>
<td>City Attorney has no authority to implement</td>
<td>The City's Attorney Office does not have the authority to implement R1. If requested, the City's Attorney Office will assist the Ethics Commission with implementing this recommendation, though his recommendation may first require an amendment to state law, see Cal. Govt. Code Section 81323.5.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R1: The Jury recommends a contract with the Fair Political Practices Commission for at least a two-year pilot basis to enforce both state and related San Francisco law violations.</td>
<td>District Attorney</td>
<td>The Recommendation will not be implemented</td>
<td>The City's Attorney Office does not have the authority to implement R1. If requested, the City's Attorney Office will assist the Ethics Commission with implementing this recommendation, though his recommendation may first require an amendment to state law, see Cal. Govt. Code Section 81323.5.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R2: 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.</td>
<td>Board of Supervisors</td>
<td>Will not be implemented</td>
<td>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 override the ethics laws to order such an audit.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R2: 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.</td>
<td>City Attorney</td>
<td>City Attorney has no authority to implement</td>
<td>The City's Attorney Office does not have the authority to implement R2. If requested, the City's Attorney Office will assist the Ethics Commission with implementing this recommendation, though his recommendation may first require an amendment to state law, see Cal. Govt. Code Section 81323.5.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>Recommendation 3: The Jury recommends that the Ethics Commission and the Board of Supervisors act to enhance the Citizen's Right of Action to enforce all of the City's ethics laws, with an award of attorney fees and a share of any penalties going to the City for a successful filer, as was provided by Proposition J.</td>
<td>Ethics Commission</td>
<td>Will be implemented</td>
<td>The Ethics Commission will investigate to determine whether an enhancement to a Citizens Right of Action would accomplish the further assurance to the public that the laws would enforce.</td>
</tr>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R3: The Jury recommends that the Ethics Commission and the Board of Supervisors act to enhance the Citizen's Right of Action to enforce all of the City's ethics laws, with an award of attorney fees and a share of any penalties going to the City for a successful filer, as was provided by Proposition J.</td>
<td>City Attorney</td>
<td>City Attorney has no authority to implement</td>
<td>The City's Attorney Office does not have the authority to implement R3. If requested, the City's Attorney Office will assist the Ethics Commission with implementing this recommendation, though his recommendation may first require an amendment to state law, see Cal. Govt. Code Section 81323.5.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R3: The Jury recommends that the Ethics Commission and the Board of Supervisors act to enhance the Citizen's Right of Action to enforce all of the City's ethics laws, with an award of attorney fees and a share of any penalties going to the City for a successful filer, as was provided by Proposition J.</td>
<td>Ethics Commission</td>
<td>City Attorney has no authority to implement</td>
<td>The City's Attorney Office does not have the authority to implement R3. If requested, the City's Attorney Office will assist the Ethics Commission with implementing this recommendation, though his recommendation may first require an amendment to state law, see Cal. Govt. Code Section 81323.5.</td>
</tr>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R4: That contract approval forms be converted to a format which allows searches by the name of the official, by the name of the contractor, the value of contracts and the date the contract was signed.</td>
<td>Ethics Commission</td>
<td>Partially implemented/partially will not be implemented</td>
<td>Converting each type of form into such a format requires expensive development of software platforms. This particular recommendation would be extremely expensive. Over time, the Commission plans to develop such platforms for most if not all filings it administers. Lack of funding for development means that the addition of the various forms will be done as resources are made available. It should be noted, for example, that 2014 is the first time ever that all Form 700 financial disclosures filed with the Ethics Commission had to be submitted electronically. This was an important, but technically difficult step. Since there is no specified state electronic schema for these forms, creating a searchable database would be risky as it might not conform to state standards when they are eventually promulgated. But it is a desirable goal and will be accomplished eventually. AB 641 was enacted as the cost would be higher in terms of staff time and attendant issues would arise such as transfer error. The Commission has already made great progress in moving its many filings into electronic databases, and there should be no doubt that this will continue. SF is ahead of the majority of jurisdictions in this area. For example, The New York Times recently noted that the Federal Elections Commission takes weeks and in some cases more than a month to process campaign finance filings of federal candidates, whereas in SF this information is processed in a matter of minutes. (Note: this recommendation includes Behested Payment Forms, which are not filed with the Ethics Commission.)</td>
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<td>Ethics Commission</td>
<td>Will be implemented partially</td>
<td>Converting each type of form into such a format requires expensive development of software platforms. This particular recommendation would be extremely expensive. Over time, the Commission plans to develop such platforms for most if not all filings it administers. Lack of funding for development means that the addition of various forms will be done as resources are made available. It should be noted, for example, that 2014 is the first time ever that all Form 700 financial disclosures filed with the Ethics Commission had to be submitted electronically. This was an important, but technically difficult step. Since there is no specified state electronic schema for these forms, creating a searchable database would be risky as it might not conform to state standards when they are eventually promulgated. But it is a desirable goal and will be accomplished eventually. AB 641 was enacted as the cost would be higher in terms of staff time and attendant issues would arise such as transfer error. The Commission has already made great progress in moving its many filings into electronic databases, and there should be no doubt that this will continue. SF is ahead of the majority of jurisdictions in this area. For example, The New York Times recently noted that the Federal Elections Commission takes weeks and in some cases more than a month to process campaign finance filings of federal candidates, whereas in SF this information is processed in a matter of minutes. (Note: Behested payment forms are not filed with the Ethics Commission.)</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R11: 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.</td>
<td>Sunshine Ordinance Task Force</td>
<td>Requires further analysis</td>
<td>The SOFT in conjunction with the City Attorneys Office and Ethics Commission, should develop policies to ensure the preservation of emails and text messages consistent with preservation of other public records. Before adoption, these policies would be made available for public comment. The finalized policies would then be sent to all City agencies, boards, commissions, and departments and made available on the SOFTs website. Each City agency, board, commission, and department website should include, in a similar manner, the applicable Record Retention Policy and Schedule and Information about how to request public records, including contact information and forms, if applicable. The SOFT, through the Compliance and Amendments Committee and the Education, Outreach and Training Committee, intends to review these issues in the next 6 months. In addition, it should be noted that the California Government Code Section 34090 states that the destruction of records less than two years old is not authorized. Section 8.5 of SF Admin Code, however, authorizes destruction of records less than two years if this would not be detrimental to the City and County or defeat any public purpose. This section of the Admin Code should be amended to comply with California Government Code Section 34090.</td>
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<td>Board of Supervisors</td>
<td>Will not be implemented</td>
<td>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.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R12: The Jury recommends that the Ethics Commission and the Sunshine Ordinance Task Force review departmental web sites for compliance and notify non-compliant departments to immediately post their sources of outside funding, or face a show-cause before the Ethics Commission on why the information has not been posted.</td>
<td>Ethics Commission Executive Director</td>
<td>Will be partially implemented</td>
<td>The Commission-Executive Director will direct staff to notify all departments to review posted and employees to follow this requirement and ensure that such postings are easy to locate on departmental websites.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R12: The Jury recommends that the Ethics Commission and the Sunshine Ordinance Task Force review departmental web sites for compliance and notify non-compliant departments to immediately post their sources of outside funding, or face a show-cause before the Ethics Commission on why the information has not been posted.</td>
<td>Sunshine Ordinance Task Force</td>
<td>Requires further analysis</td>
<td>The SOFT, through its Compliance and Amendments Committee and/or its Education, Outreach, and Training Committee, shall review the websites of each City agency, board, commission, and department for compliance and shall develop a model for content required by Sunshine Ordinance Section 67.29-6. This said, the SOFT is mindful of its limited resources to regularly review and monitor each departmental website for compliance with this provision alone and to notify non-compliant departments. The SOFT is also skeptical that the Ethics Commission has the power to order a show-cause hearing in the manner that the Jury recommends.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R13: All violations of departmental Statements of Incompatible Activities should be disclosed to the Ethics Commission and posted on the Commission's web site.</td>
<td>Ethics Commission Executive Director</td>
<td>Will not be implemented</td>
<td>The Commission-Director will direct staff to notify all departments to revised officials and employees to follow this requirement and ensure that such postings are easy to locate on departmental websites.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R14a: The Ethics Commission should continue to routinely notify all non-filers of their obligation within 10 days of the state filing deadline.</td>
<td>Ethics Commission Executive Director</td>
<td>Implemented</td>
<td>The Commission already does this.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R14a: The Ethics Commission should continue to routinely notify all non-filers of their obligation within 10 days of the state filing deadline.</td>
<td>Ethics Commission</td>
<td>Implemented</td>
<td>The Commission already does this.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R14b: The Ethics Commission should recommend dismissal for any officer or employee who fails to file by the 90 day deadline for referral to the Far Political Practices Commission</td>
<td>Ethics Commission Executive Director</td>
<td>Will be implemented in amended form</td>
<td>If someone has failed to file within 90 days, the Ethics Commission will recommend to the appointing authority suspension of that person until they have filed.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practive or Pretense</td>
<td>R14b: The Ethics Commission should recommend dismissal for any officer or employee who fails to file by the 90 day deadline for referral to the Far Political Practices Commission</td>
<td>Ethics Commission</td>
<td>Will be implemented in amended form</td>
<td>If someone has failed to file within 90 days, the Ethics Commission will recommend to the appointing authority suspension of that person until they have filed.</td>
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**ETHICS RECOMMENDATIONS AND RESPONSES**
2013-14 Ethics in the City: Promise, Practice or Pretense

R14c: The Ethics Commission should recommend dismissal for any officer or employee who files a Statement of Economic Interest that is inaccurate and relevant to the position they hold.

Ethics Commission Executive Director

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R14c: The Ethics Commission should recommend dismissal for any officer or employee who files a Statement of Economic Interest that is inaccurate and relevant to the position they hold.

Ethics Commission

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R14d: New that all Form 700 filings file electronically, the Ethics Commission should propose that they be filled with them as well as the Department filing officer.

Ethics Commission Executive Director

Recommended for implementation in the future.

2013-14 Ethics in the City: Promise, Practice or Pretense

R14d: New that all Form 700 filings file electronically, the Ethics Commission should propose that they be filled with them as well as the Department filing officer.

Ethics Commission

Recommended for implementation in the future.

2013-14 Ethics in the City: Promise, Practice or Pretense

R14d: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission Executive Director

Implemented.

2013-14 Ethics in the City: Promise, Practice or Pretense

R16: 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.

Ethics Commission Executive Director

Requires further analysis.

2013-14 Ethics in the City: Promise, Practice or Pretense

R16: 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.

Board of Supervisors

Will not be implemented.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission Executive Director

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Sunshine Ordinance Task Force

Recommendation will not be implemented because it is not warranted or reasonable.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Sunshine Ordinance Task Force

Recommendation will not be implemented because it is not warranted or reasonable.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

City Attorney

Policy matter for Ethics Commission.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the law’s requirements.

Ethics Commission Executive Director

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

City Attorney

Policy matter for Ethics Commission.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission Executive Director

Recommended for implementation.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

City Attorney

Policy matter for Ethics Commission.

2013-14 Ethics in the City: Promise, Practice or Pretense

R17a: The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.

Ethics Commission Executive Director

Recommended for implementation.

The Ethics Commission staff should collect the official calendars prepared under the Sunshine Ordinance monthly, convert them to electronic form and post them online.
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<td>R17h: The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the law's requirements.</td>
<td>Ethics Commission</td>
<td>Will be implemented</td>
<td>The Director will work with the City Attorney’s office to include this item in future Sunshine Trainings (although it does not apply to the vast majority of those who receive the training.)</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R17h: The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the law’s requirements.</td>
<td>Sunshine Ordinance Task Force</td>
<td>Requires further analysis</td>
<td>The SOTF, through its Education, Outreach, and Training Committee assists with the annual training provided by the City Attorney under the Sunshine Ordinance. As noted above, the PBA for the Compliance and Amendments Committee and/or the Education, Outreach, and Training Committee intends in the next 6 months to review compliance with the Sunshine Ordinances calendar requirements and to conduct a larger review of all existing Sunshine Ordinance training materials and programs, with the intent of better tailoring these training materials and programs to the audience (Elected Officials, Members of Board and Commissions, Commission Secretaries, Department Heads, Department Head Secretaries, Public Information Officers, etc.) Effects by the City Attorney and the Ethics Commission with respect to this recommendation should be coordinated with the SOTF. Keeping with the best practices of open government, the SOTF also urges that the BOS adhere to the public calendar requirements of other city departments and agencies.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R18: The Board of Supervisors should adopt a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance.</td>
<td>City Attorney</td>
<td>Will be implemented</td>
<td>In cooperation with the Ethics Commission, the City Attorney’s Office will implement this recommendation by including a discussion of the Sunshine Ordinance's calendar requirements in bi-annual ethics and sunshine training.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R18: The Board of Supervisors should adopt a rule subjecting themselves to the public calendar requirement of the Sunshine Ordinance.</td>
<td>Board of Supervisors</td>
<td>will not be implemented</td>
<td>In evidence by the Civil Grand Jury report, Supervisors already willingly disclose their calendars.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R19: The Commission should grant or deny post-public employment restriction waiver applications by resolutions that indicate specifically why the decision meets the conditions of the ordinance.</td>
<td>Ethics Commission</td>
<td>Will be implemented</td>
<td>The Commission approves of this idea and will issue written resolution for future decisions when waivers are granted.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R20a: The Mayor’s Office should establish a blue-ribbon committee of experts and stakeholders in open government, sunshine and transparency, including former Sunshine Task Force members. The Committee of Experts should review and update the Sunshine Ordinance as necessary and should report to both entities and the Board of Supervisors recommendations that would result in coordination and respect for the functions of each entity.</td>
<td>Ethics Commission</td>
<td>Requires further analysis</td>
<td>The SOTF strongly encourages efforts by any officer or entity to further the aims of transparent and open government. Nonetheless, whether a blue ribbon committee is created or not, the SOTF has the power and duty to “propose to the BOS amendments to the Sunshine Ordinance” pursuant to 1P Admin Code section 67.25(b). The SOTF, through its Compliance and Amendments Committee, intends in the next 6 months to initiate a new review of the Sunshine Ordinance to, in part 1: 1) identify sections of the Sunshine Ordinance which overlap and/or conflict with the rules governing the city's Ethics Commission, and 2) identify areas of the Sunshine Ordinance that should be updated to reflect new technologies implemented since its passing. Such a review should consider the views of city agencies, boards, commissions, and departments as to thesalient goals and practical implementation issues, the views of “experts and stakeholders in open government, sunshine, and transparency, including former Sunshine Task Force members,” and the views of the City Attorney and the Ethics Commission in order to foster greater harmony among those entities involved.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R20b: For now, arrangements should be made jointly by the Ethics Commission and the Sunshine-Ordinance Task Force to have complaints heard by an independent hearing officer who would develop a consistent legally sufficient record of the case for the decision of each body. This would allow the meetings of the Task force and the Commission to focus on broader policy issues.</td>
<td>Ethics Commission</td>
<td>will be implemented</td>
<td>The Ethics Commission defers to the Mayor’s office.</td>
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<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R20b: For now, arrangements should be made jointly by the Ethics Commission and the Sunshine-Ordinance Task Force to have complaints heard by an independent hearing officer who would develop a consistent legally sufficient record of the case for the decision of each body. This would allow the meetings of the Task force and the Commission to focus on broader policy issues.</td>
<td>Sunshine Ordinance Task Force</td>
<td>Requires further analysis</td>
<td>The SOTF will be interested in fully setting a proposal to have particularly complex cases heard by an independent hearing officer in order to develop complete and legally sufficient records. Regarding whether this recommendation is warranted at this time: The SOTF is keenly aware of the backlog in its workload and concerted efforts are already underway to address it. In particular, the SOTF has scheduled an additional full SOTF meeting each month through the end of this year and has reinstated a complaint procedure to focus and narrow the issues in dispute. Further, the SOTF intends in the next 6 months to review and update its bylaws and complaint procedures, review due process regarding SOTF complaints and referrals and review SOTF and Ethics Commission procedures regarding referrals. The SOTF will seek public comment on any proposed changes to its bylaws and complaint procedures. Regardless whether the recommendation is feasible, SOTF members have raised several concerns, including how this hearing officer would be selected in order to ensure expertise and impartiality, how this hearing officer would be compensated, and how his or her independence would be assured.</td>
</tr>
</tbody>
</table>
The Board of Supervisors agrees that an additional staff member could improve the effectiveness of the Ethics Commission. The Board will consider this.

The Ethics Commission does not agree with this recommendation and believes it is in the public's best interest to have the Commission continue to investigate and hear Sunshine referrals and complaints. Further, there is no mechanism in the Sunshine Ordinance to do this.

The Ethics Commission has rarely requested or relied on outside counsel to step into the shoes of the City Attorney's Office for particular matters. As this history reflects, there is no need for the Ethics Commission to apply to the City Attorney for permission to engage outside counsel, except in extremely rare circumstances. Notably, the Ethics Commission cannot freely engage its own outside counsel. (Chapter section 13.302 mandates that the City Attorney serve as "the legal advisor of the Commission." The Charter also sets out a specific procedure by which any elected official, department head, board or commission may request outside counsel. The Ethics Commission may employ this process, but only if it has reason to believe that the City Attorney has "a prohibited conflict of interest under California law or a prohibited ethical conflict of interest under CA Rule of Professional Conduct." See SF Charter section 5.101). Since the voters adopted section 6.103 in 2001, the Ethics Commission has not invoked this procedure.
In its response to the Civil Grand Jury Report, the Ethics Commission indicated that it will provide such a report.

The Commission already provides links to the Secretary of State’s CAL-Access database and material on the Fair Political Practices Commission website. The Commission’s website is already considered among the best and most comprehensive sites in the county. Links to the Secretary of State’s CAL-Access database and material on the Fair Political Practices Commission website are easy to access. The website will continue to link to other relevant websites where appropriate.

The Ethics Commission Staff will continue to link to other relevant websites where appropriate. The Commission adds that this should be noted when the Ethics Commission website is already considered among the best and most comprehensive sites in the county. The Commission already provides links to the Secretary of State’s CAL-Access database and material on the Fair Political Practices Commission website. The Ethics Commission will continue to link to other relevant websites where appropriate. The Commission adds that this should be noted when the Ethics Commission website is already considered among the best and most comprehensive sites in the county.

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<table>
<thead>
<tr>
<th>CG Year</th>
<th>Report Title</th>
<th>Recommendation</th>
<th>Department Required to Respond</th>
<th>2014 Responses (implementation)</th>
<th>2014 Response Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R27: When a bill is proposed or passed to amend campaign finance and ethics laws, it should specify how it &quot;furthers the purposes of this Chapter&quot;.</td>
<td>Ethics Commission Executive Director</td>
<td>Already implemented</td>
<td>All proposed changes to existing ordinances are accompanied by comprehensive staff memoranda explaining the details and purposes of the proposed changes.</td>
</tr>
<tr>
<td>2014-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R27: When a bill is proposed or passed to amend campaign finance and ethics laws, it should specify how it &quot;furthers the purposes of this Chapter&quot;.</td>
<td>Board of Supervisors</td>
<td>Will be implemented immediately</td>
<td>The Board of Supervisors believes that individual Supervisors will ask the City Attorney to include such findings in future legislation.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R27: When a bill is proposed or passed to amend campaign finance and ethics laws, it should specify how it &quot;furthers the purposes of this Chapter&quot;.</td>
<td>City Attorney</td>
<td>Policy matter for Ethics Commission &amp; BOS</td>
<td>R27 is a policy matter for the Ethics Commission and the Board of Supervisors. If requested, the City Attorney's Office will assist the Ethics Commission and the Board of Supervisors with the implementation of this recommendation.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R28: That the Commission hold hearings, whether through their committees or in the full Commission, to ask the public to report matters that appear improper, then call the responsible officials before the Commission to account for and defend their actions.</td>
<td>Ethics Commission</td>
<td>Will not be implemented</td>
<td>Allowing anyone to force public officials to appear before the Ethics Commission to defend themselves against charges invites anyone with personal agendas to create punitive actions against public officials - at will whether there is a basis or not for such accusations. This proposal does not regard actual law-breaking, but merely the appearance of impropriety and calls Constitutional issues directly into consideration.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R29: That the Ethics Commission hold a hearing on &quot;Proposition J Revisited&quot; to consider how some of its concepts apply today and whether the &quot;public benefit&quot; definition includes elements that should be incorporated into sections of the C&amp;GCC, and specifically consider offering amendments to C&amp;GCC which re-incorporate its Findings and Declarations into current San Francisco law, and to consider placing these amendments on the ballot.</td>
<td>Ethics Commission</td>
<td>Requires further analysis</td>
<td>City laws prevent all City officials and employees from accepting anything of value for they duties they perform. In addition, local ordinance identifies a number of &quot;restricted sources&quot; who may not make donations to candidate and office holders. Note: The language in Prop J was determined to be unconstitutional by the LA Superior Court in 2002. That ruling still stands and there is no reason to believe that it would fare different in SF, indicating that a measure to readopt Prop J, as written would be fruitless. The Commission intends to include this use as part of a larger discussion of the conflict of interest and campaign finance rules.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td>R29: That the Ethics Commission hold a hearing on &quot;Proposition J Revisited&quot; to consider how some of its concepts apply today and whether the &quot;public benefit&quot; definition includes elements that should be incorporated into sections of the C&amp;GCC, and specifically consider offering amendments to C&amp;GCC which re-incorporate its Findings and Declarations into current San Francisco law, and to consider placing these amendments on the ballot.</td>
<td>Board of Supervisors</td>
<td>Will not be implemented</td>
<td>This recommendation is directed at the Ethics Commission, though individual Supervisors could also call a hearing on the matter. The Board recognizes the legislative history outlined by the Ethics Commission.</td>
</tr>
</tbody>
</table>
The San Francisco Charter requires the Ethics Commission to conduct its investigations "in a confidential manner" and provides that certain records relating to these investigations are "confidential and private".

The District Attorney defers to the Ethics Commission's response to this finding.

Ethics Commission

Agree

The Ethics Commission acknowledges that, like many agencies, it does not have the full resources it could use in carrying out its mission, in productive investigation and enforcement of its authority.

Ethics Commission

Agree

The Ethics Commission currently has only two investigators; a third position exists but remains vacant because it is unfunded.

Ethics Commission

Agree

Finding 1b: The Ethics Commission has only two investigators.

District Attorney

Agree

The Ethics Commission has only two investigators.

District Attorney

Agree

The Ethics Commission has only two investigators.

City Attorney

Agree

Finding 1c: The confidentiality required of Ethics Commission investigations runs counter to the Commission's other duties to make information more public and to increase the transparency of government.

Ethics Commission

Agree

Finding 1d: The District Attorney, City Attorney and the Fair Political Practices Commission have more substantial investigative staffs.

City Attorney

Agree

There is nothing inconsistent with the confidentiality requirements relating to enforcement actions and the Ethics Commission's role in making information public and promoting transparency of government. The confidentiality of investigations is required by the Charter; it has no impact on the other duties of the Commission not related to investigation/enforcement.

City Attorney

Agree

Finding 1e: The Fair Political Practices Commission has been very active in bringing enforcement actions, and handles enforcement for some local units of California government.

District Attorney

Agree

Finding 1f: The Ethics Commission not related to investigation/enforcement.

Board of Supervisors

Agree

The ethics Commission supports the greater public transparency at the Ethics Commission, including in its investigations and enforcement actions, but recognizes the Charter provisions cited by the City Attorney.

City Attorney

Agree

The San Francisco Charter requires the Ethics Commission to conduct its investigations "in a confidential manner" and provides that certain records relating to these investigations are "confidential and private".

City Attorney

Agree

Finding 1g: The City Attorney is responsible for the Ethics Commission's response to this finding.

District Attorney

Agree

Finding 1h: The City Attorney is responsible for the Ethics Commission's response to this finding.

Ethics Commission

Agree

The Ethics Commission is in the same position with respect to the timing of any public disclosure of violations whether the investigation is conducted by the Ethics Commission, the City Attorney, the District Attorney or the Fair Political Practices Commission. In order to ensure that the investigation of an ethics complaint is not compromised, public disclosure typically must wait until the investigation is complete.

Ethics Commission

Agree

Finding 1i: The Fair Political Practices Commission have more substantial investigative staffs.

District Attorney

Agree

Finding 1j: The Ethics Commission, due to lack of resources has declined to bring where there was otherwise sufficient evidence of a violation. Regardless, the Ethics Commission would benefit from additional resources to increase its ability to handle major enforcement matters without impacting the Commission's ability to handle its other duties and responsibilities.

City Attorney

Partially disagree

The City Attorney's Office defers to the Ethics Commission's agreement with this finding. But this Office is not aware of any specific major enforcement case that the Ethics Commission, due to lack of resources has declined to bring where there was otherwise sufficient evidence of a violation. Regardless, the Ethics Commission would benefit from additional resources to increase its ability to handle major enforcement matters without impacting the Commission's ability to handle its other duties and responsibilities.

City Attorney

Agree

Finding 1k: The Ethics Commission has not related to investigation/enforcement.

Board of Supervisors

Agree

The Ethics Commission supports the greater public transparency at the Ethics Commission, including in its investigations and enforcement actions, but recognizes the Charter provisions cited by the City Attorney.

City Attorney

Agree

Finding 1l: The City Attorney is responsible for the Ethics Commission's response to this finding.

Board of Supervisors

Agree

Finding 1m: The City Attorney is responsible for the Ethics Commission's response to this finding.
### 2014-14: Ethics in the City

**Finding 1a:** The Fair Political Practices Commission has been very active in bringing enforcement actions, and handles enforcement for some local units of California government.

**District Attorney:** The District Attorney has insufficient information to agree or disagree with this finding.

**Response Required:** None.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Report Title</th>
<th>Findings</th>
<th>Response Required</th>
<th>2014 Responses (Agree or Disagree)</th>
<th>2014 Response Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 1a: The Fair Political Practices Commission has been very active in bringing enforcement actions, and handles enforcement for some local units of California government.</td>
<td>District Attorney</td>
<td>The District Attorney has insufficient information to agree or disagree with this finding.</td>
<td>None.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 2: A broader citizen's right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</td>
<td>City Attorney</td>
<td>Disagree</td>
<td>The City Attorney believes that a broader citizen's right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 2: A broader citizen's right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</td>
<td>Board of Supervisors</td>
<td>Partially Agree</td>
<td>The Board of Supervisors agree and disagree with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 3: A broader citizen's right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</td>
<td>District Attorney</td>
<td>Agree</td>
<td>The District Attorney agrees that a broader citizen's right of action to enforce ethics laws will provide assurance to the public that the laws will be enforced.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 4: Some information currently reported and posted is not put into the standard searchable electronic format. The City Attorney specifically finds that contract approval forms, Form 700 forms, beheld payments forms, and Lobbyists On Behalf Of The City forms can be converted to a searchable format before they are posted.</td>
<td>City Attorney</td>
<td>Partially Agree</td>
<td>The City Attorney finds that contract approval forms, Form 700 forms, beheld payments forms, and Lobbyists On Behalf Of The City forms can be converted to a searchable format before they are posted.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 5: Required filings are located independently and cannot be cross searched electronically using common data reference fields like dollar amounts, that cross between filings.</td>
<td>Ethics Commission</td>
<td>Partially disagree</td>
<td>The Ethics Commission partially disagrees with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 6: Required filings are located independently and cannot be cross searched electronically using common data reference fields like dollar amounts, that cross between filings.</td>
<td>Chief Data Officer</td>
<td>None</td>
<td>The Chief Data Officer finds that required filings are located independently and cannot be cross searched electronically using common data reference fields like dollar amounts, that cross between filings.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 7: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>Ethics Commission</td>
<td>Partially Agree</td>
<td>The Ethics Commission finds that enforcement is hand handed outside of the environment of political partnership and preferences.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 8: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>Board of Supervisors</td>
<td>Agree</td>
<td>The Board of Supervisors agree with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 9: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>City Attorney</td>
<td>Agree</td>
<td>The City Attorney agrees that enforcement is hand handed outside of the environment of political partnership and preferences.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 10: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>District Attorney</td>
<td>Agree</td>
<td>The District Attorney agrees that enforcement is hand handed outside of the environment of political partnership and preferences.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 11: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>Ethics Commission</td>
<td>Partially Agree</td>
<td>The Ethics Commission partially agrees with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 12: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>City Attorney</td>
<td>Agree</td>
<td>The City Attorney agrees with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 13: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>Board of Supervisors</td>
<td>Agree</td>
<td>The Board of Supervisors agree with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 14: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>District Attorney</td>
<td>Partially Agree</td>
<td>The District Attorney partially agrees with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 15: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>Ethics Commission</td>
<td>Agree</td>
<td>The Ethics Commission agrees with this finding.</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City, Promise, Practice or Pretense</td>
<td>Finding 16: Enforcement is hand handed outside of the environment of political partnership and preferences.</td>
<td>City Attorney</td>
<td>Partially Agree</td>
<td>The City Attorney partially agrees with this finding.</td>
</tr>
</tbody>
</table>
| 2013-14     | Ethics in the City, Promise, Practice or Pretense | Finding 17: Enforcement is hand handed outside of the environment of political partnership and preferences. | Ethics Commission | Agreed Disagree | The Ethics Commission agreed and disagreed with this finding.
Finding 5: Required filings are treated independently and cannot easily be cross searched electronically using common data reference fields like name and organization to access and aggregate information types, such as dollar amounts, that cross between filings.

Ethics Commission Executive Director

Agreee partially

The assertion is not completely accurate. The Ethics Commission compiles all campaign and lobbyist filings as mandated so that the information may be searched and aggregated. In fact, the Commission uses the campaign and lobbyist data on DataSF to aggregate and visualize the data on the Commission’s web dashboards. A recent report by the Mayor’s Office describes “how the SF Ethics Commission uses DataSF to increase transparency by summarizing and creating visualizations related to ethics data and reports.” Further, the report states “Our top referred is the Ethics Commission, see Figure 12, which has made extensive use of DataSF not only as a publishing platform but as a means to create dashboard and visualizations on its own site. Figure 13 on the next page for a screenshot showing how the Ethics Commission creates visualizations using the DataSF platform and then embeds the visualization into a web page. This makes them the top embedders, i.e. the top data visualizations that have been viewed within and external website.” Further, according to “Governing” magazine, the US Open Data Census in March of this year rates SF as the “best city for open data” in the country. The study involved both our lobbyist reporting system and our campaign finance system perfect scores.

Finding 6a: City officials, both those in elective office and political appointees, also may create separate committees to raise funds and campaign for political party offices such as the Party Central Committee. There are no limits on contributions to these committees.

Ethics Commission

Agree

There is no disagreement with these statements.

Finding 6b: If candidates seek election to local and local party committees during the same election cycle while also seeking election to an official City position, including supervisor, candidate committee rules do not apply. Thus, while being limited to a $500 cap in a City contest (or seen an outright prohibition on contributions), donors may contribute additional funds through the back door of a political party contest.

Ethics Commission

Agree

There is no disagreement with these statements.

Finding 6c: The rise of major donors, and the potential for further influence following the recent U.S. Supreme Court decision, may well influence elections far beyond what political party affiliation has historically done.

Ethics Commission

Agree

However there is no evidence provided in the report to prove this to be true locally (the trend in San Francisco in recent years has been a reduction in the number of Major Donors).

Finding 6d: Corporations may not contribute directly to a candidate for City office but may instead contribute to a business association that contributes to a candidate, or to a nonprofit that spends on behalf of a candidate, or to another committee controlled by the candidate or affliate, or through an independent expenditure committee.

Ethics Commission

Agree

NO ADDITIONAL INFORMATION PROVIDED.

Finding 6e: Corporate money is being funneled into local campaigns through a web of nonprofit organizations. The jury cannot determine whether the main effect is to hide the true source of contributions or if the sheds illegal contributions from disclosure. The Ethics Commission does not discuss a disclosure strategy to make this information public.

Ethics Commission

Agree

Not enough information is provided in the report to agree

Finding 7: The Ethics Commission provides articles information only in English although San Francisco has strong political participation from communities and officials whose first language is not English and who require guides and educational materials relevant to their needs.

Ethics Commission Executive Director

Agree

This is correct for the time being.

Finding 8: The current definition of “lobbyist” and “contacts” does not provide the public with sufficient information to understand who and how City Hall decisions are influenced despite the intent of the law.

Ethics Commission

Partially Agree

The ordinance was recently amended and updated at the Board of Supervisors (changes not in effect at time Finding was written).

Finding 9: City officials, those in elective office and political appointees, also may create separate committees to raise funds and campaign for political party offices such as the Party Central Committee. There are no limits on contributions to these committees.

Ethics Commission

Agree

There is no disagreement with these statements.
**Ethics in the City:**
The City document retention policy does not require retention of correspondence for any specific period of time; this would include e-mails. Departments are free to create more restrictive rules as they find necessary.

**Finding 9: The effort to influence City Hall decisions is not limited to political and nonprofit organizations as well as to the general public through television ads, mailers, robocalls, polling and other strategies.**

In 2010 the Ethics Commission proposal was approved by the Board to eliminate reporting on these expenditures.

**Ethics Commission**

Agree

Under the change, which was part of a successful explication of the lobbyist registration process, expenditure lobbying would still have to register past bids.

The expenditures made under this City officials were no longer captured when the changes went into effect.

Prior to the change, only five organizations had ever reported expenditure lobbying in 2007, the California Urban Issues Project reported expenditures of $46,460 and the Small Property Owners of SF reported spending $1205. In 2006, the California Urban Issues Project reported $7720 the SF Center gaige Coalition reported $281 and the Land Rights Coalition $748 reported $3975. Because the actual number of such reported expenditures were so few, it as not a controversial decision to drop this requirement due to the limited funds provided; at the time, no public objection was made.

**Ethics in the City:**

**Finding 11: The role of e-mail and text messages in governmental decision making has not been fully discussed and explored.**

Guidance on text messages (on page 141): Neither the Brown Act nor Sunshine Ordinance addresses text messaging during meetings, and there is no definitive rule the body is holding an adjudicative hearing, such as a hearing to grant or suspend a permit, that will affect individual private interests. Text messaging during such a hearing could enable a member to surreptitiously communicate with one of the parties, or receive evidence or direction as to how to vote. From outside parties, that other members of the body and the public do not see. These circumstances may undermine the integrity of the proceeding and raise process concerns. Even outside the adjudicative context, text messaging or use of other personal electronic communications devices during any meeting of a policy body presents serious problems. The Brown Act and Sunshine Ordinance presume that public input

and that this simultaneously raises privacy and ethical concerns as well as challenges for enforcing public records regulations as to these quasi public accounts.

**Finding 2: The role of e-mail in governmental decision making has not been fully discussed and explored.**

Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding test messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 10: People holding positions outside as "Strategic advisors provide advice on ways to influence City decision making.**

**Ethics Commission**

Agree

This finding is not adequately explained in the report making it difficult to respond.

**Finding 10: People holding positions outside as "Strategic advisors provide advice on ways to influence City decision making.**

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 1: The role of e-mail and text messages in governmental decision making has not been fully discussed and explored.**

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**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 7: The role of e-mail in governmental decision making has not been fully discussed and explored.**

Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding test messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 6: The role of e-mail in governmental decision making has not been fully discussed and explored.**

Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding test messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 5: The role of e-mail in governmental decision making has not been fully discussed and explored.**

Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding test messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.

**Finding 4: The role of e-mail in governmental decision making has not been fully discussed and explored.**

Guidance from the City Attorney on preservation of e-mail is non-specific. There is no guidance regarding test messages. There is no policy that applies to private e-mails and text messages that further public decision-making.

**City Attorney**

Agree

The City Attorney's Office has provided guidance on the issues addressed in this finding. The Office's recent memorandum would have provided guidance on these issues for several years. The most recently released update of the guide, published online on August 18, 2014 provides guidance regarding record retention.
2013-14 Ethics in the City: Promise, Practice or Pretense
Finding 14: The Ethics Commission has increased compliance by notifying any employee who fails to file Form 700 within 30 days after the deadline that he or she must file or face potential penalties.

Response: Executive Director Agree

Additional Information: The Commission does not have enough information to respond to this finding so it cannot yet agree.

2013-14 Ethics in the City: Promise, Practice or Pretense
Finding 15: The Ethics Commission has increased compliance by notifying any employee who fails to file Form 700 within 30 days after the deadline that he or she must file or face potential penalties.

Response: Executive Director Agree

Additional Information: NO ADDITIONAL INFORMATION PROVIDED.
Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17a: There is useful information in the calendars of City Officials that should be readily available to the public.

Ethics Commission Executive Director

Agree

Finding 17b: The Jury found calendar entries that did not meet the law's requirements.

City Attorney

Partially disagree

Finding 17c: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17d: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

The Sunshine Ordinance requires the calendars maintained by the Mayor, the City Attorney, and the department heads to include "the time and place of each meeting or event attended by that official" in the calendar wherein is recorded the time and place of each meeting or event attended by that official.

Finding 17e: There is useful information in the calendars of City Officials that should be readily available to the public.

Sunshine Ordinance Task Force

Agree

Finding 17f: The Jury found calendar entries that did not meet the law's requirements.

City Attorney

Partially disagree

Finding 17g: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17h: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Although the Sunshine Ordinance requires the calendars maintained by the Mayor, the City Attorney, and the department heads to include "the time and place of each meeting or event attended by that official," the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17i: There is useful information in the calendars of City Officials that should be readily available to the public.

City Attorney

Agree

Finding 17j: The Jury found calendar entries that did not meet the law's requirements.

Sunshine Ordinance Task Force

Agree

Finding 17k: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17l: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17m: There is useful information in the calendars of City Officials that should be readily available to the public.

Ethics Commission

Agree

Finding 17n: The Jury found calendar entries that did not meet the law's requirements.

Sunshine Ordinance Task Force

Agree

Finding 17o: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17p: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17q: There is useful information in the calendars of City Officials that should be readily available to the public.

Ethics Commission

Agree

Finding 17r: The Jury found calendar entries that did not meet the law's requirements.

Sunshine Ordinance Task Force

Agree

Finding 17s: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17t: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17u: There is useful information in the calendars of City Officials that should be readily available to the public.

Ethics Commission

Agree

Finding 17v: The Jury found calendar entries that did not meet the law's requirements.

Sunshine Ordinance Task Force

Agree

Finding 17w: The training currently provided on the Sunshine Ordinance contains no materials on the keeping of official calendars as required by the Ordinance.

Ethics Commission Executive Director

Agree

Finding 17x: The Jury found calendar entries that did not meet the law's requirements.

Ethics Commission

Agree

Ethics in the City, Promise, Practice or Pretense

2013-14

Although there is a lack of explanatory information in the report, the Ethics Commission will not dispute these findings, except to note that the ordinance does not require attendee names.

Finding 17y: There is useful information in the calendars of City Officials that should be readily available to the public.

Ethics Commission

Agree

Finding 17z: The Jury found calendar entries that did not meet the law's requirements.

Sunshine Ordinance Task Force

Agree

Finding 18: The Board of Supervisors is not subject to this calendar requirement.

Board of Supervisors

Agree

Finding 19: The public record will be better served if post-public employment restriction waivers are granted by City Commission resolution, which indicates the specific grounds for granting the waiver. In addition, the Ethics Commission/Commission Interpretated the "extreme hardship" standard to grant a post-public employment restriction waiver.

Ethics Commission

Agree with first sentence of finding

While in agreement with the first sentence of this finding, the Ethics Commission did not interpret the standard and disagrees with that part of the statement.

Finding 20: The City Attorney and the Ethics Commission ensure that those officials subject to the calendar requirement, and their administrative staff, be trained on the Ordinance.

City Attorney

NO ADDITIONAL INFORMATION PROVIDED.
Ethics in the City:

Finding 26: Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends—transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.

Agreed partially

The SOTF refers to very few matters to the Ethics Commission for enforcement. Although this reflects in part a view that not all Sunshine Ordinance violations merit referral for enforcement, it also is a greater agreement or understanding as to the appropriate burden to show or enforce a violation, willful or not. As illustrated by earlier SOTF responses, there remains ample terrain for collaboration and coordination between these separate but overlapping bodies.

Ethics in the City:

Finding 20: Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends—transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.

Mayor

Agree

Ethics in the City:

Finding 20: Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends—transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.

Board of Supervisors

Agree

Ethics in the City:

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Ethics Commission

Agreed

Ethics in the City:

Finding 20: Both the Ethics Commission and the Sunshine Ordinance Task Force act in good faith. They are authorized to come to similar ends—transparency in government. However, there are legal and procedural differences between their process and their legal requirements. Therefore, the results of their work are not in harmony with each other.

Board of Supervisors

Agreed

Ethics in the City:

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Ethics Commission Executive Director

Agreed

Ethics in the City:

Finding 21a: The policy-making powers of the Ethics Commission are vested in the Commission itself, not in the Executive Director (absent express delegation by the Commission).

Board of Supervisors

Agreed

Ethics in the City:

Finding 21a: The policy-making powers of the Ethics Commission are vested in the Commission itself, not in the Executive Director (absent express delegation by the Commission).

Ethics Commission

Agreed

NO ADDITIONAL INFORMATION PROVIDED.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Board of Supervisors

Partially disagree

Most Boards and Commissions, whose members receive modest or negligible compensation, rely on significant amounts of staff work.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Ethics Commission Executive Director

Agreed

NO ADDITIONAL INFORMATION PROVIDED.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Board of Supervisors

Partially disagree

Most Boards and Commissions, whose members receive modest or negligible compensation, rely on significant amounts of staff work.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Ethics Commission

Disagreed

NO ADDITIONAL INFORMATION PROVIDED.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Ethics Commission Executive Director

Disagreed

NO ADDITIONAL INFORMATION PROVIDED.

Ethics in the City:

Finding 21b: The current structure where staff provides much of each Commission meeting’s content creates the impression that the Commission is not an independent policy-making body.

Ethics Commission

Partially disagree

Most Commission deliberations have extended for months but not for years, notwithstanding the case of extended delay related to the request of aid as a courtesy to the Sunshine Ordinance Task Force.

Ethics in the City:

Finding 23: While the Commission has obtained outside counsel, its committees have not.

Ethics Commission

Mostly disagree

The Ethics Commission has obtained outside counsel only three times.
Finding 23: While the Charter mandates the City Attorney represent the Ethics Commission, conflicts have arisen repeatedly, and the Ethics Commission has had to obtain outside counsel. We find these instances of conflict are likely to continue, and that the Commission is best represented by a consistent set of lawyers who are not City employees.

Board of Supervisors

Finding 23: While the Charter mandates the City Attorney represent the Ethics Commission, conflicts have arisen repeatedly, and the Ethics Commission has had to obtain outside counsel. We find these instances of conflict are likely to continue, and that the Commission is best represented by a consistent set of lawyers who are not City employees.

City Attorney

Finding 23: While the Charter mandates the City Attorney represent the Ethics Commission, conflicts have arisen repeatedly, and the Ethics Commission has had to obtain outside counsel. We find these instances of conflict are likely to continue, and that the Commission is best represented by a consistent set of lawyers who are not City employees.

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</thead>
<tbody>
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<td>Finding 24: The proper standard to judge the effectiveness of laws is to consider their ability to achieve the purposes set forth when they were enacted.</td>
<td>Mayor</td>
<td>Agree</td>
<td>NO ADDITIONAL INFORMATION PROVIDED.</td>
</tr>
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<td>Finding 24: The proper standard to judge the effectiveness of laws is to consider their ability to achieve the purposes set forth when they were enacted.</td>
<td>Ethics Commission</td>
<td>Agree</td>
<td>Although the report states the need for constant adaptation of political laws in dealing with changing circumstances, it fails to report that the Ethics Commission has vigorously reviewed the laws under its purview on an ongoing basis for just these reasons.</td>
</tr>
<tr>
<td>Finding 25a: Periodic reviews of filed information are essential to ensure its reliability.</td>
<td>Ethics Commission</td>
<td>Agree/Disagree</td>
<td>This finding describes a huge volume of work.</td>
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<td>Finding 25a: Periodic reviews of filed information are essential to ensure its reliability.</td>
<td>Ethics Commission Executive Director</td>
<td>Agree/Disagree</td>
<td>This finding describes a huge volume of work.</td>
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<td>Finding 25b: The Ethics Commission has undertaken little to no monitoring and auditing of the content of Lobbyists, Campaign Consultants, Conflict of Interest and Governmental Ethics filings beyond fees for late filing of statements; nor have they actively monitored whether former City employees abide by the restrictions on dealing with their former departments.</td>
<td>Board of Supervisors</td>
<td>Agree</td>
<td>While there is clearly more work to be done, the Board of Supervisors cannot characterize the amount of work done in this area.</td>
</tr>
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<td>Finding 26: The Ethics Commission, though its staff, can catalog information reported elsewhere that is relevant for supplemental understanding of information currently reported locally. Links to this information would be a logical addition to the Ethics Commission website.</td>
<td>Ethics Commission</td>
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<td>Finding 27: The Charter requires that proposals to amend campaign finance and ethics laws explain how the change will assist in furthering the purposes of the law. The Ethics Commission proposals have not included any statements showing that its proposals will further the purposes of the law.</td>
<td>Findings 24-27: The Ethics Commission has attempted to judge the effectiveness of laws to consider their ability to achieve the purposes set forth when they were enacted. Finding 27: The Charter requires that proposals to amend campaign finance and ethics laws explain how the change will assist in furthering the purposes of the law. The Ethics Commission proposals have not included any statements showing that its proposals will further the purposes of the law.</td>
<td>Ethics Commission</td>
<td>Disagree</td>
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<td>Finding 27: The Charter requires that proposals to amend campaign finance and ethics laws explain how the change will assist in furthering the purposes of the law. The Ethics Commission proposals have not included any statements showing that its proposals will further the purposes of the law.</td>
<td>Ethics Commission Executive Director</td>
<td>Disagree</td>
<td>The concept is too broad to understand appreciably.</td>
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<td>Finding 27: The Charter requires that proposals to amend campaign finance and ethics laws explain how the change will assist in furthering the purposes of the law. The Ethics Commission proposals have not included any statements showing that its proposals will further the purposes of the law.</td>
<td>Chief Ethics Officer</td>
<td>Agree in part</td>
<td>The Ethics Commission should determine information reported elsewhere that is relevant for supplemental understanding of information currently reported locally, and provide links to it on the Ethics Commission website, if it cannot be imported and posted.</td>
</tr>
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<td>Disagree</td>
<td>There is no basis for this finding.</td>
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<td>Board of Supervisors</td>
<td>Partially Disagree</td>
<td>The Board believes that the City-Grand Jury is taking a technical finding here, not a broader one. The Board also understands the technical response by the City Attorney that such findings are not required, though they would be advisable.</td>
</tr>
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<td>City Attorney</td>
<td>Partially Disagree</td>
<td>The Campaign and Governmental Conduct Code (not the Charter) provides that the Board of Supervisors may amend the Campaign Finance Reform Ordinance or the Government Ethics Ordinance if any such amendment &quot;furthers the purpose&quot; of those laws. See Campaign &amp; Governmental Code sections 1.105, 1.204. Neither section requires the proposed amendments to explicitly explain how the amendments would further those purposes.</td>
</tr>
<tr>
<td>Year</td>
<td>Report Title</td>
<td>Finding</td>
<td>Response Required</td>
</tr>
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<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td><strong>Finding 28a</strong>: The Commission has not taken an active role in questioning the propriety of actions that skirt the edges of legality. This inquiry can feed into reports on the effectiveness of laws, and also remind public officials that they can be called to account for the appearance of impropriety.</td>
<td>Ethics Commission</td>
</tr>
<tr>
<td>2013-14</td>
<td>Ethics in the City: Promise, Practice or Pretense</td>
<td><strong>Finding 28b</strong>: The general public needs an opportunity to talk to the Ethics Commission about their expectations and beliefs on ethical behavior of public officials. This initial discussion may help to highlight patterns that appear to be improper.</td>
<td>Ethics Commission</td>
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<td>2013-14</td>
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<td><strong>Finding 29</strong>: The Findings and Declarations of Proposition J (2000) clearly articulate many public concerns with role of money in politics and should be re-adopted, perhaps adapted to be part of the general conflict of interest law - Chapter 2 of Article III of the C&amp;GCC.</td>
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