RESOLUTION NO. 10-2001
Adopted February 6, 2001

ADOPTING POLICY FOR THE DISCLOSURE OF OUTSIDE COMMUNICATIONS BY AGENCY COMMISSIONERS AND OFFICERS ON MATTERS PENDING BEFORE THE AGENCY COMMISSION

BASIS FOR RESOLUTION

1. Pursuant to California Health and Safety Code Section 33125, the Redevelopment Agency of the City and County of San Francisco (the “Agency”) may adopt bylaws and regulations for to effectuate the powers and purposes of the Agency.

2. The Agency has determined that it is necessary to adopt certain policies and procedures regarding the meetings of the Agency.

3. The Agency has considered the proposal that individual Agency Commissioners and officers disclose their outside communications with all persons who have a matter or interest pending before the Agency Commission.

4. The Agency has determined that the policy will promote the public interest and principles of fundamental fairness and due process while maintaining the opportunity of the public to present their views and opinions to the Agency Commissioners.

5. The Agency has further determined that these disclosures can occur in a manner that does not infringe on the rights of citizens to petition their governments.

6. In order to implement this policy, the Agency By-Laws will be amended to include the disclosure in as an item of business on the Commission Agenda.

7. In the event that the City and County of San Francisco adopts a policy applicable to the City and its commissions, the Agency’s policy may be reviewed and modifications considered.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Agency of the City and County of San Francisco adopts the policy set forth in Exhibit A: Policy and Procedure, Disclosure of Outside Communications by Agency Commissioners and officers, adopts the written form for disclosure that is attached to the Policy and directs the Executive Director to prepare and submit for the Agency Commission’s consideration an amendment to the By-Laws of the
Redevelopment Agency of the City and County of San Francisco as may be necessary to implement this policy.

APPROVED AS TO FORM:

[Signature]

Bertha A. Ontiveros
Agency General Counsel
POLICY AND PROCEDURE
DISCLOSURE OF OUTSIDE COMMUNICATIONS
BY AGENCY COMMISSIONERS AND OFFICERS

1. Findings and Authority

The Agency finds that the public interest would be served by adopting polices and procedures regarding the disclosure and reporting of attempts to influence pending decisions. This policy and procedure will promote the open, objective and impartial conduct of Agency business while maintaining the opportunity of the public to present their views and opinions to Agency Commissioners. The public interest and principles of fundamental fairness and due process of law require that the Agency Commission conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority. The Agency’s redevelopment program requires public awareness, understanding, support, participation and confidence in the Agency Commission and its practices and procedures. This policy is necessary to preserve the public’s welfare and integrity of, and to maintain the public’s trust in, the Agency Commission and the implementation of this policy.

Due process, fairness and responsible exercise of authority are all essential elements of good government which require the public’s business to be conducted in public meetings and on the official record, except as may be provided by law. Reasonable restrictions are necessary and proper to prevent future abuses and misuse of governmental power so long as all members of the public are given adequate opportunities to present their views and opinions to the Agency Commission through written or oral communications on the official record either before or during the public hearing on any matter before the Agency Commission.

2. Policy

No Agency Commissioner or Officer\(^1\) shall make, participate in making, or otherwise attempt to influence a Commission decision about which the Agency Commissioner or Officer has knowingly had an Outside Communication that has not been reported as described herein.

3. Applicability

As used herein, “a Matter within the Commission’s Jurisdiction” means any contract (including but not limited to a lease, loan agreement, guarantee, guarantee,

\(^1\) As defined by Section 21 of the Agency Bylaws, the Agency Officers are the President, Vice-President, Secretary, Treasurer, Executive Director, and Senior Deputy Executive Director.
purchase agreement, disposition and development agreement, owner participation agreement, regulatory and grant agreement, permit to enter, purchase order, public works or improvements agreement, personal services contracts), design approval or other matter pending before the Agency Commission for its consideration and approval.

4. **Outside Communication Defined**

(a) For purposes of this rule, except as provided in subdivision (b) below, an "Outside Communication" is any oral or written communication, or electronically transmitted communication, between a Agency Commissioner and Officer and any member of the public about a matter within the Commission’s Jurisdiction.

(b) The following communications are **not** an Outside Communication:

1. Communications occurring during a meeting of the Agency Commission which is open to the public.
2. Communications contained in, or reported in, Agency Commission agenda materials which are open to the public.
3. Communications between an Agency Commissioner or Officer and the Agency staff, where the staff member is acting in his or her official capacity.
4. Any communication limited entirely to procedural or ministerial issues, including but not limited to, schedule and location of Agency Commission meetings.
5. Any communication which takes place on the record during an official proceeding of a local or state governmental agency other than the Agency, when an Agency Commissioner or Agency Officer serves on the governing board of such governmental agency.
6. Any communication which takes place on the record during an official proceeding of a project area committee or citizens advisory committee for a redevelopment survey area or project area or during an official community meeting sponsored by the Agency, when an Agency Commissioner or Agency Officer attends and listens to the public and/or committee communications during the meeting.
(7) Communications between or among Agency Commissioners which would not constitute a meeting for purposes of the Ralph M. Brown Act.

(8) Communications which are privileged under California law.

(c) Nothing in this Disclosure Policy prohibits any person from testifying at a Agency Commission hearing, workshop or other official proceedings, or from submitting written comments for the record on a matter before the Agency Commission. Written comments shall be submitted by mail or delivered to the Agency office, or may be delivered to the Agency Commission at the time and place of a scheduled hearing.

5. Outside Communication to be Reported

(a) Each Agency Commissioner or Officer shall make public each Outside Communication to which he or she has been a party, by disclosure in the manner described in this section.

(b) Each Agency Commissioner or Officer shall report, on the form approved by the Agency Commission, any Outside Communication and such completed form shall be delivered to the Agency Secretary within five (5) days after the communication. If, however, such delivery to the Agency Secretary would thereby occur fewer than five (5) days before the next Agency meeting, the report shall instead be made either orally on the record at such meeting or by distribution of the report form at the time of the meeting.

(c) The report of Outside Communications by an Agency Commissioner or Officer shall at a minimum state the name of the person or organization making the Outside Communication, the date and subject matter of the Outside Communication, and the manner in which such communication was made (e.g. oral or written). A copy of written materials, if any, that was a part of the Outside Communication shall be attached or, if the disclosure is made orally, the materials shall be provided to the Agency Secretary on or before the meeting at which the disclosure is made.

(d) The Agency Secretary will place all written reports so received on the Agency website and make them available for public inspection at the Agency’s office.

(e) Regular and special meetings of the Agency Commission shall include, on its noticed meeting agenda, an item in the Order of Business - prior to the Agency Commission’s consideration of any other matter on its agenda - that permits the Agency Secretary to report on the written forms received.
SAN FRANCISCO REDEVELOPMENT AGENCY

Report of Outside Communication

Commissioner/Officer Name: _______________________________________

Date of Communication: ________________ Time: ________________

Location: ____________________________________________

Person or Persons Initiating Communication: _______________________________________

Subject: ____________________________________________

Content of Communication: (If written material was all or part of communication, attach a copy of written material.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

When this form is completed and placed in the Agency Commission’s public record of lobbying communications, the Agency Commissioner or Officer has complied with the Agency’s Policy and Procedure for Disclosure of Outside Communications and may participate in making a decision which was the subject of this communication or may attempt to influence the Agency Commission’s decision on the matter which is reported herein.
Deadlines for filing:

For communications that occur 5 or fewer days before Agency Commission meeting, the Commissioner/Officer may file this form with the Agency Secretary before the beginning of the meeting or make an oral report at the Agency Commission meeting.

For all other communications, the Agency Commissioner/Officer must file this form with the Agency Secretary no more than 5 days following the communication.

Written material attached:

____ Yes
____ No

Signature:

________________________________________

Date: __________________________

Filing Stamp when received in Agency Secretary’s Office: