



101-0132025-002

Agenda Item **No. 5(b)**
Meeting of July 15, 2025

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Consenting to former Successor Agency Executive Director Tiffany Bohee's request for waivers from the Successor Agency's post-employment restrictions related to her proposed work on certain future and current affordable housing projects undertaken by Mercy Housing California

EXECUTIVE SUMMARY

Tiffany Bohee, former Successor Agency Executive Director, has requested a waiver from the Office of Community Investment and Infrastructure ("OCII") policy prohibiting former employees from working for persons or entities other than OCII on particular matters that they worked on during their OCII employment (the "Duty of Loyalty"). In January 2025, Ms. Bohee became President of Mercy Housing California ("Mercy"), an affordable housing developer and property manager with extensive holdings in California, including a number of local projects funded by the City and OCII. Ms. Bohee seeks a waiver from OCII's post-employment restrictions to work on five Mercy projects in which OCII has an interest: 1) "all matters related to the Transbay Block 4 affordable housing site" (which is the subject of a pending Request for Qualifications); 2) "any potential future Mission Bay affordable housing site opportunities;" 3) Transbay Block 2 (which Mercy is developing with affordable rental housing scheduled for completion next year); 4) Hunters Point Shipyard Block 56 (which Mercy and San Francisco Housing Development Corp. have jointly developed with affordable rental housing that is currently being leased); and 5) Candlestick Point Block 11a (which Mercy has the rights to develop as affordable rental housing under exclusive negotiations and predevelopment loan agreement with OCII) (together these projects are referred to as the "Particular Matters").

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In support of her request for a waiver from the post service restrictions, Ms. Bohee states that she has not been involved in any OCII decisions or planning matters since she left the Successor Agency in January 2017 and does not possess any confidential information from previous Agency employment. She concludes that she would not have any undue influence or an unfair advantage in working on the Particular Matters on behalf of Mercy Housing.

Staff recommends consent, under OCII policy, to Ms. Bohee's work for Mercy on the Particular Matters.

DISCUSSION

In 1982, the Redevelopment Agency Commission adopted Resolution No. 200-82 (June 22, 1982) to prohibit present and former employees, commissioners and consultants from engaging in certain activities after they leave Agency service. The current version of the post-employment restrictions appears in Section IX.H.1 of OCII's Personnel Policy:

Unless approved in advance in writing by the Agency, no present or former employee, Commissioner or consultant of the Agency shall knowingly act for anyone other than the Agency in connection with any particular matter in which the Agency is a party, or has a direct and substantial interest, and in which he or she participated personally and substantially as an Agency employee, Commissioner or consultant whether through decisions, recommendations, advice, investigation or otherwise. Violation of this section by a present employee, consultant or Commissioner may, in the case of an employee or consultant, be grounds for discharge or termination of the consultant contract, and in the case of a Commissioner, be considered misconduct in office pursuant to California Health and Safety Code § 33115.1

Under the restrictions, all Agency commissioners, employees, and consultants are permanently barred from essentially switching sides on a particular matter that they were personally and substantially involved in while in Agency service. The purpose of OCII's post-employment restrictions is to protect the integrity of government decision-making by limiting the potential for, and the appearance of, undue influence, unfair advantage, favoritism, and preferential treatment that may occur if former employees use information and contacts that they gained during OCII employment for other parties currently doing business with OCII.

Notably, this ban on post-service activities only applies to "particular matters:" 1) that the person worked on personally and substantially as an employee, commissioner, or consultant, 2) that OCII has a direct and substantial interest in, and 3) that the person now wishes to work on for another person or entity. Given the Agency Executive Director's role in overseeing and being responsible for all OCII business and activities, Executive Directors would be considered to have personally and substantially participated in all OCII projects during their tenure.

Under OCII policy, the Agency Commission may consent, or waive, the prohibition that former employees, commissioners, and consultants may not work on the "particular matters" that are subject to the post service restrictions. OCII Policy does not establish a standard for considering a waiver

¹ In addition, Section IX.H.2 of the Personnel Policy provides that for two years after leaving Agency service, commissioners and employees may not appear before the Agency Commission for any purpose except to represent himself, herself, or the Agency.

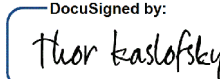
request, but OCII and the former Redevelopment Agency established a practice of considering certain factors in reviewing a waiver request. These factors include: 1) the length of time since the person worked for OCII; 2) the common interest, if any, between the work of the former employee, commissioner, or consultant and his or her proposed work for another party; 3) the benefit or detriment to OCII in having the former employee, commissioner, or consultant work for someone else on the OCII-related matter.

In a letter dated July 2, 2025 (attached to accompanying Resolution as Exhibit A) Ms. Bohee requested that OCII grant a waiver from the Duty of Loyalty applicable to several OCII projects defined above as Particular Matters. Ms. Bohee states in her letter: "Since leaving OCII in January 2017, I have not been involved in any OCII decisions or planning matters for any of the major project areas or enforceable obligations that are under OCII's purview. In addition, I do not possess any confidential information from my OCII or San Francisco Redevelopment Agency employment and thus would not have any undue influence or an unfair advantage in working on these affordable housing projects on behalf of Mercy Housing." Page 2 of Exhibit A to Resolution. Ms. Bohee characterizes her proposed work on the Particular Matters as reflecting Mercy's "longstanding commitment to develop and preserve high-quality affordable housing for San Franciscans." She states that her "participation in this effort would be solely in [her] capacity as President of Mercy Housing California, a nonprofit housing developer, and not in a personal or individual capacity." Id.

Applying the above-mentioned factors for reviewing a waiver request indicates that Ms. Bohee's waiver requests should be granted for the Particular Matters. 1) Over eight years have passed since Ms. Bohee's employment at OCII and she has not been involved in OCII projects since her departure. 2) The mission of Mercy is to develop and manage high-quality affordable housing in San Francisco. Over many years, OCII and the Former Agency have worked closely with Mercy in promoting affordable housing opportunities in redevelopment project areas consistent with enforceable obligations. OCII and Mercy thus share a common interest in affordable housing development. 3) OCII relies on fully-staffed, non-profit housing developers, such as Mercy, to complete OCII's affordable housing obligations. OCII benefits from having a pool of qualified affordable housing developers available to select in a competitive process for the award of housing sites. Limiting the participation of a developer's executive leadership in OCII projects would not be in the best interest of OCII and would have a potentially adverse effect on the success of a particular project.

Finally, OCII staff agrees with Ms. Bohee's assertion that she would not have any undue influence or an unfair advantage in working on these affordable housing projects on behalf of Mercy. The length of time since her OCII employment, the long-standing and successful working relationship between Mercy and OCII that predates Ms. Bohee's position at Mercy, and the rigorous OCII review of developer applications and project compliance with OCII requirements all lead to the conclusion that Ms. Bohee's participation in the Particular Matters in which OCII has an interest will be in the best interests of OCII and will not create the potential for undue influence or unfair advantage.

(Originated by James B. Morales, General Counsel and Deputy Director)

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Thor Kaslofsky
Executive Director