

Only 6 city agencies in full compliance on annual reports

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ommendations for reform.

The grand juries of 1999-2000 and 2007-08 took the city to task for a host of issues regarding annual reports, including vague requirements and confusion over laws governing production. Both juries hammered the city for lack of an oversight process to ensure that reports are timely, meaningful, reviewed by decision-makers and accessible to the public.

The 1999-2000 jury report, titled "Neglect of Reporting Requirements," got a nod of acknowledgment from then-Mayor Willie Brown. His office said it would explore the feasibility of establishing an overseer to track the production of annual reports. A decade later, the 2007-08 Civil Grand Jury found that this crucial role remains unfilled.

Newsom appeared to dismiss concerns outlined in the 2007-08 report, titled "Accountability in San Francisco." He did not respond to Central City Extra's repeated requests for comment on this matter. But in its official response to the jury's report, his office stated that it relies on efficiency plans and performance-management tools, rather than annual reports, to gauge city departments' efficacy.

Efficiency plans, however, unlike an annual report, don't necessarily sum up agencies' services and programs in a way that's easily understandable to the average citizen. Nor are they specifically required to be posted on the library and city agencies' Websites, as are annual reports. But what's relevant here is that the mayor is obliged to uphold City Charter mandates on annual reports, no matter how superior he considers his methods for gauging accountability.

"That city law requires a wide variety of reports from departments does not relieve them of the obligation to prepare a specific report," says Deputy City Attorney Buck Delventhal. "One of the roles of the mayor, in the event that this is brought to his attention, is to make sure city agencies comply with the obligation the City Charter and Administrative Code requires of them."

ACCOUNTABILITY IS US

When Newsom campaigned for mayor, he promised to create better systems of accountability, and he's touting progress in that area in his bid to become governor. "Mayor Newsom has used technology to cultivate an ongoing conversation with San Francisco residents and to put city services online to increase accessibility and transparency," states his Website.

This was also a key motivator for the civil grand juries. "We were very into accountabili-

TOP 5 REASONS ANNUAL REPORTS ARE MISSING

CENTRAL City Extra contacted 69 departments, boards and commissions listed on www.sfgov.org, requirements, the city's Website, to learn why annual reports haven't been produced. Responses fell into five general categories, listed in order of frequency:

1. Agency staff are unaware or unclear about annual reports requirements.

At 17 agencies, staff explanations for missing reports revealed confusion or lack of knowledge about requirements. A spokesman for the Entertainment Commission, for example, said he wasn't aware that he is required to post a report at the city's and the Public Library's Website. A spokeswoman for the Human Rights Commission simply said, "We are a city and county agency and thus don't have an annual report." At other agencies, including the Department of the Environment, staff referred to a 2003 ordinance stipulating that annual reports be posted electronically rather than printed on paper, incorrectly interpreting it to mean that annual reports are no longer required. The Port Commission and Asian Arts Museum appeared to be unaware of the ordinance, each saying their office stopped producing annual reports because they are too expensive. "I miss the annual report," said a Port spokeswoman. "I used to produce it. It was a nice way to inform the public of what we do." Although the city attorney's office distributes a Good Government Guide that mentions mandates on annual reports, it is not required reading, and it doesn't say what to put in the report or when it is due.

2. Agencies produce other reports instead.

At 13 agencies, staff said they no longer do annual reports because they produce efficiency plans, strategic plans or financial statements instead. This was the case at the Elections Department, for example, whose spokeswoman offered to e-mail The Extra a copy of its efficiency report, which is not posted online. A spokeswoman at the Human Services Department also referred us to her agency's comprehensive efficiency plan, which is posted.

3. It's in the works.

In 10 cases, staff members said their agency's annual report is either being worked on or is finished but hasn't been approved. Staff at the Police Department and medical examiner's office, for example, said they are awaiting additional information. A spokeswoman for the Public Library says its report — which will cover 2007-09 — is due to be posted in the fall.

4. Limited resources.

Three agencies specifically blamed staff cuts and time constraints as a reason for not producing reports. "They're considered a luxury item," said a spokeswoman at the Fire Commission, who told The Extra that it's difficult to compile necessary statistics because the agency is so shorthanded. "Everyone's doing three jobs."

5. Employees consider them meaningless.

Only two agencies gave this as a reason for not producing an annual report, including the Sheriff's Department. "They end up being glorified press releases," said a spokesman at the Public Utilities Commission. However, this sentiment was echoed by a number of city employees during the course of Central City Extra's investigation — including those representing agencies whose annual reports are up to date. ■

ty," said Karen Rose, a 2007-08 juror. "But it was a hard thing to wrestle with. We almost gave up on the subject, because how do you go about proving accountability?"

The jury decided to tackle the issue by applying the standards of a well-run business. It homed in on how city agencies — which spend the city's \$6.5 billion budget — are overseen by the mayor and Board of Supervisors, and it used annual reports as a jumping-off point.

"Annual reports are important for tracking what departments are doing and assessing their effectiveness. What did you do with the money we gave you, and do we want to continue that?" said Rose, adding that a thorough report should answer those questions.

What Rose and her fellow jurors discovered dovetailed with the conclusions of the 1999-2000 Civil Grand Jury: A number of city agencies are failing to produce reports, and no one at City Hall is riding herd on them.

According to its final report, "The [2007-08 Civil Grand] Jury determined that neither the mayor, nor the Board has a process to track the due dates of these mandatory reports; to analyze the reports; or to review by the Board.... This lack of oversight is not simply a mechanical error in the tracking of bureaucratic paperwork. Without scrutiny of their annual reports, the mayor, the Board and the public have lost what could be an effective means to measure the successes and challenges of the city's various commissions and departments."

Earlier this year, The Extra began investigating how agencies comply with annual report mandates. There are 164 units of government on www.sfgov.org. Not all are required to produce an annual report. The Extra winnowed the list to 69 that we contacted to determine the status of each agency's annual report. We also checked the site to find out whether the reports had been posted, and whether a link to the report had been sent to the Public Library, as required by law.

MOST AGENCIES OUT OF COMPLIANCE

Of 69 city agencies studied, 63 were out of compliance in some way. Agency representatives gave Central City Extra a variety of explanations. In general, they reflected confusion over annual report requirements, lack of staff or resources required to produce them, or the belief that annual reports are meaningless (see sidebar). Their excuses, in essence, underscored what the civil grand juries found: There are weaknesses in the city's Administrative Code that need to be shored up.

For one thing, the Administrative Code — which outlines how the City Charter is to be

effected — is vague about what an annual report should contain. Even the most explicit description — found in Section 1.56 — leaves plenty of latitude. It says, "The [annual] report shall contain a general summary of the department's services and programs presented in terms and format accessible to the average citizen, and any highlights and achievements of the prior year that the department wishes to include."

For agencies that produce reports, the lack of specifics of this directive results in annual reports that are all over the map in terms of usefulness to the public.

The 2007 annual report of the Transportation Authority, for example, clearly states mission and role, provides extensive budget information, details accomplishments, outlines plans, and names all board members, staff and consultants. By contrast, the city attorney's current report consists of perfunctory budget information, a brief mission statement and links to all its press releases over the year. The public defender's annual report is a calendar sprinkled with tidbits about the department's accomplishments in 2008.

The reports are vastly different in terms of form, content and scope, but all technically meet the city's vague mandates, an issue the 2007-08 Civil Grand Jury addressed. "Required reports do not have a standard format, leading to the possible omission of significant information, whether positive or negative," it noted. "The Board [of Supervisors] and the Mayor's Office should standardize the contents of annual reports and other Departmental reports to assure there are objective measures of performance."

Sally Baack, associate professor of management at the College of Business at San Francisco State University, described the role of annual reports in the business world. "The annual report gives the company a chance to 'brag' or explain the previous year — its performance and activities; and it gives the company a chance to explain what it will be working to achieve in the coming year and how it plans to achieve its goals," said Baack in an e-mail to The Extra. "In the case of a city, I don't see any reason for there to be any major differences. In fact, a city doesn't necessarily need to worry about withholding key strategic information, as it doesn't have true competitors.... It may be even more important to outline specific details — including personnel issues; budgets, etc. — all of which a company wouldn't do, due to strategic protections. In addition, in the case of a city, it may offer a great opportunity for the message from leadership to be compared with the actual results."

ADDITIONAL PROBLEMS

Other loopholes in the City Charter and Administrative Code help explain why agencies are lax or lackadaisical about annual reports.

"The Charter doesn't set time limits to file an annual report," says Bob Planthold, a four-time Civil Grand Jury member who served in 1999-2000, as well as 2007-08. "It allows bureaucrats to drag their feet. The fact that there's no timeline also means there's no penalty — no admonishment, no letter of warning or reprimand, no loss of funding for failure to do an annual report."

But the fact that the Charter lacks penalties for a particular stipulation is not unusual, nor is it an excuse for flouting the law, says Delventhal, of the city attorney's office. "The Charter assumes that if agencies aren't doing their job, the mayor can look into it" and compel them to comply, he told The Extra.

In a particularly odd quirk, the Administrative Code does level threats at city officials who neglect to provide a link to their annual report to the public library within 10 days of publication. The links are important because a 2003 ordinance prohibits agencies from publishing hard copies of their reports without approval of the Board of Supervisors — a measure aimed at saving paper and production costs. Section 8.16 reads, "Any violation of the provisions of this Section on the part of any elective officer or any member of any

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City agencies' annual report status

The San Francisco Charter and Administrative Code mandate that city departments, boards and commissions prepare an annual report detailing their activities. Some of the 125 agencies listed on the city's official Website — www.sfgov.org — are exempt. The charter doesn't specifically require the mayor's office or the Board of Supervisors, for example, to produce an annual report.

Agencies that are required to produce an annual report must post them on the city's official Website, as well as the Public Library's.

As the 1999-2000 and 2007-08 civil grand juries noted, the mandates are confusing and vague, and no one tracks the production or posting of annual reports. To determine which agencies are required to produce them, Central City Extra reviewed an index produced by the 1999-2000 Civil Grand Jury, and consulted the Board of Supervisors' list of active boards and commissions, as well as the city and county's Index of Records, which specifies how long agencies are required to keep records they produce.

The Extra then checked relevant city agency and Public Library Websites to determine whether reports were up to date. These checks were conducted in February and March; a final status review was made May 18 and 19.

In cases where annual reports, minutes or agendas were significantly out of date, we contacted each department, board and commission to verify our findings and learn why reports hadn't been done.

| AGENCY | Latest annual report on agency's Website | Agency's latest report posted at Public Library |
|--|--|---|
| AGING/ADULT SERVICES COMMISSION | NONE | NONE |
| AIRPORT COMMISSION | FY 2008-09 | NONE |
| ANIMAL CARE AND CONTROL DEPARTMENT | NONE | NONE |
| ANIMAL CONTROL & WELFARE COM. | NONE | NONE |
| BOARD OF APPEALS | FY 2003-04 | FY 2002-03 |
| ARTS COMMISSION | FY 2006-07 | NONE |
| ASIAN ART MUSEUM | NONE | NONE |
| ASSESSOR-RECORDER | FY 2007-08 | FY 2007-08 |
| BUILDING INSPECTION DEPARTMENT | FY 2007-08* | NONE |
| CHILDREN & FAMILIES COMMISSION | 2008 | NONE |
| OFFICE OF CITIZEN COMPLAINTS (POLICE) | 2008 | NONE |
| CITY ADMINISTRATOR | NONE | NONE |
| CITY ATTORNEY | 2007-08 | NONE |
| CITY HALL PRESERVATION ADVISORY COMMISSION | NONE | NONE |
| CIVIL SERVICE COMMISSION | FY 2006-07 | FY 2006-07 |
| CONTROLLER'S OFFICE | FY 2007-08 | FY 2004-05 |
| CONVENTION FACILITIES MANAGEMENT | NONE | NONE |
| COUNTY CLERK | NONE | NONE |
| DISTRICT ATTORNEY | FY 2004-05 | FY 2004-05 |
| ELECTIONS COMMISSION | 2007* | FY 2005-06 |
| DEPARTMENT OF EMERGENCY MANAGEMENT | NONE | NONE |
| EMPLOYEES RETIREMENT SYSTEM | FY 2007-08 | FY 2006-07 |
| ENTERTAINMENT COMMISSION | NONE | NONE |
| DEPARTMENT OF THE ENVIRONMENT | NONE | 2004-05* |
| COMMISSION ON THE ENVIRONMENT | NONE | NONE |
| ETHICS COMMISSION | FY 2007-08 | FY 2007-08 |
| FILM COMMISSION | NONE | NONE |
| FINE ARTS MUSEUMS | NONE | NONE |
| FIRE DEPARTMENT | FY 2004-05* | NONE |
| GENERAL SERVICES AGENCY | NONE | NONE |
| HEALTH SERVICE BOARD | NONE | NONE |
| HOUSING AUTHORITY (COMMISSION) | NONE | NONE |
| HUMAN RESOURCES DEPARTMENT | FY 2005-06 | FY 2005-06 |
| HUMAN RIGHTS COMMISSION | NONE | NONE |
| HUMAN SERVICES DEPARTMENT | NONE | NONE |
| HUMAN SERVICES COMMISSION | FY 2003-04 | NONE |
| IMMIGRANT RIGHTS COMMISSION | Undated | NONE |
| JUVENILE PROBATION COMMISSION | 2008 | NONE |
| PUBLIC LIBRARY DEPARTMENT | NONE | NONE |
| LIBRARY COMMISSION | NONE | NONE |
| MEDICAL EXAMINER | FY 2005-06 | FY 2005-06 |
| MENTAL HEALTH BOARD | FY 2007-08 | NONE |
| MUNICIPAL TRANSPORTATION AGENCY (Includes DPT/Taxi Com.) | NONE | NONE |
| PLANNING DEPARTMENT | NONE | NONE |
| PLANNING COMMISSION | NONE | NONE |
| POLICE DEPARTMENT | 2006* | NONE |
| PORT OF SAN FRANCISCO (COMMISSION) | NONE | FY 2004-05 |
| PUBLIC DEFENDER | 2008 (Calendar) | * |
| PUBLIC HEALTH DEPARTMENT | FY 2007-08* | FY 2007-08 |
| PUBLIC UTILITIES COMMISSION (WATER) | NONE | FY 2006-07 |
| PUBLIC WORKS DEPARTMENT | FY 2007-08 | FY 2005-06 |
| PURCHASING | NONE | NONE |
| RECREATION AND PARKS DEPARTMENT | 2007 | NONE |
| RECREATION AND PARKS COMMISSION | NONE | NONE |
| RELOCATION APPEALS BOARD | NONE | NONE |
| RENT BOARD | FY2007-08 | NONE |
| SHERIFF DEPARTMENT | NONE | NONE |
| SMALL BUSINESS COMMISSION | NONE | NONE |
| SOUTHEAST COMMUNITY FACILITY COMMISSION | FY 2007-08 | FY 2007-08 |
| DEPARTMENT ON STATUS OF WOMEN | FY 2007-08 | FY 2007-08 |
| STATUS OF WOMEN COMMISSION | FY 2007-08 | NONE |
| SUNSHINE ORDINANCE TASK FORCE | COMB RPT FOR 06-07 | 2006-07 |
| TECHNOLOGY DEPARTMENT | NONE | NONE |
| TRANSPORTATION AUTHORITY | 2007 | NONE |
| TREASURE ISLAND DEVELOPMENT AUTHORITY | NONE | NONE |
| TREASURER/TAX COLLECTOR | FY 2005-06 | FY 2005-06 |
| VETERANS AFFAIRS COMMISSION | NONE | NONE |
| WAR MEMORIAL AND PERFORMING ARTS CENTER | NONE | NONE |
| YOUTH COMMISSION | FY 2006-07 | NONE |

*Report also covered work of Access Appeals Commission, Building Inspection Commission and board of Examiners

*Report also covered work of Elections Department

*Library links only to the annual report of the Department's Urban Forestry Council

*Report also covered work of Fire Commission

*Report also covered work of Police Commission

*Library has hard copy of Public Defender's report, which was issued in the form of a calendar

*Report also covered work of Public Health Commission

REPORTING TO THE PUBLIC
The report shall contain a general summary of the department's services and programs presented in terms and format accessible to the average citizen. ... Boards, commissions and department heads ... shall post the reports on the City's official website, and transmit the URL for each report to the Public Library ... ADMINISTRATIVE CODE, SEC. 1.56: