

ETHICS TRAINING



Port Commission
May 28, 2019 – Item 9B

San Francisco City Attorney's Office - 2019

Issue #1

Conflicts of Interests - Contracts

- Commissioner's partner works for a nonprofit organization seeking a grant from the department, subject to a competitive bidding process. This grant is subject to the commission's approval.

Issue #1

Conflicts of Interests - Contracts

- Recusal required due to financial interests – especially for contracts!
- Serving as a board member can also trigger conflict of interest rules.
- Competitive bidding does not cure potential conflicts.

Issue #2

Gifts – business lunch

- A contractor doing business with your department invites you out to lunch to share her thoughts about future projects. The contractor offers to pick up the bill for lunch.

Issue #2

Gifts – business lunch

- Restricted source rule: \$25 gift limit.
- Form 700 reporting: \$50 gift reporting threshold.
- Confidentiality.
- Competitive bidding concerns?
 - Information should be provided to all interested parties at the same time.
 - Policies that require transparency, open communication and black-out periods may be adopted to protect the competitive process.

Issue #3

Gifts – tickets

- Tickets to a Giants or Warriors game.
- Tickets to an event held on City property.
- Tickets to a 501(c)(3) nonprofit fundraiser.

Issue #3

Gifts – tickets

- To a Giants or Warriors game.
 - Subject to restricted source rule and Form 700 disclosure.
- To an event held on City property.
 - Subject to gift reporting and limits unless you attend for a public purpose.
- To a 501(c)(3) nonprofit fundraiser.
 - Gift exception if the tickets are provided directly by nonprofit.

Issue #4

Political fundraising

- Commissioner is involved in local politics and supports a local candidate who will be running in the next election. The commissioner often encourages others to support the candidate and interested in fundraising for the candidate too.

Issue #4

Political fundraising

- No political activity on City property.
- No soliciting campaign contributions from other City employees and officers
- Commissioners may not fundraise for their appointing authorities.
- Commissioners may not fundraise for parties, participants (or their agents) appearing before their commissions.
- May not ask subordinates to volunteer.

Issue #5

Nonprofit fundraising

- Commissioner is also a board member for a 501(c)(3) nonprofit. Part of the commissioner's responsibilities is to fundraise for the organization.

Issue #5

Nonprofit fundraising

- Restrictions in using your City title in connection with fundraising.
- Potential “behested payment” reporting.

Resources

- City Attorney's Office Good Government Guide.
- San Francisco Ethics Commission
 - Statement of Incompatible Activities for the Port.
- Fair Political Practices Commission.