

MINUTES FOR ADOPTION

SAN FRANCISCO FIRE COMMISSION

**FIRE COMMISSION REGULAR MEETING
DRAFT MINUTES**

Wednesday, March 14, 2018

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, California, 94102

The Video can be viewed by clicking this link:

http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=30008

President Cleaveland called the meeting to order at 9:01 a.m.

1. ROLL CALL

Commission President	Ken Cleaveland	Present
Commission Vice President	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Commissioner	Francee Covington	Present
Commissioner	Joe Alioto Veronese	Present
Chief of Department	Joanne Hayes-White	Present
Mark Gonzales	Deputy Chief – Operations	
Jeanine Nicholson	Deputy Chief --Administration	
Dan De Cossio	Bureau of Fire Prevention	
Andy Zanooff	EMS	
Mike Cochran	Homeland Security	
Joel Sato	Division of Training	
Assistant Chiefs		
Peter Fay	Division 2	
Tom Siragusa	Division 3	
Staff		
Mark Corso	Deputy Director of Finance	
Olivia Scanlon	Communications and Outreach	

2. PUBLIC COMMENT

Jimmy Lee spoke in regards to the condition and location of the preservation of the city-owned antique fire apparatus. He gave a brief background on the Guardian of the City's involvement with the apparatus and his disappointment that there is no long-term solution to house them.

Jacque Martin also spoke in regards to the antique apparatus and corrected a statement made by Chief Nicholson wherein she mentioned the SFFD has been working closely with the GOTC and that that statement is not entirely the case. She feels there has been little collaboration other than a request to pay for the shrink-wrapping that the GOTC oppose. She commented that she hopes there can be a mutually agreeable solution for this issue because the antique fire apparatus is rusting away at the moment.

Paul Barry spoke in terms of how low-density polyethylene foam has been around for decades and concluded that he does not recommend the use of shrink wrap as a substitute for inside storage of vintage and one-of-a-kind fire apparatus.

3. APPROVAL OF THE MINUTES *[Discussion and possible action]*

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on January 24, 2018.

Commissioner Hardeman Moved to approve the above meeting Minutes. Vice President Nakajo Seconded. Motion to approve above Minutes was unanimous.

There was no public comment.

4. PRESENTATION FROM THE SAN FRANCISCO PUBLIC UTILITIES COMMITTEE ON THE AUXILIARY WATER SUPPLY SYSTEM *[Discussion]*

John Scarpulla, SFPUC, Policy & Government Affairs and Katie L. Miller, P.E., Manager, City Distribution Division, SFPUC Water to present overview of the AWSS.

Chief Hayes-White introduced Ms. Scarpulla and Ms. Miller from PUC and thanked the Public Utilities Commissions for their hard work on getting additional water resources into the Sunset and Richmond Districts of San Francisco. Mr. Scarpulla presented the attached PowerPoint slide show and explained in detail how the PUC is currently working on the AWSS and the history behind it. He added that when the AWSS was transferred to the PUC, it was the beginning of a fantastic partnership that has been getting stronger since 2010.

<http://sf->

[fire.org/sites/default/files/COMMISSION/Fire%20Commission%20Support%20Documents%202015/AWSS%20Presentation%20for%20SFFD%20Commission.pdf](http://sf-fire.org/sites/default/files/COMMISSION/Fire%20Commission%20Support%20Documents%202015/AWSS%20Presentation%20for%20SFFD%20Commission.pdf)

Commissioner Covington thanked Mr. Scarpulla for his comprehensive report. She confirmed that potentially the ESER bond for 2020 is going to play a major role in getting where they need to be unless they are able to identify funding sources prior to that. She asked how much money they would be requiring from the 2020 ESER bond and Mr. Scarpulla answered that it's hard for them to provide numbers right now and that Directory Kelly would clearly work with Chief Hayes-White to figure out what the right numbers of that particular bond would be. Chief Hayes-White added that it is currently part of the ongoing discussions they are having. Commissioner Covington also asked if they have a way to have something so that the water is travelling downhill, a la Hetch Hetchy can reach the higher elevations such as the Glen Park and Twin Peaks areas and Mr. Scarpulla stated they are looking into that issue, including increasing the pressure of the water to get it up with new pipelines and building new connections from Summit Reservoirs and Stanford Heights Reservoir and have that flow by gravity rather than relying on pumps. Ms. Miller added that for a short-term solution, they have installed two cisterns in those areas. Commissioner Covington also stressed the point of how important the potable water challenge is and reminded the public that they may be on their own for 72 hours or more after a major disaster and to have extra water handy. She also confirmed that with the redundancy that is needed, Director Kelly has already put 40 million dollars in the budget towards it so they can start right now and they expect to begin to put pipe in the ground as early as 2019. There were questions and answers pertaining to negotiating with developers for projects outside of the development boundaries and recouping the costs in the development agreement.

Commissioner Veronese asked if there is some sort of recoup from the developers on the impact to the Department outside of the water supply. Chief Hayes-White responded that they anticipate call volume going up as the new developments are built and she envisions a well-

built fire protection system, but when it comes to the budget in terms of staffing, those situations are contemplated and she would like to continue to have robust discussions related to the impacts to the Department. Commissioner Veronese confirmed that the City of San Francisco gets 85 percent of their water supply from Hetch Hetchy and that they have enough water to sustain a 7 year drought and that is calculated from previous supply side modeling based off of droughts in the late 70's, early 80's but as weather patterns shift, the models will get updated.

Commissioner Hardeman thanked Mr. Scarpulla, Ms. Miller and Mr. Birmingham for their presentation. He confirmed that San Francisco supplies the water for Treasure Island and eventually will have a sea water pumping station on it.

Vice President Nakajo thanked Mr. Scarpulla, Ms. Miller and Mr. Birmingham for all their hard work and dedication as well as the partnership that they have with the SFFD. He thanked them for paying attention to detail and concepts of the urgent need to get AWSS to the west side of the city. He confirmed that Olivia Scanlon, Chief Rivera, and Chief Hayes-White have done a fantastic job bringing in the concerned residents and providing this information to them. Mr. Scarpulla added that they have also stepped up their outreach to residents.

President Cleaveland thanked them for their comprehensive report and asked if the \$70,000,000 shortfall can be wrapped into rates as opposed to waiting for the ESER Bond. Mr. Scarpulla answered that there are certain components that they cannot put rates towards including high-pressure pumps needed to fight fires.

There was no public comment.

5. CHIEF OF DEPARTMENT'S REQUEST FOR LEAVE TO ATTEND CITY OF LOVELAND, COLORADO'S PROFESSIONAL FEMALE FORUM

Chief Hayes-White respectfully requests a Leave of Absence with pay for two (2) days, Thursday, March 29 and Friday, March 30, 2018, to attend the City of Loveland, Colorado's Professional Female Forum event, to serve on a panel with four other members. Deputy Chief Gonzales will serve as Acting Chief of Department. There will be no cost to the Department for this trip.

Commissioner Hardeman Moved to approve the above Leave Request. Commissioner Veronese Seconded. Motion was unanimously approved.

There was no public comment.

**6. CHIEF OF DEPARTMENT'S REPORT *[Discussion]*
REPORT FROM CHIEF OF DEPARTMENT, JOANNE HAYES-WHITE**

Report on current issues, activities and events within the Department since the Fire Commission meeting on February 28, 2018, including budget, academies, special events, communications and outreach to other government agencies and the public.

Chief Hayes-White reported on events since the last meeting on February 28, 2018. She introduced Battalion Chief Pet Fay who was filling in as AC for Division 2. She also introduced newly selected Assistant Deputy Chief and Director of Training, Captain Joel Sato who gave a brief overview of his time in the Department.

Chief Hayes-White talked about the budget stating that they had the opportunity to meet with the mayor's budget director who will be taking leave soon and will be reposed and that it was a productive discussion. She thanked President Cleaveland and Commissioner Veronese for attending the meeting as well. She mentioned that in regards to the Division of Training, they graduated 356 members from the H-3 Level 1 MET class on Friday and that the 124th academy

class will start on March 26, 2018, with 42 members off the H-2 NTN list to be followed by 12 members of Station 49.

Chief Hayes-White accounted for the activities she attended over the reporting period, including participating in the California Metro Chiefs phone call, the Sunset Elementary read-aloud event, and the service for retired Chief of Department Robert Demmons' son, who passed away at 50 years old. She attended the policy meeting for Healthy Streets Initiative, the Kiel German Sister City event, interviews for the Division of Training deputy chief, a Department Head Capital Projects meeting, the Delancy Street Life Learning Academy groundbreaking event at Treasure Island, and the Irish Flag raising event. She also touched on upcoming events, including the St. Patrick's Day parade and the tsunami walk. She asked that the meeting be adjourned in the memory of Acting Lieutenant Michal Rice who passed away recently.

Commissioner Veronese asked how many antique apparatus are being shrink wrapped. Chief Rivera responded that the Department has a lot of experience in storing equipment and the wrap that they have selected for the 15 apparatus has a mildew resistant treatment that is designed to not allow the greenhouse effect.

Vice President Nakajo stated he was a little disappointed in the Guardian of the City in the sense of the comments that were made during public comment and he's troubled by the lack of communication between the Department and the GOTC and not working together to solve this issue. His preference would be to meet with the administration or the officers of the Guardians of the City and establish a sense of communication so that they can establish goals, even if they are temporary goals and be able to try to resolve the issues short term and long term.

There was no public comment.

REPORT FROM DEPUTY CHIEF OF OPERATIONS, MARK GONZALES

Report on overall field operations, including greater alarm fires, Emergency Medical Services, including update on EKG monitor/defibrillator; Bureau of Fire Prevention & Investigation, and Airport Division.

Chief Gonzales reported on activities for the month of February. He mentioned there were three greater alarms during this reporting period, which were all second alarms. The first one was at 1216 Fulton and Assistant Chief Burk was the incident commander and the cause is undetermined. The second occurred at 250 Hyde Street with no injuries and Assistant Chief Postel was the incident commander. The third was at 519 Sanchez Street and the incident commander was AC Juratovac. The cause of this fire is still under investigation. He touched on other notable incidents during the reporting period including a water rescue near Station 35, a cliff rescue of two dogs at Fort Funston and three adults rescued from the cliffs at Baker Beach. He touched on outreach efforts, recruiting efforts and fire prevention educational material available to the public and public safety announcements that were made during the month of February. He touched on response times, the activation of the QRV's, and the upcoming bike med class.

Commissioner Hardeman welcomed Captain Sato aboard to his new position.

Commissioner Covington asked what can be done to reduce the number of cliff rescues. Chief Gonzales answered that people need to leash their dogs and also more signage from the National Park Service would be helpful. They touched briefly on the incident at James Lick Middle School where several children injected edible marijuana and had to be treated.

Commissioner Veronese congratulated Chief Soto for his new role. He mentioned that after the death of Tori LA Rocca at Land's End last year, and because so many jurisdictions respond to

those incidents, he drafted a measure that requested the mayor's office put together a multijurisdictional task force to identify the gaps in services, technology and what more can be done about identifying dangerous places for the public. Unfortunately, the Mayor has since died and he stated he will follow-up on that measure.

Vice President Nakajo welcomed Captain Sato to his new position. He discussed the new Sprinter ambulances, which have a smaller profile and are currently being run as a pilot program. Chief Gonzales gave an explanation on how the QRV's will be used and will allow the ambulances to get back into service quicker.

Chief Zanoff gave a brief update on the EKG monitors that the department uses. He stated that the Department's monitor defibrillators are basically oscilloscopes that are designed to detect and display the electrical activity that goes through the patient's heart. They can do that on the largest patient to the smallest patient, the youngest to the oldest and they use them multiple times a day on every patient that they pick up. The EKG tracings that come across the screen are accurate, and they display what the patient's heart is doing from the electrical standpoint and there is a difference between the electrical component and the mechanical component of the heart. He concluded that they can treat all of their patients equally and accurately with the equipment that they have.

There was no public comment.

7. PRESENTATION ON EXPOSURE STUDY OF FIREFIGHTERS WHO RESPONDED TO THE NORTHERN CALIFORNIA WILDFIRES

Firefighter Adam Wood to present on current status of the study being conducted on members who were responded to the North Bay wildfires.

Firefighter Adam Wood stated that in the midst of the Northern California wildfires last October, Tony Stefanie, who is the president of the San Francisco Firefighters Cancer Prevention Foundation, conceived of this study and it was generated by the concerns that he had about this fire. He stated that on the one hand, you had firefighters who, for the most part, were equipped with wildland level personal protective equipment which does not provide a high level of dermal or respiratory protection and on the other hand, they're operating in a fire ground that ended up consuming almost 8,000 structures from top to the foundation and almost 700 cars. The firefighters were potentially exposed to the contaminants that they typically associate with urban structural firefighting, but without the protections they generally provide to those firefighters. He stated that they wanted to find out if those firefighters got exposed to toxins, and if the data could inform the way going forward on how to protect these firefighters in the future with similar fires. He went on to describe in detail how the research was conducted, the techniques used and who was involved. He stated that they expect the result sometime in May and he would report back with those results. He mentioned some of the items that they can improve on as well as finding more funding.

Commissioner Covington was glad to see they took immediate action to conduct the study and looks forward to seeing the results.

Commissioner Veronese thanked Firefighter Wood and stated he appreciated the report. He was glad that they have learned a lot from the drill and he hopes the Department can also learn from the experiences and result from the study and if needed put a policy together to address the findings for fighting future wildland/urban fires. He talked about the foundation and how he is willing to help find more funds for these types of studies.

Commissioner Hardeman thanked Firefighter Wood and 798 for having the capacity to take this task on and stated they need a pat on the back for doing the job they do.

President Cleaveland thanked Firefighter Wood for the very excellent report and the very important study and he looks forward to having him come back to give an update on the study.

8. COMMISSION REPORT [Discussion]

Report on Commission activities since last meeting on January 24, 2018.

Commissioner Nakajo described in detail his ride-a-long with the EMS 6. He stated it was an all-day excursion and he was able to experience firsthand how the EMS-6 personnel works with clients that frequently use the ambulance service. He presented detailed experiences he witnesses throughout the shift and stated how professional and amazing the members of team conduct themselves and he walked away with a sense of high esteem and respect for the staff and stated the Commission is very fortunate to have that kind of dedicated personnel out at Station 49. He thanked Chief Zanoft, Dr. Yeh and Chief Molly for the opportunity to observe the team.

President Cleaveland tabled this item as we were short on time.

9. AGENDA FOR NEXT AND FUTURE FIRE COMMISSION MEETINGS [Discussion]

Discussion regarding agenda for next and future Fire Commission meetings.

10. DISCUSSION AND POSSIBLE ACTION TO APPROVE FORM AND CRITERIA FOR COMPLETING PERFORMANCE EVALUATION OF DEPARTMENT PHYSICIAN DR. RAMON TERRAZAS [Discussion and possible action]

Commissioners to discuss and vote on appropriate form and criteria to use to complete the performance evaluation of Department Physician, Dr. Ramon Terrazas.

President Cleaveland explained the process and how DHR provides a form for evaluating employees but is not required to use that form. He explained that after the initial evaluation of the Department Physician, the Commission created a summary of that evaluation which is in memo form and he was hoping that this is the form they will agree on. Commissioner Veronese brought up the process that the commissioners' themselves don't really know or don't have the day to day experience with the Department Physician, which is typically a person who manages the person being evaluated and he feels that it is insufficient going forward to conduct this type of evaluation.

Commissioner Hardeman moved to approve the form. Commissioner Veronese seconded. The motion was unanimous.

11. PUBLIC COMMENT ON ITEM 12

Public comment on all matters pertaining to Item 12 (b) below, including public comment on whether to hold Items 12 (b) in closed session.

President Cleaveland called for public comment. There was no public comment.

12. POSSIBLE CLOSED SESSION REGARDING PERSONNEL MATTERS

a. VOTE ON WHETHER TO CONDUCT ITEMS 12(b) IN CLOSED SESSION [Action]

The Commission may hear Item 913(b) in closed session pursuant to Government Code Section 54957(b) and Administrative Code Section 67.10(b).

Commissioner Veronese made a motion to conduct items 12(b) in Closed Session. Commissioner Covington seconded, and the motion was unanimously approved. (5-0; Cleaveland, Nakajo, Hardeman, Covington, Veronese)

The Commission went into closed session at 11:45 a.m.

b. DEPARTMENT PHYSICIAN PERFORMANCE EVALUATION (Con't) [Discussion and possible action]

Pursuant to Admin. Code section 67.10(b); Govt. Code section 54957(b), Govt. Code section 54957.1(a)(5), the Commission may hold a closed session to discuss *and vote to approve* the performance evaluation of Department Physician, Ramon Terrazas

13. REPORT ON ANY ACTION TAKEN IN CLOSED SESSION [Discussion and possible action] as specified in California Government Code Section 54957.1(a) and San Francisco Administrative Code section 67.12(b).

The Commission reconvened in Open Session at 12:15 p.m. There was nothing to report. The Physician's performance evaluation was concluded and will be submitted to the Department's Human Resources Unit.

13. VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION, as specified in San Francisco Administrative Code Section 67.12(a). **[Action]**

Vice President Nakajo Moved to not disclose discussions held in closed session. Commissioner Covington Seconded. The motion was unanimously approved. (5-0; Cleaveland, Nakajo, Hardeman, Covington, Veronese)

14. ADJOURNMENT

President Cleaveland adjourned the meeting at 12:17 p.m. in honor of Acting Lieutenant Michael Rice.

GENERAL ORDERS

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Friday, March 09, 2018 2:55 PM
Subject: General Order 18 A-27, Daylight Savings Time; Beginning of

SAN FRANCISCO FIRE DEPARTMENT
GENERAL ORDER

File Code 18 A-27
March 9, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Daylight Savings Time; Beginning of
Reference: Rules and Regulations, Section 402
Enclosure: None

Officer Endorsement:
Section 1108 – R. & R. _____

1. Pacific Standard Time will conclude and Daylight Savings Time will begin effective 0200 hours, Sunday, March 11, 2018.
2. Clocks in all Department Stations and premises shall be set forward one (1) hour to effect the change.
3. All official timing of alarms, or other occurrences, in the 2-hour period between 0001 hours and 0200 hours on March 11, 2018 shall be identified in entries as being PST for Pacific Standard Time. Thereafter, entries should be identified as PDT for Daylight Savings Time.
4. Please refer to the scenarios below, which illustrate how an employee's compensation may be affected by the time changes that occur at the beginning or conclusion of Daylight Savings Time.

Condition: Employee is a full-time, hourly (i.e., overtime eligible), regularly-scheduled Member.

Daylight Savings Ends – "Fall Back"

At 2 a.m. on the first Sunday in November (i.e., November 4, 2018 for Fiscal Year 2018-2019), time will be turned *back* one hour to 1 a.m. The Department will pay employees the extra hour they are required to work if they have an overnight shift on November 4, 2018. For the 24-hour schedule, the FLSA threshold of 106 hours and use of any time off will be used as criteria to determine whether the extra hour worked will be overtime straight (OS) or overtime time and a half (OT). For 40-hour employees, the number of hours worked during the affected week (e.g., 36 vs. 40 hours) and use of any time off will be used as criteria to determine whether the extra hour worked will be overtime straight (OS) or overtime time and a half (OT).

Daylight Savings Starts – "Spring Forward"

At 2 a.m. on the second Sunday in March (i.e., March 11, 2018 for Fiscal Year 2017-2018), time will be turned *forward* one hour to 3 a.m. Employees who work a shift on March 10 into March 11, and whose

shift carries over the spring forward time of 0200 hours, will be required to supplement with one hour of paid leave (i.e., vacation or compensatory time) in order to receive full pay for the day.

Joanne Hayes-White
Chief of Department

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Tuesday, March 20, 2018 5:33 PM
Subject: General Order 18 A-30, Stress Unit Peer Support Training

SAN FRANCISCO FIRE DEPARTMENT GENERAL ORDER

30

File Code 18 A-

March 20, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Stress Unit Peer Support Training
Reference: Rules and Regulations, Section 402
Enclosure: None

Officer Endorsement:
Sec.1108-R &R _____

1. The Fire Department is offering a "Basic Peer Support Training" class.
2. The purpose of this class is to train and engage peers in the SFFD in order to support the Stress Unit from within the field. It will serve to increase the awareness of Post-Traumatic Stress Disorder (PTSD), as well as increase mental health resiliency in the Department. It will also enable personnel to assist with Critical Incident Stress Debriefings.
3. This is a three-day course designed as a skills building module for individuals that are new to peer support work and have a desire to support the SFFD's Stress Unit.
4. The dates of the course are Tuesday, April 17 through Thursday, April 19, 2018 at the Division of Training at 19th and Folsom Streets from 0830-1700 hours. The cost of the course will be covered by the Department through a Federal grant. Members scheduled on their regular work day will be detailed, however will receive no compensation for off duty attendance. Members may not attend this training while working a trade (TRW). Members must attend all three days in order to complete the course and receive certification.
5. This course will provide a comprehensive review of peer support best practices along with in-depth discussions on some of the new concepts in this critical area. Presented from the practitioner's perspective through interactive discussion, practical exercises and specific case studies examining real challenges peer supporters have faced when working with others in emergency services.
6. Interested members in all ranks shall submit a General Form to the Deputy Chief of Administration by Monday, April 9, 2018. Depending upon the response to this class, the Department is considering sponsoring another course in the Fall of 2018.

7. This General Order shall be rescinded on December 31, 2018.

Joanne Hayes-White
Chief of Department

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Saturday, March 10, 2018 9:13 AM
Subject: General Order 18 A-28, Division of Training, Training Captain Position

SAN FRANCISCO FIRE DEPARTMENT GENERAL ORDER

File Code 18 A-28
March 10, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Division of Training, Training Captain Position
Reference: Rules and Regulations, Section 402
Enclosures: None

Officer Endorsement:
Sec. 1108 – R&R

1. The Department is advertising for the position of Training Captain at the Division of Training. Depending on the Permanent Civil Service rank of the selected candidate, this position will be filled as an Acting Assignment, either at the H-30 or H-39 rank. This position reports to the Director of Training.
2. Duties and responsibilities include, but are not limited to, the following:
 - Supervise Recruit Training and/or In-Service Training staff(s)
 - Manage training and testing of SFFD recruits
 - Training and testing SFFD recruits
 - Training and testing of in-service Firefighters, Firefighter/Paramedics, Officers, Companies and Units
 - Design and develop performance evaluations systems, forms and procedures; revision and maintenance of Department training manuals, lesson plans, training bulletins, brochures and forms
 - Prepare and present classroom lectures
 - Prepare, develop and implement driver training and safety programs
 - Meet regularly with appropriate management staff to develop goals and objectives; report performance and discuss assigned areas of responsibility
 - Manage special projects as assigned: develop proposals, budgets, timelines and action plans
 - Manage the Treasure Island Training Facility
 - Apply Departmental policies in consistent and uniform manner
 - Plan, develop, implement, and coordinate in-service training of Companies and Units
 - Maintain training records and performance evaluations for recruit/probationary members
 - Identify and assess training needs in the Operations Division by evaluating post incident reports and discussing operations with Company and Chief Officers
 - Participate in the development of performance standards
 - Manage the return-to-duty program
 - Act as a liaison with outside departments for training related issues

- Serve as a Department Safety Officer

3. Desired Skills:

- Comprehensive working knowledge of all aspects of field operations
- Commitment to and enthusiasm for training
- Familiarity with common software applications
- Excellent organizational, interpersonal and written communication skills
- Teaching experience
- Fire Officer 1 certification
- CFSTES Instructor 1A & 1B
- ICS 100, 200, 300, 400
- S401 Safety Officer
- Familiarity with simulator software
- Participation in the Fire Department Operations Center (FDOC) Incident Management Team

4. Application Process: Provisions stated in G.O. 00 A-08 apply for this position. All Permanent Civil Service Captains and members who are on the current H-30 Captain eligible list should submit a General Form Report and updated Personal Qualification Form (PQF) to the Deputy Chief of Administration by close-of-business on Monday, March 19, 2018.

5. This General Order shall be rescinded on December 31, 2018.

Joanne Hayes-White
Chief of Department

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Monday, March 12, 2018 2:37 PM
Subject: General Order 18 A-29, Authorized Surveillance Cameras

SAN FRANCISCO FIRE DEPARTMENT
GENERAL ORDER

File Code 18 A-29
March 12, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Authorized Surveillance Cameras
Reference: Rules & Regulations, Section 402
Enclosure: None

Officer Endorsement:
Section 1108 – R & R _____

1. The Chief of Department has authorized video surveillance at the following San Francisco Fire Department Facilities:

The Division of Training (19th and Folsom)

The AWSS Facilities (Twin Peaks Tank, Ashbury Tank, Jones Street Tank, Jerrold Avenue Pipe Yard)

Station 49 Ambulance Yard

Station 49 Controlled Substances Room (CSR)

2. The Division of Training has two cameras that cover a majority of the yard and parking area of the training facility.
3. The AWSS Supervisory Control and Data Acquisition (SCaDA) system has cameras at the following locations:

Twin Peaks Tank - two cameras that scan the entire area

Ashbury Tank - three cameras, one at the front door, one at the rear door and one along the side area

Jones Street Tank - two cameras, one at the front door and one at the rear door

Jerrold Avenue Pipe Yard - two cameras that cover the pipe yard area and the entrance to yard that includes back of Station 9

4. The Station 49 Ambulance Yard will have three cameras that cover the majority of the yard, parking area, and both rolling gates. There will also be cameras over the Evans Avenue front door and the Fairfax Avenue delivery door.
5. The Station 49 Controlled Substances Room will have three cameras; two inside the secure room and one over the access door to the Controlled Substances Room.
6. Any changes to the location of the cameras or area covered must be approved by the Chief of Department.

7. This General Order rescinds and replaces General Order 09 A-48.
8. This General Order is effective immediately.

Joanne Hayes-White
Chief of Department

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Tuesday, March 20, 2018 5:33 PM
Subject: General Order 18 A-30, Stress Unit Peer Support Training

SAN FRANCISCO FIRE DEPARTMENT
GENERAL ORDER

30

File Code 18 A-

March 20, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Stress Unit Peer Support Training
Reference: Rules and Regulations, Section 402
Enclosure: None

Officer Endorsement:
Sec.1108-R &R _____

1. The Fire Department is offering a "Basic Peer Support Training" class.
2. The purpose of this class is to train and engage peers in the SFFD in order to support the Stress Unit from within the field. It will serve to increase the awareness of Post-Traumatic Stress Disorder (PTSD), as well as increase mental health resiliency in the Department. It will also enable personnel to assist with Critical Incident Stress Debriefings.
3. This is a three-day course designed as a skills building module for individuals that are new to peer support work and have a desire to support the SFFD's Stress Unit.
4. The dates of the course are Tuesday, April 17 through Thursday, April 19, 2018 at the Division of Training at 19th and Folsom Streets from 0830-1700 hours. The cost of the course will be covered by the Department through a Federal grant. Members scheduled on their regular work day will be detailed, however will receive no compensation for off duty attendance. Members may not attend this training while working a trade (TRW). Members must attend all three days in order to complete the course and receive certification.
5. This course will provide a comprehensive review of peer support best practices along with in-depth discussions on some of the new concepts in this critical area. Presented from the practitioner's perspective through interactive discussion, practical exercises and specific case studies examining real challenges peer supporters have faced when working with others in emergency services.
6. Interested members in all ranks shall submit a General Form to the Deputy Chief of Administration by Monday, April 9, 2018. Depending upon the response to this class, the Department is considering sponsoring another course in the Fall of 2018.

7. This General Order shall be rescinded on December 31, 2018.

Joanne Hayes-White
Chief of Department

Conefrey, Maureen (FIR)

From: FireChief, Secretary
Sent: Tuesday, March 20, 2018 5:41 PM
Subject: General Order 18 A-31, Company Based Modular Training - Module 5 - Hazardous Materials Recertification: Radiological Responder Training
Attachments: 18 A-31 - Attach A - How To Request A RadResponder Account and Download Mobile App (San Francisco 2018 Training).pdf

SAN FRANCISCO FIRE DEPARTMENT GENERAL ORDER

File Code 18 A-31
March 20, 2018

From: Chief of Department
To: Distribution List "A"
Subject: Company Based Modular Training Module 5 – Hazardous Materials Recertification: Radiological Responder Training
Reference: Rules & Regulations, Section 402
Enclosure: Attachment "A"-RadResponder Mobile/Tablet Application Instructions

Officer Endorsement:
Section 1108 – R & R _____

1. Company Based Modular Training Module 5-*Hazardous Materials Recertification: RadResponder Training* will begin Wednesday, April 4, 2018 and will continue through Friday, April 6, 2018.
2. This one-day session is for all Tier I and Tier II Hazmat Specialists. Tier I HazMat Specialists are members with HazMat Specialist certification who are assigned to Battalion 2, Engine 36, Rescue Squad 1, and Rescue Squad 2. Tier II HazMat Specialists are members with HazMat Specialist certification who are assigned elsewhere.
3. Members attending this class must download the RadResponder smartphone/tablet application and register prior to attending class. Instructions are shown in Attachment "A".
4. Training will be held in Classroom 605 at the Treasure Island Training Facility from 0900-1600 hours each day. Members are reminded to make lunch arrangements prior to attending class.
5. Members are required to have a current certification or they are at risk of losing their Station assignment.
6. There will be 30 openings for each session. Members scheduled on their regular work day will be detailed, however will receive no compensation for off duty attendance. Members may not attend this training while working a trade (TRW).
7. If more than 30 members sign up for any session, they will be selected in the following order:
 - Tier I HazMat Specialists

- Tier II HazMat Specialists who own a spot at Station 1 or Station 7
 - All other Tier II HazMat Specialists by rank and seniority
8. Interested members are to sign up via the “Appointments” tab on HRMS. This tab is located to the right of the calendar on the home page.
 - Click on the + icon to add an appointment.
 - Select the location of the training: Division of Training
 - Select Appointment Type: HZMTR – HAZMAT Recertification
 - Select the date and time desired for attendance.
 - If you are expiring in June, note that in the comments.
 - Click on “Create”
 9. A members’ status will initially be shown as “enrolled”. Once selected to attend the course, the status will change to “currently attending”.
 10. The deadline to sign up is 1200 hours on Monday, April 2, 2018. Notifications will be distributed via Outlook.
 11. This General Order shall be rescinded on December 31, 2018.

Joanne Hayes-White
Chief of Department

CHIEF OF DEPARTMENT



GUARDIANS OF THE CITY

History Museum • Memorial • Safety Learning Center

"Dedicated to San Francisco's Finest & Bravest"

March 11, 2018

Joanna Hayes-White,
Chief of Department
698 Second Street
San Francisco, CA 94107

Dear Chief,

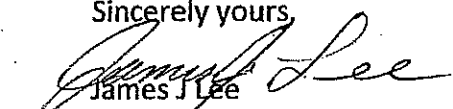
The Guardians of the City held its monthly Board of Trustees' meeting this Saturday, March 10. At the meeting, we considered your request of \$20,000/25,000 to fund vendors to move, cover and shrink wrap the Department's antique fire apparatus collection. The collection would be moved to an open field on Treasure Island adjoining the SFFD Training Center, where it would be stored and covered with plastic shrink wrap, and left there until an appropriate covered property is identified.

This agenda item was discussed in great length. Information and subject input came from the Trustees and our curator. We concluded the collection is solely owned by the City under the stewardship of the SFFD. It is the City's responsibility to locate and provide a protected site for this historic collection. Also, moving the collection to an open field and covering it with shrink wrap is not recommended by the museum community and our Apparatus Committee. Leaving this collection in an open field, covered in plastic for long periods will not provide the protection from the elements that is required for its preservation.

A motion was made to allocate the funding requested, and by a voice vote it failed. We are here to assist as best we can in this effort. However, we are unable to provide funding for this proposal that would be only a temporary and perhaps ineffective solution.


We appreciate your on-going efforts and will consider all proposals and suggestions to resolve this ongoing emergency.

Sincerely yours,


James J. Lee
Guardians of the City

1152 Oak Street • San Francisco, CA 94117 • 415-431-4682
info@guardiansofthecity.org • www.guardiansofthecity.org

A 501(c)(3) Non-Profit Organization


03/11/18



SAN FRANCISCO FIRE DEPARTMENT CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO FIRE DEPARTMENT AND FIRE COMMISSION STATEMENT OF INCOMPATIBLE ACTIVITIES

I. INTRODUCTION

This Statement of Incompatible Activities is intended to guide the officers and employees of the San Francisco Fire Department ("Department") and the San Francisco Fire Commission ("Commission") about the kinds of activities that are incompatible with their public duties and therefore prohibited. For the purposes of this Statement, and except where otherwise provided, "Commissioners" shall mean the members of the Fire Commission, "Chief" shall mean the Chief of the Fire Department, "officers" shall mean a Commissioner or the Chief; and "employees" shall mean all employee of the Department.

This Statement is adopted under the provisions of San Francisco Campaign and Governmental Conduct Code ("C&GC Code") section 3.218. Engaging in the activities that are prohibited by this Statement may subject an officer or employee to discipline, including possible termination of employment or removal from office, as well as to monetary fines and penalties. (C&GC Code § 3.242; Charter § 15.105.) Before an officer or employee is subjected to discipline or penalties for violation of this Statement, the officer or employee will have an opportunity to explain why the activity should not be deemed to be incompatible with his or her City duties. (C&GC Code § 3.218.) Nothing in this document shall modify or reduce any due process rights provided pursuant to the employee's or officer's collective bargaining agreement.

In addition to this Statement, officers and employees are subject to Department policies and State and local laws and rules governing the conduct of public officers and employees, including but not limited to:

- The Political Reform Act, California Government Code § 87100 *et seq.*;
- California Government Code § 1090;
- The San Francisco Charter;
- San Francisco Campaign and Governmental Conduct Code;
- San Francisco Sunshine Ordinance; and
- Applicable Civil Service Rules.

Nothing in this Statement shall exempt any officer or employee from applicable provisions of law, or limit his or her liability for violations of law. Examples provided in this Statement are for illustration purposes only, and are not intended to limit application of this Statement. Nothing in this Statement shall interfere with the rights of employees under a collective bargaining agreement or Memorandum of Understanding applicable to that employee.

Nothing in this Statement shall be construed to prohibit or discourage any officer or employee from bringing to the City's and/or public's attention matters of actual or perceived malfeasance or misappropriation in the conduct of City business, or from filing a complaint alleging that a City officer or employee has engaged in improper governmental activity by violating local campaign finance, lobbying, conflicts of interest or governmental ethics laws, regulations or rules; violating the

California Penal Code by misusing City resources; creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer's or employee's City position; or abusing his or her City position to advance a private interest.

No amendment to any statement of incompatible activities shall become operative until the City and County has satisfied the meet and confer requirements of State law and the collective bargaining agreement.

If an employee has questions about this Statement, the employee should direct the questions to the employee's supervisor or to the Chief. Similarly, an employee should direct questions about other applicable laws governing the conduct of public employees to the employee's supervisor or the Chief, although the supervisor or Chief may determine that the question must be addressed to the Ethics Commission or City Attorney. Employees may also contact their unions for advice or information about their rights and responsibilities under these and other laws.

If an officer has questions about this Statement, the officer should direct the questions to the officer's appointing authority, the Ethics Commission or the City Attorney.

II. MISSION OF THE FIRE DEPARTMENT AND FIRE COMMISSION

The mission of the Fire Department is to protect the lives and property of the people of San Francisco from fires, natural disasters, and hazardous materials incidents; to save lives by providing emergency medical services; to prevent fires through prevention and education programs; and to provide a work environment that values health, wellness and diversity and is free of harassment and discrimination.

The Fire Commission is responsible for formulating, evaluating and approving goals, objectives, plans and programs for the Fire Department, and for setting Department policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation. The Commission is further empowered by the Charter to set and enforce reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department. In furtherance of its Charter obligations, the Commission will:

- 1. Set policy and support the Department administration to accomplish the mission of the Fire Department;*
- 2. Support the administration's efforts to enhance and support the collaborative work of Department membership and public stakeholders in the delivery of fire suppression, fire prevention and emergency medical services with the focus upon the common public good;*
- 3. Encourage and support the administration to develop and implement systems to improve fiscal responsibility to enhance the budgeting process while maintaining and protecting essential public services including fire protection, fire prevention and emergency medical services;*
- 4. Encourage and support the administration to develop an effective physical fitness and wellness program to promote the health, safety and welfare of the members of the Department and the public;*
- 5. Encourage and support the administration to develop as part of its overall strategic planning effective career development and promotion opportunities for the membership;*
- 6. Actively encourage and support recruitment and education in the communities to bring highly qualified applicants to the Department who truly reflect the City's rich diversity;*

7. *Continue to work with the administration and City Attorney's Office to review and, where necessary, revise official Departmental Policy and Procedures; and*
8. *Contribute to the common good by conducting open meetings regularly and convening such additional meetings as deemed necessary to inform and educate the general public of the work of the Commission and Department.*

III. RESTRICTIONS ON INCOMPATIBLE ACTIVITIES

This section prohibits outside activities, including self-employment, that are incompatible with the mission of the Department and Commission. Under subsection C, an officer or employee may seek an advance written determination whether a proposed outside activity that is not expressly prohibited by subsections A or B of this section is incompatible and therefore prohibited by this Statement. Outside activities other than those expressly identified here may be determined to be incompatible and therefore prohibited. For an advance written determination request from an employee, if the Chief delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the Chief.

For purposes of this section, "family member" is defined as an officer's or employee's spouse, registered domestic partner, parent, grandparent, child, grandchild, sibling, the child of a sibling, aunt, uncle and the child of an aunt or uncle, the spouse or registered domestic partner of such individual, and the same family members of the officer's or employee's spouse or registered domestic partner. This definition shall include any biological relationship; step-relationship formed as a result of marriage or domestic partnership; or relationship formed by adoption, legal guardianship, foster parenting or other operation of law.

For purposes of this section, the phrase "fire activity" shall mean any duty performed by the Fire Department, including but not limited to: fire suppression; fire prevention; protection from explosion and hazardous materials incidents; emergency responses to natural disasters, terrorism, and other threats to persons or property; arson investigations; permitting; building inspections; plan review; emergency medical services; and training and preparations for such activities.

A. RESTRICTIONS THAT APPLY TO ALL OFFICERS AND EMPLOYEES

1. ACTIVITIES THAT CONFLICT WITH OFFICIAL DUTIES.

No officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that conflicts with his or her City duties. An outside activity conflicts with City duties when the ability of the officer or employee to perform the duties of his or her City position is materially impaired. Outside activities that materially impair the ability of an officer or employee to perform his or her City duties include, but are not limited to, activities that disqualify the officer or employee from City assignments or responsibilities on a regular basis. Unless otherwise noted or permitted under subsection C, the following activities are expressly prohibited by this subsection.

a. No officer or employee may enter into a contract with or receive a grant from the Department or Commission. This prohibition includes contracts and grants with the officer or employee directly, or with any legal entity, including a non-profit entity (except the SFFD Historical Society), where the officer or employee is an officer or executive director of the entity or where the officer or employee would perform or supervise persons performing the work under the contract or grant.

b. No officer or employee may receive or accept anything of value from anyone other than the City for services as an expert witness regarding (1) the cause of fires in the City and County of San Francisco, (2) any fire activity of the Fire Department, or (3) any policies, procedures or processes of the Fire Department. Any officer or employee who

wishes to provide services as an expert witness regarding the cause of fires or other fire activity in another jurisdiction must receive an advance written determination approving the activity, pursuant to section III.C below.

c. *No officer or employee may represent any party in a civil matter where the City is also a party and the case involves fire activity or any acts or omissions by the Fire Department, or in a criminal matter where the Department conducted the investigation. This prohibition does not apply to administrative matters related to employee rights, such as disciplinary matters, or to negotiations or grievances related to any applicable collective bargaining agreement or the terms and conditions of employment between any applicable bargaining units and the City.*

d. *Other than in the course of rendering emergency aid, no officer or employee may treat, evaluate or provide an industrial disability rating for other Department employees for industrial injuries sustained in the course of their employment with the Department. This prohibition does not apply to staff in the Physician's Office providing such services within the scope of their official duties.*

e. *The Chief and Department employees are prohibited from working in any other employment, except military service, where the rules and regulations of the other employer require the employee to respond in catastrophic emergencies, or where the other employment allows for mandatory holdover or recall.*

2. ACTIVITIES WITH EXCESSIVE TIME DEMANDS.

Neither the Chief nor any employee may engage in outside activity (regardless of whether the activity is compensated) that would cause the Chief or employee to be absent from his or her assignments on a regular basis, or otherwise require a time commitment that is demonstrated to interfere with the Chief's or employee's performance of his or her City duties.

Example. An employee who works at the Department's front desk answering questions from the public wants to take time off every Tuesday and Thursday from 2:00 to 5:00 to coach soccer. Because the employee's duties require the employee to be at the Department's front desk during regular business hours, and because this outside activity would require the employee to be absent from the office during regular business hours on a regular basis, the director or his/her designee may, pursuant to subsection C, determine that the employee may not engage in this activity.

3. ACTIVITIES THAT ARE SUBJECT TO REVIEW BY THE DEPARTMENT

No officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of the Department. In addition to any activity permitted pursuant to subsection C, nothing in this subsection prohibits the following activities: appearing before the Fire Department or Fire Commission on behalf of oneself; filing or otherwise pursuing claims against the City on one's own behalf; running for City elective office; making a public records disclosure request pursuant to the Sunshine Ordinance or Public Records Act; or owning or renting property subject to inspection by the Department. The following activities are expressly prohibited by this section:

a. Assistance in Responding to City Bids, RFQs and RFPs. No officer or employee may knowingly provide selective assistance (i.e., assistance that is not generally available to all competitors) to individuals or entities in a manner that confers a competitive advantage on a bidder or proposer who is competing for a City contract. Nothing in this Statement prohibits an officer or employee from providing general information about a bid for a City contract, a Department Request for Qualifications or Request for Proposals or corresponding application

process that is available to any member of the public. Nothing in this Statement prohibits an officer or employee from speaking to or meeting with individual applicants regarding the individual's application, provided that such assistance is provided on an impartial basis to all applicants who request it.

b. Except as within the scope of their official duties, the Chief and Department employees are prohibited from assisting private individuals or entities in obtaining or attempting to obtain a permit, inspection, or other service from the Fire Department. Notwithstanding the above prohibition, nothing in this section prohibits the Chief or an employee from providing general advice or information about the Department's permitting, inspection or other services that is available to any member of the public, as long as the Chief or employee does not receive anything of value for the advice or information. In addition, nothing in this section prohibits the Chief or an employee from obtaining or seeking to obtain a permit, inspection or other service from the Department concerning real property owned or occupied by the Chief or employee, or from assisting a family member in obtaining or attempting to obtain a permit, inspection or other services on real property owned and actually occupied by a family member of the Chief or employee. Commissioners are prohibited from using or attempting to use their position as a Commissioner to influence the Chief or any Department employee for the purpose of obtaining or attempting to obtain a permit, inspection or other service from the Department.

B. RESTRICTIONS THAT APPLY TO EMPLOYEES IN SPECIFIED POSITIONS

In addition to the restrictions that apply to all officers and employees of the Department, and except as provided in subsection C of this section, the following activities are incompatible for individual employees holding specific positions.

1. BUREAU OF FIRE PREVENTION EMPLOYEES

a. No employee assigned to the Bureau of Fire Prevention may participate, directly or indirectly, in the design, layout, drafting, checking, or similar plan preparation or review for structures to be constructed, altered or remodeled within the jurisdiction of the Fire Department. Nothing in this section prohibits an employee assigned to the Bureau of Fire Prevention from participating in such activities concerning real property owned or occupied by the employee, or real property owned and actually occupied by a family member of the employee.

b. No employee assigned to the Bureau of Fire Prevention may consult or give advice (regardless of whether the employee is compensated) regarding San Francisco Building or Fire Codes, conduct plan review for plans that will be approved by the City and County, or engage in or assist in obtaining fire or building permits, including permit expediting, in the City and County, except within the scope of his or her official duties. Nothing in this section prohibits an employee assigned to the Bureau of Fire Prevention from participating in such activities concerning real property owned or occupied by the employee, or real property owned and actually occupied by a family member of the employee.

c. No employee assigned to the Bureau of Fire Prevention may be employed by, or provide services in exchange for compensation or anything of value from, an individual or entity, other than a family member, that presently has an application or matter under review before the Fire Department or has had an application or matter under review before the Fire Department in the preceding 12-month period. Individuals and entities include, but are not limited to, architects, designers, developers, engineers, contractors, permit expeditors, and associations of such individuals or entities. Compensation and things of value include, but are not limited to, construction materials (new and salvage), a loan or below-market rental of construction tools or equipment, and free or below-market-rate services from an

architect, designer, developer, engineer, contractor, permit expediter, real estate agent or other individual or entity that is regulated by the Fire Department.

d. No employee assigned to the Bureau of Fire Prevention may provide services, advice or information to any individual or entity if the services, advice or information are not available to other members of the public on the same terms (regardless of whether the services, advice or information are provided in exchange for compensation or any thing of value or any material benefit).

e. No employee assigned to the Bureau of Fire Prevention may utilize non-public information, obtained through the course of his or her public duties, to purchase or invest in real property located within the City and County of San Francisco.

f. No employee assigned to the Bureau of Fire Prevention may purchase real property in San Francisco if he or she was involved in a code enforcement action currently under review by the Fire Department on the property or if the property has had a code enforcement action that the employee was involved in within the past 12 months. For the purposes of this section, a "code enforcement action" is defined as the issuance of a Notice of Violation.

g. No employee assigned to the Bureau of Fire Prevention may purchase real property in San Francisco if that employee has provided direct services for that property address within the past 12 months. For the purposes of this section, "direct services" include performing plan check services, field inspections, pre-application assistance, representation before the Board of Appeals, and clerical duties such as report preparation or code enforcement file processing.

h. No employee assigned to the Bureau of Fire Prevention may intentionally use another individual or entity, including but not limited to a Limited Liability Company, a Partnership, a Limited Partnership, or a Corporation, to engage in any activity prohibited by Section III.B.1.a-g.

2. EMPLOYEES WHO ARE ARSON INVESTIGATORS

a. Employees who are Arson Investigators may not work for any other employer or agency in a peace officer capacity.

b. Employees who are Arson Investigators may not act as private investigators for any investigations related to fire activity in San Francisco other than in their official capacity.

c. Employees who are Arson Investigators may not engage in the business of collecting debts in San Francisco.

C. ADVANCE WRITTEN DETERMINATION

As set forth below, an employee of the Department, the Chief or a Commissioner may seek an advance written determination whether a proposed outside activity that is not expressly prohibited by subsections A or B of this section, if any, conflicts with the mission of the Department or the Commission, imposes excessive time demands, is subject to review by the Department or Commission, or is otherwise incompatible and therefore prohibited by section III of this Statement. For the purposes of this section, an employee or other person seeking an advance written determination shall be called "the requestor"; the individual or entity that provides an advance written determination shall be called "the decision-maker."

1. PURPOSE

This subsection permits an officer or employee to seek an advance written determination regarding his or her obligations under subsections A or B of this section. A written determination by the decision-maker that an activity is not incompatible under subsection A or B provides the requestor immunity from any subsequent enforcement action for a violation of this Statement if the material facts are as presented in the requestor's written submission. A written determination cannot exempt the requestor from any applicable law or authorize the requestor to engage in an activity expressly prohibited by this Statement. If an individual has not requested or received an advance written determination as to whether an activity is incompatible with this Statement and engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement.

In addition to the advance written determination process set forth below, the San Francisco Charter also permits any person to seek a written opinion from the Ethics Commission with respect to that person's duties under provisions of the Charter or any City ordinance relating to conflicts of interest and governmental ethics. Any person who acts in good faith on an opinion issued by the Commission and concurred in by the City Attorney and District Attorney is immune from criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. Nothing in this subsection precludes a person from requesting a written opinion from the Ethics Commission regarding that person's duties under this Statement.

2. THE DECISION-MAKER

Decision-maker for request by an employee (except Fire Commission Secretary and Department Physician): An employee of the Department (except the Fire Commission Secretary and the Department Physician) may seek an advance written determination from the Chief or his or her designee. The Chief or his or her designee will be deemed the decision-maker for the employee's request.

Decision-maker for request by Fire Commission Secretary and Department Physician: The Fire Commission Secretary and Department Physician may seek an advance written determination from the Fire Commission, which will be deemed the decision-maker for any request by these employees.
Decision-maker for request by the Chief: The Chief may seek an advance written determination from his or her appointing authority. The appointing authority will be deemed the decision-maker for the Chief's request.

Decision-maker for request by a Commissioner: A Commissioner may seek an advance written determination from his or her appointing authority or the Ethics Commission. The appointing authority or Ethics Commission will be deemed the decision-maker for the Commissioner's request.

3. THE PROCESS

The requestor must provide, in writing, a description of the proposed activity and an explanation of why the activity is not incompatible under this Statement. The written material must describe the proposed activity in sufficient detail for the decision-maker to make a fully informed determination whether it is incompatible under this Statement.

When making a determination under this subsection, the decision-maker may consider any relevant factors including, but not limited to, the impact on the requestor's ability to perform his or her job, the impact upon the Department or Commission as a whole, compliance with applicable laws and rules and the spirit and intent of this Statement. The decision-maker shall consider all relevant written materials submitted by the requestor. The decision-maker shall also consider whether the written material provided by the requestor is sufficiently specific and detailed to enable the decision-maker to make a fully informed determination. The decision-maker may request additional information from the

requestor if the decision-maker deems such information necessary. For an advance written determination request from an employee, if the Chief delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the Chief.

The decision-maker shall respond to the request by providing a written determination to the requestor by mail, email, personal delivery, or other reliable means. For a request by an employee, the decision-maker shall provide the determination within a reasonable period of time depending on the circumstances and the complexity of the request, but not later than 20 working days from the date of the request. If the decision-maker does not provide a written determination to the employee within 20 working days from the date of the employee's request, the decision-maker shall be deemed to have determined that the proposed activity does not violate this Statement.

The decision-maker may revoke the written determination at any time based on changed facts or circumstances or other good cause, by providing advance written notice to the employee. The written notice shall specify the changed facts or circumstances or other good cause that warrants revocation of the advance written determination.

4. DETERMINATIONS ARE PUBLIC RECORDS

To assure that these rules are enforced equally, requests for advance written determinations and written determinations, including approvals and denials, are public records to the extent permitted by law.

IV. RESTRICTIONS ON USE OF CITY RESOURCES, CITY WORK-PRODUCT AND PRESTIGE

A. USE OF CITY RESOURCES

No officer or employee may use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. No officer or employee may allow any other person to use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. Notwithstanding these general prohibitions, any incidental and minimal use of City resources does not constitute a violation of this section. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or regulation or pursuant to provisions of a collective bargaining agreement to use City facilities, equipment or resources, as defined herein.

Example. An officer or employee may use the telephone to make occasional calls to arrange medical appointments or speak with a child care provider, because this is an incidental and minimal use of City resources for a personal purpose.

Nothing in this Statement shall exempt any officer or employee from complying with more restrictive policies of the Department regarding use of City resources, including, without limitation, the Department's e-mail policy.

B. USE OF CITY WORK-PRODUCT

No officer or employee may, in exchange for anything of value and without appropriate authorization, sell, publish or otherwise use any materials that were prepared on City time or while using City facilities, property (including without limitation, intellectual property), equipment and/or materials. For the purpose of this prohibition, appropriate authorization includes authorization granted by law, including the Sunshine Ordinance, California Public Records Act, the Ralph M. Brown Act as well as

whistleblower and improper government activities provisions, or by a supervisor of the officer or employee, including but not limited to the officer or employee's appointing authority. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or regulation or pursuant to provisions of a collective bargaining agreement to use public materials for collective bargaining agreement negotiations.

C. USE OF PRESTIGE OF THE OFFICE

No officer or employee may use his or her City title or designation in any communication for any private gain or advantage. The following activities are expressly prohibited by this section.

1. USING CITY BUSINESS CARDS

No officer or employee may use his or her City business cards for any purpose that may lead the recipient of the card to think that the officer or employee is acting in an official capacity when the officer or employee is not.

Example. An employee's friend is having a dispute with his new neighbor who is constructing a fence that the friend believes encroaches on his property. The friend invites the employee over to view the disputed fence. When the neighbor introduces herself, the employee should not hand the neighbor her business card while suggesting that she could help resolve the dispute. Use of a City business card under these circumstances might lead a member of the public to believe that the employee was acting in an official capacity.

Example. An employee is at a party and runs into an old friend who has just moved to town. The friend suggests meeting for dinner and asks how to get in touch with the employee to set up a meeting time. The employee hands the friend the employee's business card and says that he can be reached at the number on the card. Use of a City business card under these circumstances would not lead a member of the public to believe that the employee was acting in an official capacity. Nor would use of the telephone to set up a meeting time constitute a misuse of resources under subsection A, above.

2. USING CITY LETTERHEAD, CITY TITLE, OR E-MAIL

No officer or employee may use City letterhead, City title, City e-mail, or any other City resource, for any communication that may lead the recipient of the communication to think that the officer or employee is acting in an official capacity when the officer or employee is not. (Use of e-mail or letterhead in violation of this section could also violate subsection A of this section, which prohibits use of these resources for any non-City purpose.)

Example. An officer or employee is contesting a parking ticket. The officer or employee should not send a letter on City letterhead to the office that issued the ticket contesting the legal basis for the ticket.

3. HOLDING ONESELF OUT, WITHOUT AUTHORIZATION, AS A REPRESENTATIVE OF THE DEPARTMENT

No officer or employee may hold himself or herself out as a representative of the Department or Commission, or as an agent acting on behalf of the Department or Commission, unless authorized to do so.

Example. An employee who lives in San Francisco wants to attend a public meeting of a Commission that is considering a land use matter that will affect the employee's

neighborhood. The employee may attend the meeting and speak during public comment, but should make clear that he is speaking in his private capacity and not as a representative of the Department.

V. PROHIBITION ON GIFTS FOR ASSISTANCE WITH CITY SERVICES

State and local law place monetary limits on the value of gifts an officer or employee may accept in a calendar year. (Political Reform Act, Gov't Code § 89503, C&GC Code §§ 3.1-101 and 3.216). This section imposes additional limits by prohibiting an officer or employee from accepting any gift that is given in exchange for doing the officer or employee's City job.

No officer or employee may receive or accept gifts from anyone other than the City for the performance of a specific service or act the officer or employee would be expected to render or perform in the regular course of his or her City duties; or for advice about the processes of the City directly related to the officer's or employee's duties and responsibilities, or the processes of the entity they serve.

Example. A member of the public who regularly works with and receives assistance from the Department owns season tickets to the Giants and sends a pair of tickets to an employee of the Department in appreciation for the employee's work. Because the gift is given for the performance of a service the employee is expected to perform in the regular course of City duties, the employee is not permitted to accept the tickets.

Example. A member of the public requests assistance in resolving an issue or complaint that is related to the City and County of San Francisco, but that does not directly involve the Department. The employee directs the member of the public to the appropriate department and officer to resolve the matter. The member of the public offers the employee a gift in appreciation for this assistance. The employee may not accept the gift, or anything of value from anyone other than the City, for providing this kind of assistance with City services.

As used in this statement, the term gift has the same meaning as under the Political Reform Act, including the Act's exceptions to the gift limit. (See Gov't Code §§ 82028, 89503; 2 Cal. Code Regs. §§ 18940-18950.4.) For example, under the Act, a gift that, within 30 days of receipt, is returned, or donated by the officer or employee to a 501(c)(3) organization or federal, state or local government without the officer or employee taking a tax deduction for the donation, will not be deemed to have been accepted. In addition to the exceptions contained in the Act, nothing in this Statement shall preclude an employee's receipt of a bona fide award, or free admission to a testimonial dinner or similar event, to recognize exceptional service by that employee, and which is not provided in return for the rendering of service in a particular matter. Such awards are subject to the limitation on gifts imposed by the Political Reform Act and local law.

In addition, the following gifts are de minimis and therefore exempt from the restrictions on gifts imposed by section V of this Statement:

- i. Gifts, other than cash, with an aggregate value of \$25 or less per occasion; and
- ii. Gifts such as food and drink, without regard to value, to be shared in the office among employees or officers.

Example. A member of the public who regularly works with and receives assistance from the Department sends a \$15 basket of fruit to an employee as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the employee is expected to perform in the regular course of City duties, the employee may accept the fruit because the value is de minimis. (Because the reporting requirement is cumulative, an employee may be required to report even de minimis

gifts on his or her Statement of Economic Interests if, over the course of a year, the gifts equal or exceed \$50.)

Example. A member of the public who regularly works with and receives assistance from the Department sends a \$150 basket of fruit to the Department as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the Department is expected to perform in the regular course of City duties, the Department may accept the fruit basket because it is a gift to the office to be shared among employees and officers.

VI. AMENDMENT OF STATEMENT

Once a Statement of Incompatible Activities is approved by the Ethics Commission, the Department may, subject to the approval of the Ethics Commission, amend the Statement. C&GC Code § 3.218(b). In addition, the Ethics Commission may at any time amend the Statement on its own initiative. No statement of incompatible activities or any amendment thereto shall become operative until the City and County of San Francisco has satisfied the meet and confer requirements of State law and the collective bargaining agreement.



DENNIS J. HERRERA
City Attorney

MEMORANDUM

TO: ALL ELECTED CITY OFFICIALS
ALL CITY BOARD AND COMMISSION MEMBERS
ALL CITY DEPARTMENT HEADS

FROM: DENNIS J. HERRERA, City Attorney

DATE: January 16, 2018

RE: Political Activity By City Officers and Employees

As we typically do every election year, the City Attorney's Office is providing this memorandum to remind you of and outline the basic legal rules restricting political activities by City commissions, departments, officers, and employees. Please note that this memorandum updates and replaces previous memoranda that we have issued on this topic. A further overview of political activity restrictions and other laws governing the conduct of City officers and employees is available in the Good Government Guide posted on the Good Government section of our website at www.sfcityattorney.org.

This memorandum is a general guide to the rules regarding political activity and is not a substitute for legal advice. Please contact the City Attorney's Office in advance with any questions related to participation in political activities.

SUMMARY

In this memorandum we address the most common legal issues that usually arise before elections. In this summary, we answer frequently asked questions in five areas:

1. **Use of City Resources:** No one—including City officers and employees and City volunteers and contractors—may use City resources to advocate for or against candidates or ballot measures. City resources include, without limitation, City employees' work time, City computers, City e-mail systems and City-owned or controlled property. Also, City commissions, departments, and advisory committees may not advocate for or endorse measures or candidates. But they may use City resources to analyze and provide information about the effects of proposed ballot measures on City operations, as long as the analysis is objective and avoids campaign slogans and other suggestive language typically associated with campaign literature.

2. **Off-Duty Political Activity:** As a general rule, City officers and employees may support or oppose candidates and ballot measures in their personal capacities, while off duty and outside of City-owned or controlled property. City officers and employees may reference their City titles in campaign materials as long as it is clear that they are using the titles only for identification purposes. For example, the City Attorney's Office recommends that City officers and employees include in printed campaign materials an explicit notation stating that any reference to their City titles are "for identification purposes only." But City officers and employees may not solicit political contributions from other City officers and employees, even while off duty.

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3. **Mass Mailings Using City Funds:** With limited exceptions, the City may not prepare or send more than 200 pieces of similar mail featuring the name or image of a City elected official.

4. **Campaign Contributions To Elected Officials From City Contractors:** City elected officials may not solicit or accept campaign contributions from any person or entity seeking to enter a contract or grant worth \$50,000 or more with the City, if the contract or grant is subject to the elected officials' approval or the approval of one of their appointees to the board of a state agency. This restriction applies from the commencement of contract negotiations until either the negotiations are terminated (and no contract is awarded), or six months have elapsed since the contract or grant approval. The restriction also extends to contributions from the party seeking the contract or grant and that party's directors, executives and owners, as well as any subcontractors listed in the contract or bid.

5. **Campaign Contributions Solicited Or Accepted By Appointed Officials:** Appointed City officials, including department heads and members of boards and commissions, may not solicit political contributions over \$250 from anyone appearing before them in pending proceedings. Such proceedings include conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, building and development permits, and some contract approvals. Also, appointed officials who are running for office may not participate in proceedings where the parties or participants have directly contributed over \$250 to the officials within the 12 months before the proceeding.

DISCUSSION**I. Misuse of City Resources**

State law prohibits City officers, employees and anyone else from using City resources to support or oppose a ballot measure or the election or defeat of a candidate at the federal, state, or local level. Local law also prohibits City officers and employees from engaging in political activity during work time, while in uniform, or on City-owned or controlled premises.

- **What is a misuse of City resources?**

Any use of City resources or City personnel for political activity is prohibited. This ban prohibits any use of City e-mail, telephones, copiers, fax machines, computers, office supplies or any other City resources for political purposes. City personnel's time and attention may not be diverted from their City duties for political purposes. Activities that fall within the scope of this ban include addressing envelopes for campaign mailers; circulating ballot petitions; making campaign telephone calls; attending campaign events; or engaging in similar types of campaign activity on City time or on City-owned or controlled property that the City does not make available to the general public to use for political purposes (such as a public plaza or sidewalk).

Example: On his lunch hour, a City employee uses his City computer to send invitations to a fundraiser for a candidate. The employee has misused City resources by using his City computer for political activity. The fact that he was on his lunch hour or used his personal e-mail account does not excuse this improper use of City resources.

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Example: A City employee wishes to volunteer with a political campaign on a full-time basis in the weeks leading up to the general election. The employee may use any accrued vacation time, or other approved time-off, while the employee is volunteering for the campaign because an employee's vacation is not "City time" that must be devoted to the employee's official duties.

The prohibition on the use of City resources for political activity also means members of City boards, commissions, and advisory committees may not use their meetings to influence elections. As a result, appointed boards, commissions, and advisory committees may not vote to endorse a measure or a candidate. The courts have allowed an exception to this rule for legislative bodies like the Board of Supervisors ("Board"). The Board, acting as a body, may take a position on behalf of the City on a ballot measure, and the Mayor may take a public position on a measure. But no City officials, including the Mayor and members of the Board, may distribute campaign literature at City events or include campaign literature in official communications to City employees or members of the public.

Example: Members of a City commission feel strongly about the merits of a measure appearing on the ballot that relates to matters within their jurisdiction. The commission may not vote on a resolution to support or oppose the ballot measure. The commission may ask staff for information about the impact of the ballot measure on the City, and individual commissioners may support or oppose the measure on their own time using their own resources.

Example: Members of a City commission wish to support a bill pending in the state legislature that would further one of the commission's policies. The commission may urge the Board of Supervisors or the City's State Legislation Committee to adopt an official position on the pending legislation. Because the legislation is not before the voters, political activity rules do not prohibit the City from supporting it.

- **May City officers and employees analyze a ballot measure's effects?**

City officers and employees may lawfully use City resources (where budgeted for such a purpose and otherwise authorized) to investigate and evaluate objectively the potential impact of a ballot measure on City operations. The analysis must be made available to the public.

Example: A City department wants to inform its commission about the potential impacts on the department if a ballot measure passes. If the department has money budgeted for the purpose, the department may research the potential impact of the measure and present objective information to the commission. The analysis must also be made available to the public.

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Example: As required by the City's Municipal Elections Code, the Department of Elections asks a City department to analyze a measure for the City's Ballot Simplification Committee, the body responsible for preparing the digests that appear in each election's Voter Information Pamphlet. The department's written analysis must present objective information and must be made available to the public. Employees of the department may also appear at the Committee's meetings to explain the effect of the measure or to answer the Committee's questions, but their presentation must remain objective and impartial.

- **May City officers and employees respond to inquiries about a measure?**

City officers and employees may respond to public requests for information, including requests to participate in public discussions about ballot measures, if the officers' or employees' statements are limited to an *objective and impartial* presentation of relevant facts to aid the voters in reaching an informed judgment regarding the effects of the measure on the City. All statements must be accurate and fair. But City officers and employees should not participate in any campaign event on City time, even to provide an impartial informational presentation, if the purpose of the event is to support or oppose ballot measures or candidates.

Example: A community organization asks a department head to attend the organization's meeting to provide information about a pending ballot measure. As long as the department head provides impartial and objective information, she can attend the meeting on City time. But if a candidate asks the department head to provide the same information at a campaign fundraiser, the department head cannot attend on City time. If the community organization wishes to have the "Yes" and "No" sides of the pending ballot measure to be presented at a meeting, the department head can inform the organization who it may contact to present those respective positions.

- **May a City department publicize its analysis of a ballot measure?**

If a City department analyzes a ballot measure, the department should make its analysis public and distribute or publicize it consistent with the department's regular practice. But the department should not use special methods—such as methods associated with political campaigns—to distribute its analysis.

City officers and employees who are considering providing the public with an informational presentation regarding a ballot measure should consult in advance with the City Attorney's Office.

Example: If a City department regularly issues a newsletter to interested City residents, it may include an objective and impartial analysis of a pending ballot measure, but the department should not create a special, one-time-only newsletter to distribute its analysis. Similarly, City departments should not increase the

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frequency of distributing such newsletters as an election approaches.

- **What is an objective and impartial presentation?**

Courts evaluate materials prepared or distributed by a public entity in terms of whether they make a balanced presentation of facts designed to enhance the ability of the voters to exercise intelligently their right to vote, or whether the communications resemble campaign materials for or against a ballot measure. In its analysis of the effect of a proposed measure, a City department should present factual information, avoid one-sided rhetoric or campaign slogans, and not urge a vote in one way or another.

Example: A City department wants to prepare a PowerPoint presentation about a ballot measure explaining the department's view that the measure could have a significant negative impact on the department's operations. Any such presentation must be limited to an accurate, fair, and objective presentation of the relevant facts. It should not urge a Yes or No vote, and it should not use campaign slogans or rhetoric.

- **When do these rules apply?**

City measures may be placed on the ballot in three different ways: (1) by the Board acting as a body through majority vote of all of its members at a public meeting, (2) by the Mayor or four or more individual Board members submitting the measure directly, or (3) by the voters submitting an initiative petition with the sufficient number of valid signatures.

- When the Board, acting as a body, is considering placing a measure on the ballot, City officers and employees may use City resources to influence the Board's decision on whether to place the measure before the voters, but not to urge voters to vote for or against the measure. After the Board has taken its final vote to place the measure on the ballot, no additional City resources may be used to advocate for or against the measure.
- When the Mayor or four or more individual members of the Board have submitted a measure, the Charter requires the Board to hold a public hearing on the measure. City officers and employees may use City resources at this hearing to explain the effects, advantages or disadvantages of the measure, and to urge the Mayor or individual Board members to withdraw the measure from the ballot, but not to urge voters to vote for or against the measure. In addition to this hearing, City resources may be used to convince Board members or the Mayor to withdraw their support for these measures, until the deadline for such withdrawal has passed. After this deadline, no additional City resources may be used to advocate for or against the measure.
- A voter may begin circulating a proposed ballot measure for signatures after having obtained a title and summary from the Department of Elections and City Attorney's Office. Once the initiative petition is circulating for signatures, no City resources may be used to advocate for or against it.

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II. Off-Duty Political Activities By City Officers and Employees

City officers and employees have a First Amendment right to engage in political activities while off duty and outside of City-owned or controlled property. As a general rule, City officers and employees may take public positions, as private citizens, on candidates or ballot measures. Federal law also restricts the political activities of local employees whose principal employment involves a federally-funded activity, although the federal restrictions largely mirror state and local political activity rules. The City also restricts the off-duty political activities of certain officers and employees, including the Ethics and Election Commissions and their employees, and the City Attorney. Finally, local law imposes some off-duty restrictions on all City officers and employees.

- **May City officers and employees use their official titles in campaign communications?**

As long as they are not otherwise using City resources to do so, City officers and employees may use their official titles in campaign communications. But it must be clear that the City officers or employees are making the communications in their personal capacity and are using their titles for identification purposes only. For example, the City Attorney's Office recommends that City officers and employees include in printed campaign materials an explicit notation stating that any reference to their City titles are "for identification purposes only."

- **May City officers and employees solicit campaign contributions from other City officers and employees?**

No. City officers and employees may not directly or indirectly solicit campaign contributions from other City officers or employees or from persons on City employment lists. A City officer or employee can request campaign contributions from other City officers or employees only if the request is part of a solicitation made to a significant segment of the public that may include officers or employees of the City. If the City officer or employee is aware that a distribution list includes other City officers or employees, the officer or employee should make reasonable efforts to remove those individuals from that distribution list. In no event can the requestor use City resources in making any solicitation.

Example: After work, a City employee sends an e-mail to her coworkers—from her personal e-mail account to the coworkers' personal e-mail accounts—soliciting contributions to a candidate for local office. Even though the employee used no City resources, the solicitation is not lawful because she solicited political contributions from other City employees.

Example: The same City employee sends an invitation to a fundraiser to a list of all graduates from the local college she attended. A number of City employees, who also happened to attend that college, receive invitations. Although the officer sent the solicitation to some City employees, the solicitation is lawful because it was made to a significant segment of the public that included some City employees.

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- **May City officers and employees engage in political activities on City premises?**

City officers and employees may not participate in political activities of any kind while on City-owned or controlled property, other than property that the City makes available to the general public to use for political purposes (such as a public plaza or sidewalk), whether or not they are off-duty at the time.

Example: A City employee seeks endorsements for the employee's candidacy for a political party's central committee in the hallway of her City department's office. This activity violates the ban on political activity on City premises because it is being done inside City property that is not available to the general public for political purposes.

- **May City officers and employees engage in political activities while in uniform?**

No. City officers and employees may not participate in political activities of any kind while in uniform. City officers or employees are in uniform any time they are wearing all or any part of a uniform that they are required or authorized to wear when engaged in official duties.

III. Mass Mailings at Public Expense

In addition to the general prohibition against using public resources or personnel to engage in political activity, the City cannot use public money to print or send non-political newsletters or mass mailings that feature or make reference to an elected official. A non-political newsletter or mass mailing is prohibited if all of the following four requirements are met:

- **Sent or delivered.** The item is sent or delivered by any means to the recipient at a residence, place of employment or business, or post office box.
- **Features an elected official.** The item either features a City elected official, or includes the name, office, photograph, or other reference to a City elected official.
- **Paid for with public funds.** Any public money is used to pay for distribution, or more than \$50 of public money is used to pay for design, production and printing.
- **More than 200 items in a single month.** More than 200 substantially similar items are sent in a single calendar month.

Certain types of mailings are exempt from the mass mailing prohibition. For example, the prohibition does not apply to e-mails, text messages or postings on websites. Some of the exceptions are complicated and strict, so officials should check with the City Attorney's Office in advance with any questions about the mass mailing rule.

IV. Campaign Contributions to Elected Officials and Candidates

Local law prohibits City elected officials from soliciting or accepting contributions from any person or entity seeking to enter into a contract or grant worth \$50,000 or more with the City, if the contract or grant requires their approval or the approval of their appointees to the board of a state agency. This restriction applies to the party seeking the contract or grant, the

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party's board of directors, chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest greater than twenty percent, and any political committees controlled or sponsored by the party, as well as any subcontractors listed in the contract or bid. The law both prohibits the donor from giving contributions *and* prohibits the elected official from soliciting or accepting them.

- **May a City contractor make a campaign contribution to a City elected official who approves the contract?**

A person or entity that contracts with the City may not make a campaign contribution to an elected official if the contract would require approval by that official, a board on which the official serves, or a board of a state agency on which an appointee of the official sits. The people and entities listed in the preceding paragraph may not make a campaign contribution to the elected official at any time from the commencement of negotiations for the contract until either: (1) negotiations are terminated and no contract is awarded; or (2) six months have elapsed since the award of the contract.

- **May a City elected official solicit or accept a campaign contribution from a City contractor?**

A City elected official may not solicit or accept a campaign contribution from an individual, business or entity seeking a contract with the City, including all of the associated people and entities listed above in the first paragraph of this Section IV, if that elected official, a board on which the official serves, or a board of a state agency on which an appointee of the official sits must approve the contract. This prohibition applies to the official at any time from the formal submission of the contract to that official until either: (1) negotiations are terminated and no contract is awarded; or (2) six months have elapsed since the award of the contract.

V. Campaign Contributions Solicited or Accepted By Appointed Officials

Section 84308 of the California Government Code prohibits appointed officials from soliciting contributions of more than \$250—for any candidate or campaign—from any party or participant in a proceeding pending before the appointed official or from anyone with a pending contract subject to the appointed official's approval. It also disqualifies appointed officials from participating in decisions that involve persons who have contributed \$250 or more directly to them within the past 12 months.

- **May appointed officials solicit contributions from persons in a proceeding pending before them?**

Appointed officials may not solicit, accept or direct campaign contributions of more than \$250 from any party to or participant in certain proceedings pending before the official. This prohibition applies during the proceeding and for three months after the final decision is rendered in the proceeding.

This rule applies whether the contributions are sought for the official or for someone else, and whether the contributions come directly from the party or participant, or are made by an agent acting on behalf of the party or participant. The prohibition applies to contributions for candidates or ballot measures in federal, state, or local elections.

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An official does not violate this rule if the official makes a request for contributions in a mass mailing sent to members of the public, to a public gathering, in a newspaper, on radio or television, or in any other mass medium, provided the solicitation is not targeted to persons who appear before the board or commission. An official does not engage in a solicitation solely because the official's name is printed with other names on stationery or letterhead used to ask for contributions.

- **Who is an "appointed official" prohibited from soliciting or accepting contributions?**

An appointed official is an appointed member of board or commission, or an appointed department head. Although the Board is an elected body, the prohibitions of Section 84308 apply to members of the Board when they sit as members of an appointed body.

- **What proceedings are covered by this prohibition?**

Section 84308 applies to "use entitlement proceedings," which are actions to grant, deny, revoke, restrict or modify certain contracts or business, professional, trade or land use licenses, permits, or other entitlements to use property or engage in business. Examples of the types of decisions covered by the law include decisions on professional license revocations, conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, cable television franchises, building and development permits and private development plans. It also includes all contracts other than labor or personal employment contracts and competitively bid contracts where the City is required to select the highest or lowest qualified bidder.

The law does not cover proceedings where general policy decisions or rules are made or where the interests affected are many and diverse, such as general building or development standards and other rules of general application.

- **Who is a "party," "participant," or "agent"?**

A "party" is a person, including a business entity, who files an application for, or is the subject of a use entitlement proceeding. A "participant" is any person who is not a party to a proceeding but who: (1) actively supports or opposes a particular decision (*e.g.*, lobbies the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence the decision of the officers of the agency); and (2) has a financial interest in the decision. An "agent" is an individual or entity that represents a party or participant in a proceeding.

- **When is an appointed official disqualified from proceedings involving a contributor?**

An appointed official may not participate in any use entitlement proceeding involving a party or participant (or the party's or participant's agent) from whom the official received contributions totaling more than \$250 in the 12 months before the proceeding. Disqualification is required only if the official received a contribution to the official's own campaign. Soliciting contributions before a proceeding begins does not, by itself, require disqualification, if the official has not directly received contributions as a result of the solicitation.

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An appointed official may avoid disqualification if the official returns the contribution (or the portion exceeding \$250) within 30 days of learning of the contribution and the proceeding involving the contributor.

Whether the appointed official is disqualified as a result of the contribution, the official always must disclose on the record all campaign contributions totaling more than \$250 received in the preceding 12 months from parties to or participants in the proceeding.

VI. Penalties

State and local enforcement agencies and the courts may impose considerable penalties for violating the laws discussed in this memorandum. Individuals who violate these rules could face criminal fines or imprisonment, orders to repay the City for the misused funds, or civil and administrative penalties of up to \$5,000 per violation. Misappropriation of City funds for political activities also may be official misconduct under the City's Charter that justifies removing a public officer (other than the Mayor) and restricting that person's ability to hold public office in the future, and it may also be cause to discipline or fire a public employee.

The conduct of City officers and employees also could result in fines or liability for the City. For example, the California Fair Political Practices Commission has fined local government agencies as much as \$10,000 for failing to report the use of public funds to prepare and distribute pamphlets on pending ballot measures.

ADDITIONAL INFORMATION

Again, for more information about these rules, see the City Attorney's Good Government Guide, which you may find on the Good Government section of the City Attorney's website (www.sfcityattorney.org). If you have any questions, please contact the City Attorney's Office.

If you need help with an alcohol or drug abuse problem, confidential information and referrals to counseling and rehabilitation services are available from the Employee Assistance Program, at (800) 795-2351. You may also request leave time for the purpose of participating in drug or alcohol treatment. Please note that any such request will not excuse prior conduct that is subject to discipline.

Disciplinary Action against Striking Employees

The City Charter prohibits municipal employees from engaging in a strike or failing to report to work in support of a strike. Any employee who willfully fails to report for duty, who participates in any concerted work stoppage or slowdown, or who willfully abstains in any way from the full, faithful, and proper performance of his or her job duties for the purpose of inducing, influencing, or coercing a change in the conditions of employment may be dismissed. This provision does not prohibit employees from communicating a view, grievance, complaint, or opinion on any matter related to the conditions of municipal employment as long as it does not interfere with the full, faithful, and proper performance of the duties of employment.

Political Activity

It is unlawful for City employees to use public resources or personnel to engage in political activity relating to elective offices and ballot measures. City employees may not engage in political activities while on duty or in the workplace. Employees may not use City resources, such as photocopier or fax machines, telephones, postage, or email, for political activities. The ban on engaging in political activity while on duty prohibits such activities as circulating petitions, addressing campaign mailers or engaging in any other political activities that use City resources or divert employees from their assigned duties.

City employees are prohibited from using their official positions to influence elections, and from using City funds or resources for political or election activities. Further, City employees may not participate in political activities of any kind while in uniform (i.e., part or all of a uniform they are required or authorized to wear when engaged in official duties).

Violation of these rules may result in considerable civil and criminal penalties, as well as discipline, up to and including dismissal.

For more information about these restrictions, please review the City Attorney's opinion regarding political activities at www.sfcityattorney.org.

If You Suspect Improper or Criminal Activity on the Job

As a City employee, you have a duty to report any incidents of improper or illegal activity involving your department or another City department. Never confront an employee whom you suspect is involved in illegal or criminal activity. Instead, discuss the matter with your supervisor or departmental personnel officer. If you feel it necessary to protect your safety or avoid retaliation, you may also report illegal or improper conduct to the Whistleblower Hotline at 554-CITY. You may make an anonymous report on the hotline; however, keep in mind that anonymous reports are more difficult to investigate.