

## **STATEMENT OF INCOMPATIBLE ACTIVITIES**

### **Redevelopment Agency of the City and County of San Francisco**

The Redevelopment Agency of the City and County of San Francisco (“AGENCY”), a state AGENCY for the performance of local functions created pursuant to the California Redevelopment Law (Health and Safety Code sections 33000 *et seq.*), provides this Statement of Incompatible Activities (“Statement”), which is a compilation of existing laws and AGENCY policies. The AGENCY is governed by Government Code section 1126, which establishes, among other things, that an employee shall not engage in any employment, activity, or enterprise for compensation, which is inconsistent, incompatible, in conflict with, or inimical to the employee’s duties or with the duties, functions, or responsibilities of the AGENCY. The City Charter and the San Francisco Campaign and Government Conduct Code do not apply to the AGENCY because it is a state agency as described above. Nonetheless, the AGENCY is providing the Ethics Commission with a copy of this Statement as an informational document.

This Statement does not specify every possible limitation on incompatible activities. It is intended to provide guidance to AGENCY commissioners, officials, and employees about what types of activities are incompatible with their duties to the AGENCY. Engaging in the activities identified in this Statement as incompatible may subject an AGENCY officer or employee to discipline, as well as to monetary fines and penalties pursuant to state law. No discipline or penalties may be imposed for engaging in incompatible activities until the AGENCY officer or employee has an opportunity to explain why the activity should not be deemed incompatible.

Nothing in this Statement shall exempt any person from applicable provisions of other laws. Any questions about the interpretation of this Statement should be directed to the employee's immediate supervisor and to the AGENCY’s Human Resources department.

#### **I. GENERAL**

Pursuant to the Community Redevelopment Law (“CRL” contained in California Health and Safety Code sections 33000 *et seq.*), the AGENCY’s mission is to alleviate conditions of physical and economic blight in redevelopment project areas and to preserve and develop affordable housing within the City and County of San Francisco.

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The following standards of conduct are contained in the AGENCY's Personnel Policy and any activity that is incompatible with any such standard of conduct may not be engaged in by any AGENCY officers or employees:

- Section IX (D) – Expenditure of AGENCY Funds: requires AGENCY employees to observe written procedures with respect to the purchase of materials and supplies and the expenditure or encumbrance of AGENCY funds.
- Section IX (E) – Use of AGENCY Vehicles: requires AGENCY employees to observe AGENCY procedures regarding use of AGENCY vehicles. In addition, the AGENCY has also issued written memoranda regarding the use of AGENCY offices, telephones, and vehicles.
- Section IX (F) – “Outside Paid Employment” prohibits outside paid employment that impairs “efficiency or in any way interferes with . . . regular AGENCY employment,” that is “inconsistent, incompatible or in conflict with assigned AGENCY duties,” or that is “contrary to the interests of the AGENCY generally and [could] lead to situations which would reflect discredit on the AGENCY service.”
- Section IX (G) – “Personal Conduct” requires employee conduct to reflect credit to the AGENCY and requires that conduct “whether occurring during working hours or otherwise” must not adversely affect the AGENCY or the employee’s ability to perform AGENCY duties.
- Section IX (H) – “Prohibited Activities of Present and Former Employees, Commissioners and Consultants” prohibits present and former employees from acting on behalf of any other party in any matter in which the AGENCY is a party or has a “direct and substantial interest.”

In addition, the following activities are specifically prohibited by state law:

- The Brown Act prohibits disclosure of confidential information obtained in a closed session by the AGENCY Commission, unless such disclosure is authorized by the Commission. (Government Code section 54963.)

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- The Political Reform Act prohibits the receipt of a gift from a single source by Commissioners and other AGENCY officers and employees who are “designated employees” pursuant to AGENCY’s Conflict of Interest Code if the value of the gift exceeds applicable limitations (\$340 during calendar year 2004). (Government Code section 89503.)
- The CRL prohibits, subject to certain statutory exceptions, an AGENCY officer or employee whose official duties require participation in the formulation and approval of redevelopment plans or policies, from renting, leasing or otherwise acquiring any interest in any real property located within a redevelopment project area. (Health and Safety Code section 33130.)
- The Political Reform Act and Government Code section 1090 prohibit a financially interested AGENCY official from making, or participating in making a governmental decision in which such official has a financial interest and also prohibits use of the individual’s official position to influence a governmental decision in which such official has a financial interest. (Government Code sections 1090 et seq. and section 87100.)

**II. USE OF DEPARTMENTAL RESOURCES AND PRESTIGE OF OFFICE**

A. Use of Department Resources

AGENCY resources, including vehicles, telephone, computer, fax machine, or supplies, may not be used for non-AGENCY purposes, except as follows:

- Occasional use of the telephone to communicate about personal or family matters such as doctor appointments, child care, transportation arrangements, or meeting times and similar de *minimis* uses are permitted.
- Incidental or occasional use of email for personal reasons is permitted, however AGENCY Policy expressly prohibits the following e-mail activities:
  - Accessing, or trying to access, another user’s e-mail account
  - Obtaining, or distributing, another user’s e-mail account

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- Using e-mail to harass, discriminate, or make defamatory comments
  - Using e-mail to make off-color jokes, or send inappropriate e-mail to third parties
  - Transmitting sensitive or confidential records within or outside the AGENCY without authorization
  - Transmitting junk mail, chain letters or soliciting for commercial, religious, charitable or political causes
- In addition, state and federal law specifically prohibit the use of public property or resources for political activity. (See, e.g., *Stanson v. Mott*, 17 Cal.3d 206 (1976).)

**B. Use of Prestige of the Office**

- Personnel Policy Section IX (H) specifically prohibits present and former AGENCY commissioners, officers and employees from acting on behalf of any other party in any matter in which the AGENCY is a party or has a “direct and substantial interest.”
- Personnel Policy Section IX (F) prohibits an employee from accepting outside employment unless the employee obtains the Executive Director’s prior approval and the employment, among other things, is not inconsistent, incompatible or in conflict with assigned AGENCY duties, is not contrary to the AGENCY’s interests, and does not reflect discredit on the AGENCY.
- The California Political Reform Act prohibits a financially interested AGENCY official from using such individual’s official position to influence a governmental decision in which such official has a financial interest. (Government Code section 87100.)

**III. COMPENSATION FOR ASSISTANCE WITH AGENCY RELATED SERVICES**

Penal Code sections 67-70 and 70 prohibit offers, solicitation or acceptance of payments by or to a public official or any administrative or ministerial officers for the performance of any official act. In addition, Penal Code section 165 specifically prohibits bribes to influence an official vote.

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Nothing in this section shall preclude the receipt of a bona fide award provided to recognize exceptional service by an AGENCY employee, and which is not provided in return for the rendering of specific services.

**IV. ACTS SUBJECT TO REVIEW BY THE AGENCY**

Officers and employees may not engage in outside activities that are subject to the control, inspection, review, audit or enforcement of the AGENCY.

**V. TIME DEMANDS**

Personnel Policy Section IX (F) prohibits outside paid employment that impairs efficiency or in any way interferes with regular AGENCY employment.