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City Attorney

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September 5, 2014

Hon. Cynthia Ming-mei Lee
Presiding Judge
San Francisco Superior Court
400 McAllister Street, Room 8
San Francisco, California 94102

Re: City Attorney Office's response to the June 2014 Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites"

Dear Judge Lee:

In accordance with Penal Code Sections 933 and 933.05, the City Attorney's Office submits the following response to the Civil Grand Jury Report entitled, "Survey of San Francisco Commission Websites" issued in June 2014. The Grand Jury requested that this office respond to the report.

For the Civil Grand Jury finding for which you ask a response from the City Attorney's Office, you asked that we either:

1. agree with the finding, or
2. disagree with it, wholly or partially, and explain why.

For the Civil Grand Jury recommendation for which you ask a response from the City Attorney's Office, you asked that we report either:

1. the recommendation has been implemented, with a summary explanation; or
2. the recommendation has not been implemented but will be within a set timeframe as provided; or
3. the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
4. the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Accordingly, the City Attorney's Office responds as follows:

Finding No. 4: There is no easy reference to all of the commissions in San Francisco. The most complete list the Jury was able to find is located in the Index of the City Attorney Opinion 2010-01 (pages 98-99).

City Attorney's Office Response to Finding No. 4: Partially agree. There are a number of resources on City websites that list active commissions, including three that are particularly useful. First, the San Francisco Conflict of Interest Code (S.F. Campaign and Governmental Conduct Code, Article III, Chapter 1) lists all City decision-making bodies whose members must

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file Statements of Economic Interests with the City's Ethics Commission. Second, as the Jury's report notes, City Attorney Opinion 2010-01 lists City boards and commissions, along with a description of their duties and powers. This Office recently updated and re-issued that opinion as City Attorney Opinion 2014-01, available on the City Attorney's website at <http://www.sfcityattorney.org/modules/showdocument.aspx?documentid=1734>. Third, under Government Code Section 54972, the Clerk of the Board of Supervisors annually publishes a list of all boards, commissions, committees and task forces to which the Board of Supervisors makes appointments. The most recent such publication is available at <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=47458>. Although these three resources include information about all active commissions in the City, there is no alphabetical listing of active commissions easily accessible to the public.

Recommendation No. 4: The City Attorney should ensure that there is an annual list of active commissions that is complete and listed alphabetically.

City Attorney's Office Response to Recommendation No. 4: The recommendation has not been implemented but will be implemented within 90 days. The City Attorney's Office will prepare a list of decision-making boards and commissions created by ordinance or City Charter. The Board of Supervisors, the Mayor, and City agencies sometimes create advisory bodies that have no policy-making authority and whose members are not required to file financial disclosures. The City Attorney's Office does not track those bodies and may not maintain a list of them.

Very truly yours,

DENNIS J. HERRERA
City Attorney


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cc: Erica Major, Clerk's Office
