



THE CITY OF SAN DIEGO

DATE: February 11, 2019
TO: Honorable Members of the Audit Committee
FROM: Kyle Elser, Interim City Auditor
SUBJECT: Recommendation Follow-up Status of Outstanding Recommendations to the Mayor's Office from the Performance Audit of the City's Management of its Advisory Boards

Transmitted herewith are the recommendation follow up results for all Advisory Boards audit open recommendations as requested at the November 28, 2018 Audit Committee meeting. The committee made a motion to have OCA provide a special recommendation follow up status report on all open recommendations related to the [Performance Audit of The City's Management of Its Advisory Boards](#).

We would like to thank the Mayor's Office for their assistance and cooperation during this process. The audit staff members responsible for this recommendation follow up memorandum are Danielle Novokolsky, Andy Hanau, and Danielle Knighten.

Summary of Audit Report Results

At its' meeting on November 28, 2018, the Audit Committee requested an update on the status of recommendations to the Mayor's Office resulting from the Performance Audit of the City's Management of its Advisory Boards.

The City Council has created more than 40 Advisory Boards, which provide the City's residents the opportunity to volunteer their expertise and insight on a wide range of important civic matters. For example, the City's Advisory Boards currently advise the Mayor and the City Council on issues including, but not limited to: police/community relations; affordable housing and community development funding allocations; historical and environmental resource protection; and library and park policy issues.

The Advisory Boards audit was issued on June 1, 2017, and identified several management issues that were affecting the ability of advisory boards to provide value to the City. Specifically, we found:

Finding 1: As of March 2017, over half of the 334 member positions on the City's active Advisory Boards were either vacant or filled by members serving on expired terms. The high number of vacancies has impacted several Advisory Boards' ability to meet quorum. In addition, allowing members to continue to serve long after their term has expired may limit opportunities for other qualified residents to serve, limiting the range of viewpoints the City hears from regarding important matters. The high number of vacancies and expired terms was due to the following:

- A lack of effective communication and awareness of the City Council's ability to appoint nominees if the Mayor has not taken action to do so within 45 days;
- Municipal Code requirements that the Mayor may only select certain appointees from a list provided by the City Council, without recourse if the Council does not provide nominees;
- The absence of a documented candidate vetting process, which reduces accountability and timeliness, leading to delays; and
- The lack of a standard strategy for advertising available positions.

Finding 2: All Advisory Boards are required to comply with the Brown Act, California's open meeting law. The Brown Act guarantees the public's right to attend and participate in meetings of local legislative bodies such as the City's Advisory Boards. In addition to Brown Act compliance, it is important for Advisory Boards to be transparent in their actions to promote public participation. However, we found that the City can take additional action to advise Advisory Board members on how to comply with the Brown Act and can help ensure that Advisory Boards are transparent. Specifically, we found that:

- Although compliance with the Brown Act is the responsibility of the members of Advisory Boards, these members are volunteers and may not be fully aware of the Brown Act requirements. Currently, there is no requirement for all Advisory Board members to receive training on the Brown Act; and
- Although many Advisory Boards currently post meeting agendas and minutes online, we found that the City has not provided all Advisory Boards with websites on which to post this information. There is also no standard process for posting agendas, minutes, and other key documents online, and some Advisory Boards may not be aware of how to post information or do not post information consistently.

Finding 3: According to multiple City staff, there are issues with overlap between some Advisory Boards; some Advisory Boards may have overly restrictive membership requirements that make it difficult to find qualified candidates; and some Advisory Boards may have outlived their usefulness to the City. Although the Mayor's Office was taking action to review existing Advisory Boards and to address some of these issues on a one-time basis, we found that the City can take additional steps to ensure that the issues addressed by the Mayor's Office's review do not reoccur. Specifically, we found that these issues may reoccur because:

- There is currently no standardized, formal process to review proposed new Advisory Boards to determine whether they can be folded into existing Advisory Boards or to analyze their expected cost to the City, thus creating the potential for overlap and inefficiency;
- Not all Advisory Boards currently have a requirement to report to the City Council, and there is no mechanism to hold boards with reporting requirements accountable for meeting this obligation. Therefore, the City Council does not regularly receive information on each Advisory Board's mission, activities, and challenges; and
- The City does not have a formal, periodic review process to determine whether permanent Advisory Boards continue to be useful, and some boards that may have outlived their usefulness continue to operate.

Summary of Audit Recommendations and Current Status

The audit included 14 recommendations, which were variously directed to the Mayor's Office and City Administration (now the Office of Boards and Commissions, which is part of the Mayor's Office), the Office of the City Clerk, and the Communications Department. Several of the recommendations also include the collaboration of these offices with the Office of the Council President to resolve procedural issues, and the Office of the City Attorney for legal issues.

Of the 14 recommendations, five have been previously implemented, and the remaining nine are listed below in **Exhibit 1**, grouped by purpose. OCA's summary of the current status of these recommendations accompanies each recommendation. The Audit Committee's request for an interim update was directed to the Mayor's Office, because the Mayor's Office did not provide OCA with a status update during our last regular follow up cycle for the period ending June 30, 2018. We have determined that all nine remaining recommendations are In Process and are listed in **Exhibit 1**.

Some of the remaining recommendations pertain to the primary finding of the audit, which was that management issues led to approximately half of all advisory board positions either being vacant, or filled by members serving on expired terms, thus impacting advisory boards' ability to fulfill their responsibilities and limiting the range of viewpoints the City hears from on important matters. A cursory review of the City Clerk's current advisory boards tracking matrix indicates that this condition has not changed significantly since the audit was conducted in 2017.

Recommendation Status

Exhibit 1:

Status of Advisory Board Audit Recommendations

In order to allow some appointments to be made more quickly, while also preserving the City Council's role of approving the Mayor's appointees to Advisory Boards, we recommended:

Report & Rec #	Recommendation	Status
17-020 #4	<p>The Mayor's Office, in consultation with the Office of the Council President and the City Attorney's Office, should consider a proposal to amend the Municipal Code regarding appointments to Advisory Boards that require the Mayor to appoint only from nominees provided by the City Council. The amendment should include a deadline for Councilmembers to provide nominees to the Mayor after a vacancy has occurred, after which time the Mayor may name an appointee even if the Council has not provided a nominee. The appointee should still be required to meet all other qualifications required for the Advisory Board position, and be confirmed by the City Council. (Priority 2)</p> <p>Original Target Date: January 2018</p>	<p>Status: In Process</p> <p>The Mayor's Office indicated there has been a change of staff involved in implementing the recommendations - the Mayor has recently created the position of the Director of Boards and Commissions, and Councilmember Gomez was recently appointed as the new Council President.</p> <p>According to the Mayor's Office, negotiations will start between the Mayor's Office and the new Office of the Council President regarding the exact language and process to be utilized for the SDMC update.</p> <p>Current Target Date: June 2019</p>

In order to set timeline expectations for the vetting process, formally establish responsibilities for various steps of the vetting process, and clarify how the vetting process should be conducted in the event the City Council makes an appointment to an Advisory Board, we recommended:

Report & Rec #	Recommendation	Status
<p>17-020 #5</p>	<p>The Mayor’s Office, in consultation with the Office of the Council President, should revise Council Policy 000-13, “Procedure for Mayor and Council Appointments,” to formally document required steps in the vetting process for Advisory Board candidates, including establishing responsibilities for completing each step and timelines for completion. The revised policy should address differences, if any, between the vetting processes for candidates to be appointed by the Mayor versus candidates to be appointed by the City Council. (Priority 2)</p> <p>Original Target Date: January 2018</p>	<p>Status: In Process</p> <p>As discussed in the Mayor’s Office’s update, there has been a change of staff involved in implementing the recommendations - the Mayor has recently created the position of the Director of Boards and Commissions, and Councilmember Gomez was recently appointed as the new Council President. According to the Mayor’s Office, negotiations will restart between the Mayor’s Office and the new Office of the Council President to propose an update to Council Policy 000-13. This may need to occur after, or in conjunction with the implementation of Recommendation #4 in order to avoid any conflicts with the SDMC</p> <p>Revised Target Date: June 2019</p>

In order to promote compliance with legal requirements, increase transparency, and improve public awareness and participation in Advisory Boards, we recommended:

Report & Rec #	Recommendation	Status
17-020 #7	<p>The Communications Department should work with the City Attorney's Office to develop a training video for the Brown Act, and the City Administration should require all Advisory Board members to watch the video on a biennial basis.</p> <p>The staff liaisons for each Advisory Board should be responsible for ensuring that all board members view the training video within their first 30 days of serving on the Advisory Board and again every two years. The staff liaisons should develop a process to ensure that all board members sign an attestation confirming that they viewed the video. (Priority 2)</p> <p>Original Target Date: January 2018</p>	<p>Status: In Process</p> <p>The Mayor's Office provided a Brown Act briefing template and a link to a web-based Brown Act training that was created in conjunction with the Office of the City Attorney and the Communications Department. According to the Mayor's Office, all advisory board liaisons and all new advisory board members have received the briefing template, and the web-based training will be provided to all liaisons and board members as well. We will continue to follow-up on these recommendations to verify that each element of the recommendations has been implemented.</p> <p>Revised Target Date: June 2019</p>
17-020 #8	<p>The City Administration, in consultation with the City Attorney's Office, should provide a live Brown Act training for all Advisory Board members on a periodic basis, and should ensure that the staff liaisons for the boards attend this live training at least once per year. (Priority 2)</p> <p>Original Target Date: January 2018</p>	<p>Status: In Process</p> <p>The Mayor's Office provided a Brown Act briefing template and a link to a web-based Brown Act training that was created in conjunction with the Office of the City Attorney and the Communications Department. According to the Mayor's Office, all advisory board liaisons and all new advisory board members have received the briefing</p>

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		<p>template, and the web-based training will be provided to all liaisons and board members as well. We will continue to follow-up on these recommendations to verify that each element of the recommendations has been implemented.</p> <p>Revised Target Date: June 2019</p>
<p>17-020 #9</p>	<p>The City Administration should develop or procure a standard Brown Act compliance document, as approved by the City Attorney's Office, and provide it to all new and existing Advisory Boards. This standard should be posted on the City's website. In addition, the City Administration should ensure that each Advisory Board is provided with a website or with access to a designated page on the City's website, and document procedures and responsibilities for posting meeting agendas, minutes, and other applicable documents online. (Priority 2)</p> <p>Original Target Date: January 2018</p>	<p>Status: In Process</p> <p>The Mayor's Office provided a Brown Act briefing template and a link to a web-based Brown Act training that was created in conjunction with the Office of the City Attorney and the Communications Department. According to the Mayor's Office, all advisory board liaisons and all new advisory board members have received the briefing template, and the web-based training will be provided to all liaisons and board members as well. We will continue to follow-up on these recommendations to verify that each element of the recommendations has been implemented.</p> <p>Revised Target Date: June 2019</p>

In order to maximize the efficiency and effectiveness of the City's Advisory Boards, we recommended:

Report & Rec #	Recommendation	Status
17-020 #10	<p>The Mayor's Office should follow through with its planned steps for reviewing the City's Advisory Boards for reorganization and standardization, and present recommendations to the City Council for consideration. (Priority 2)</p> <p>Original Target Date: October 2017</p>	<p>Status: In Process</p> <p>According to the Mayor's Office, the recent creation of the Office of Boards and Commissions will help facilitate the review and standardization of advisory boards. In addition, the Mayor's Office provided a standard reporting template for advisory boards to use to create and submit annual reports, and indicated that advisory board members are eager to use this avenue to communicate more effectively with the City Administration and City Council. However, according to the City Clerk's tracking matrix, and the Mayor's Office, changes have not yet been implemented to actually require all advisory boards to submit these reports, and relatively few advisory boards have actually done so. According to the Mayor's Office, implementing formal reporting requirements, as included in Recommendation #12, would best be achieved through a new Council Policy, which has not been proposed.</p> <p>Revised Target Date: May 2019</p>

Report & Rec #	Recommendation	Status
17-020 #11	<p>The Mayor's Office should develop a standard format for reports to City Council regarding new Advisory Boards prior to their establishment. This report should include analysis of whether the functions of the proposed board could be incorporated into an existing board. This report should also include estimates of the City staff hours/cost to administer the proposed new Advisory Board. (Priority 2)</p> <p>Original Target Date: October 2017</p>	<p>Status: In Process</p> <p>According to the Mayor's Office, the recent creation of the Office of Boards and Commissions will help facilitate the review and standardization of advisory boards. In addition, the Mayor's Office provided a standard reporting template for advisory boards to use to create and submit annual reports, and indicated that advisory board members are eager to use this avenue to communicate more effectively with the City Administration and City Council. However, according to the City Clerk's tracking matrix, and the Mayor's Office, changes have not yet been implemented to actually require all advisory boards to submit these reports, and relatively few advisory boards have actually done so. According to the Mayor's Office, implementing formal reporting requirements, as included in Recommendation #12, would best be achieved through a new Council Policy, which has not been proposed.</p> <p>Revised Target Date: June 2019</p>

Report & Rec #	Recommendation	Status
17-020 #12	<p>The Mayor's Office, in coordination with the Office of the Council President, should develop a standard, form-based annual report template and require each Advisory Board to complete and submit this report to the City Council on an annual basis. The form should include:</p> <ul style="list-style-type: none"> • The mission and duties of the Advisory Board, as established by the Mayor and City Council, and stated in the Municipal Code; • A brief summary of the actions taken by the Advisory Board that year; • The number of Advisory Board meetings held (including the number of meetings cancelled and the reason for any cancellation); • Whether the Advisory Board has experienced any issues with quorum; • The number of vacant positions on the Advisory Board; • The number of members serving on expired terms; • Any concerns the board would like to bring to City Council's attention; and • An estimate of the City staff hours/cost to administer the board. 	<p>Status: In Process</p> <p>According to the Mayor's Office, the recent creation of the Office of Boards and Commissions will help facilitate the review and standardization of advisory boards.</p> <p>In addition, the Mayor's Office provided a standard reporting template for advisory boards to use to create and submit annual reports, and indicated that advisory board members are eager to use this avenue to communicate more effectively with the City Administration and City Council. However, according to the City Clerk's tracking matrix, and the Mayor's Office, changes have not yet been implemented to actually require all advisory boards to submit these reports, and relatively few advisory boards have actually done so. According to the Mayor's Office, implementing formal reporting requirements, as included in Recommendation #12, would best be achieved through a new Council Policy, which has not been proposed.</p> <p>Revised Target Date: June 2019</p>

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	<p>The Mayor's Office, in consultation with the Office of the Council President and the City Attorney's Office, should determine how the requirement that all Advisory Boards complete this report and provide it to the Mayor, the City Council, and the City Clerk's Office on an annual basis, and appear at City Council or Council Committee meetings upon request, can best be implemented. In addition, the City Administration should document a procedure designating each Advisory Board's department liaison as responsible for providing the board's annual report to the Mayor's Office, the City Council, and the City Clerk's Office, once submitted by the Advisory Board. (Priority 2)</p> <p>Original Target Date: October 2017</p>	
17-020 #14	<p>The Mayor's Office, in coordination with the Office of the Council President, should develop and implement a formal review process/policy for City Advisory Boards. This review of all Advisory Boards should be completed at least once every two years, and should include consideration of the potential to reorganize or consolidate existing Advisory Boards, revise Advisory Board membership requirements to facilitate recruitment, and sunset Advisory Boards that are obsolete or redundant. (Priority 2)</p> <p>Original Target Date: October 2017</p>	<p>Status: In Process</p> <p>According to the Mayor's Office, the recent creation of the Office of Boards and Commissions will help facilitate the review and standardization of advisory boards. In addition, the Mayor's Office provided a standard reporting template for advisory boards to use to create and submit annual reports, and indicated that advisory board members are eager to use this avenue to communicate more effectively with the City Administration and City Council. However, according to the City Clerk's tracking matrix, and the Mayor's Office, changes have not yet been implemented to</p>

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		<p>actually require all advisory boards to submit these reports, and relatively few advisory boards have actually done so. According to the Mayor's Office, implementing formal reporting requirements, as included in Recommendation #12, would best be achieved through a new Council Policy, which has not been proposed.</p> <p>Revised Target Date: June 2019</p>

Respectfully submitted,



Kyle Elser
Interim City Auditor

cc: Honorable Mayor Kevin Faulconer
 Honorable Members of the City Council
 Kris Michell, Chief Operating Officer
 Stacey LoMedico, Assistant Chief Operating Officer
 Ron Villa, Assistant Chief Operating Officer
 Rolando Charvel, Chief Financial Officer
 Andrea Tevlin, Independent Budget Analyst
 Mara Elliott, City Attorney
 Joel Day, Director, Office of Boards and Commission
 Francis Barraza, Deputy Chief Community Engagement, Office of the Mayor
 Jessica Lawrence, Director of Finance Policy & Council Affairs, Office of the Mayor