



# ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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EXECUTIVE DIRECTOR

Date: February 22, 2012

To: Members, Ethics Commission

From: John St. Croix, Executive Director  
By: Mabel Ng, Deputy Executive Director

Re: Proposed Amendments to SIA of Public Library

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At its meeting in January 2012, the Commission considered whether to approve proposed changes to the Statement of Incompatible Activities (SIA) of the San Francisco Public Library ("Library"). After discussion, the Commission instructed staff to consider narrowing – rather than eliminating – some of the prohibitions set forth in section III.A.1.a-e of the SIA. Specifically, the Commission discussed the possibility of retaining language to prohibit employees of the Public Library from receiving compensation as a sales representative, purchaser or publicist for a publisher who sells books or databases to the Library.

\* \* \*

As you recall, under section 3.218 of the San Francisco Campaign and Governmental Conduct Code, all City departments, boards and commissions were required to develop SIAs to identify those activities that are incompatible, inconsistent or in conflict with their duties. The SIAs have the force of law, which means that they subject violators to criminal, civil and administrative penalties.

Section III of the SIAs prohibit outside activities, including self-employment, that are incompatible with the mission of the department, board or commission. Under subsection III.C, an officer or employee may seek an advance written determination (AWD) on whether a proposed outside activity is incompatible and therefore prohibited. Other sections of the SIAs address the use of City resources, work-product and prestige, use of City letterhead, tile or e-mail and gifts.

With respect to the proposed changes to the SIA of the Library, the focus is on section III.A, which lists *outside* activities that conflict with official duties. The Library seeks to amend some of the provisions in section III.A.1 because they have been found to unduly restrict employees from engaging in activities that actually inure to the benefit of the employees as well advance the mission of the Library. At the January 2012 meeting, the Commission discussed whether an AWD might address situations so as to allow Library staff to engage in activities now prohibited in section III.A.1.a-e. While the AWD could determine that engaging in certain activities would not be deemed

incompatible with the mission of the Library, the act of having to seek an AWD may chill participation in the very outside activities that the Library now deems beneficial for its mission.

The prohibitions listed in the SIA are in addition to rules that appear in the Political Reform Act, California Government Code section 87100 et seq.; California Government Code section 1090 et seq.; the City Charter; the Government Ethics Code (S.F. Campaign and Governmental Conduct Code section 3.200 et seq.) and other statutes and ordinances that govern the activities of City officers and employees. In particular, no City officer or employee may make, participate in making or seek to influence a decision of the City in which the officer or employee has a financial interest within the meaning of the Political Reform Act; nor may an officer or employee make a contract in which he or she has a financial interest within the meaning of California Government Code section 1090. These rules are listed in the introduction section of each SIA.

\* \* \*

Based on the Commission's recommendations from the last meeting and discussion with Library staff, staff proposes the following changes to section III.A.1. of the SIA (deletions in ***bold italic strike-through*** text; additions in ***bold italic underlined*** text). A discussion section follows the proposed changes to each subsection.

***~~a. — No officer of employee may be employed by, or receive compensation from, an individual or entity that has a contract or is a vendor with the Department or Commission, or that has had a contract or was a vendor with the Department or Commission during the past twelve months. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.~~***

*Discussion:* The Library has stated that many of its staff are experts in their field and/or are published authors. The current SIA language suggests that neither a staff member nor a Library Commissioner is permitted to have his or her works published through a publisher or book vendor who sells books to the Library. The current language was intended to prevent potential abuse – a staff member using his or her position to solicit a publishing contract, completing the work during City paid hours, or influencing the purchase of items because he or she is in fact the author. However, other language in the SIA (such as the provision that bans the use of City resources for non-City purposes in section IV.A., for example) and other conflict of interest laws already prohibit the making of governmental decisions based on financial interests. In addition, as discussed at the prior meeting, this provision is not necessary to prevent undue influence by Library Commissioners because they do not make contracting decisions for the Library. Finally, the Library's Collection Policy and Collection Plan and its Exhibitions Policy and Exhibitions Guidelines, which are set forth in the Introduction of the SIA, specify how materials are collected and exhibited at the Library – a violation of these provisions subjects an employee to disciplinary action. At the last meeting, members of the Commission appeared ready to delete this provision in its entirety because it serves as a deterrent to the Library's ability to collect broadly on all subjects and it serves to discourage staff from becoming experts in their field or a field of personal interest. Staff recommends that this provision be deleted from the SIA.

***b. No employee or the City Librarian may be employed by, or provide services in exchange***

***for compensation as a sales representative, purchaser, ~~writer, editor~~ or publicist for, a publisher who sells books to the Library.***

*Discussion:* As mentioned previously, some Library staff are authors and others are asked to act as editors, chapter writers and contributors to compiled works, particularly in the area of library services and the study of library/information science. The proposed deletions would allow Library staff to continue such work on their personal time and be compensated for it. The provision, as revised, would prohibit employees from serving as sales representatives, purchasers or publicists for a publisher who sells books to the Library, thereby lessening the likelihood that purchasing decisions are improperly influenced.

***c. No employee or the City Librarian may be employed by, or provide services in exchange for compensation as a sales representative, purchaser, ~~programmer, editor~~, or publicist for a publisher of databases or other electronic media if that publisher sells such materials to the Library.***

*Discussion:* For reasons similar to those set forth in b. above, the deletions in c. would allow Library staff to work during their personal time as programmers or editors for publishers of electronic media that are collected by the Library.

***~~d. No employee or the City Librarian may serve, whether compensated or not, as a consultant, exhibition designer, or preparator for a company, nonprofit organization, artist, or artists' collective whose exhibitions are booked into the Library.~~***

*Discussion:* As previously stated, Library exhibits staff have been engaged with the non-profit group Exhibit Envoy (formerly the California Exhibition Resource Alliance or CERA), which originally started through the California Council for the Humanities. Exhibit Envoy is associated with numerous high quality state and national exhibits that focus on the history of the state's cultural heritage, often partnering with the Smithsonian, California Historical Society and others. Exhibits organized by Exhibit Envoy are often appropriate for the Library, per the exhibits policy, augmenting and increasing the awareness of and accessibility to the Library's collections. Deleting this provision would allow staff to work with an institution whose mission is complementary to that of the Library. In addition, as mentioned above, the Library's Exhibitions Policy and Exhibitions Guidelines direct how exhibits are placed into the Library, thereby lessening the likelihood of undue or improper influence.

***~~e. No employee or the City Librarian may be employed by, or provide services in exchange for compensation as an instructor for any person or entity that provides training at the Library.~~***

*Discussion:* As previously stated, a regional company, InfoPeople, specializes in workforce development for staff of all types of libraries, including employees of the San Francisco Public Library. The current provision prohibits staff from the Library from participating with this group as instructors or curriculum developers, even though it would be done on staff's own time and would not interfere with the Library. Deleting this provision would permit staff participation in instruction of this sort and would support the Library's connection to other libraries, enhance

awareness of and use of the Library's collections, and improve service to the public regionally. Existing conflict of interest rules would prevent the potential for abuse in the selection of trainers or instructors at the Library.

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**SAN FRANCISCO PUBLIC LIBRARY AND COMMISSION**

**STATEMENT OF INCOMPATIBLE ACTIVITIES**

**I. INTRODUCTION**

This Statement of Incompatible Activities is intended to guide officers and employees of the San Francisco Public Library (“Department” or “Library”) and Library 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, “officer” shall mean the City Librarian and a member of the Commission; and “employee” shall mean all employees of the Department.

This Statement is adopted under the provisions of San Francisco Campaign & 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, up to and 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 officer’s or employee’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:

- Political Reform Act, California Government Code § 87100 *et seq.*;
- California Government Code § 1090;
- San Francisco Charter;
- San Francisco Campaign and Governmental Conduct Code;
- San Francisco Sunshine Ordinance; ~~and~~
- Applicable Civil Service Rules;
- San Francisco Public Library Collection Policy and Collection Plan;
- San Francisco Public Library Exhibitions Policy and Exhibitions Guidelines;
- Library Bill of Rights; and the
- Code of Ethics of the American Library Association.-

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 City 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 questions should be directed to the employee's supervisor or to the City Librarian. Similarly, questions about other applicable laws governing the conduct of public employees should be directed to the employee's supervisor or the City Librarian, although the supervisor or City Librarian 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 a City officer has questions about this Statement, the questions should be directed to the officer's appointing authority, the Ethics Commission or the City Attorney.

## II. MISSION OF THE SAN FRANCISCO PUBLIC LIBRARY AND COMMISSION

*The mission of the San Francisco Public Library is to provide free and equal access to information, knowledge, and independent learning and the joys of reading for our diverse community.*

## III. RESTRICTIONS ON INCOMPATIBLE ACTIVITIES

This section prohibits outside activities, including self-employment, that are incompatible with the mission of the Department. Under subsection C, an officer or employee may seek an advance written determination whether a proposed outside activity 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 City Librarian 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 City Librarian.

### 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 (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.

~~*a. No officer or employee may be employed by, or receive compensation from, an individual or entity that has a contract or is a vendor with the Department or Commission, or that has had a contract or was a vendor with the Department or Commission during the past twelve months. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.*~~

~~*Example. No officer or employee may be employed by or receive compensation from any individual or entity that provides book binding or book repair services to the Library.*~~

~~*b.a. No employee or the City Librarian may be employed by, or provide services in exchange for compensation as a sales representative, purchaser, **writer, editor** or publicist for, a publisher who sells books to the Library.*~~

~~*e.b. No employee or the City Librarian may be employed by, or provide services in exchange for compensation as a sales representative, purchaser, **programmer, editor,** or publicist for a publisher of databases or other electronic media if that publisher sells such materials to the Library.*~~

~~*d. No employee or the City Librarian may serve, whether compensated or not, as a consultant, exhibition designer, or preparator for a company, nonprofit organization, artist, or artists' collective whose exhibitions are booked into the Library.*~~

~~*e.c. No employee or the City Librarian may be employed by, or provide services in exchange for compensation as an instructor for any person or entity that provides training at the Library.*~~

## **2. ACTIVITIES WITH EXCESSIVE TIME DEMANDS**

Neither the City Librarian nor any employee may engage in outside activity (regardless of whether the activity is compensated) that would cause the City Librarian 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 City Librarian 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 City Librarian 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**

Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, 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 one's own department or commission on behalf of oneself; filing or otherwise pursuing claims against the City on one's own behalf; running for City elective office; or making a public records disclosure request pursuant to the Sunshine Ordinance or Public Records Act. Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.

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. RESTRICTIONS THAT APPLY TO EMPLOYEES IN SPECIFIED POSITIONS**

In addition to the restrictions that apply to all officers and employees of the Department, unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section for individual employees holding specific positions.

[RESERVED.]

**C. ADVANCE WRITTEN DETERMINATION**

As set forth below, an employee of the Department or the City Librarian or a member of the Commission may seek an advance written determination whether a proposed outside activity conflicts with the mission of the Department, imposes excessive time demands, is subject to review by the Department, 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.

If an individual has not requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement.

Similarly, if an individual has requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement if:

- (a) the requestor is an *employee* who has not received a determination under subsection C from the decision-maker, and 20 working days have not yet elapsed since the request was made; or
- (b) the requestor is an *officer* who has not received a determination under subsection C from the decision-maker; or

(c) the requestor has received a determination under subsection C that an activity is incompatible.

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:** An employee of the Department may seek an advance written determination from the City Librarian or his or her designee. The City Librarian or his or her designee will be deemed the decision-maker for the employee's request.

**Decision-maker for request by the City Librarian:** The City Librarian may seek an advance written determination from his or her appointing authority. The appointing authority will be deemed the decision-maker for the City Librarian's request.

**Decision-maker for request by a member of the Commission:** A member of the Commission may seek an advance written determination from his or her appointing authority or from his or her commission, or the Ethics Commission. The appointing authority, Commission or Ethics Commission will be deemed the decision-maker for the member'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 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 City Librarian 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 City Librarian.

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 proposed activity will be determined not to violate this Statement.

The decision-maker may revoke the determination at any time based on changed facts or circumstances or other good cause, by providing advance written notice to the requestor. 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 non-public 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's 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 of inappropriate use.* 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 of acceptable use.* 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 as an agent acting on behalf of the Department, 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

speaking 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's 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 officers or employees.

*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 officers and employees.

## **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.

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- San Francisco Public Library Collection Policy (<http://sfpl.org/index.php?pg=2000007001>) and Collection Plan (<http://sfpl.org/index.php?pg=2000003401>)
- San Francisco Public Library Exhibitions Policy (<http://sfpl.org/index.php?pg=2000028801>) and Exhibitions Guidelines (<http://sfpl.org/index.php?pg=2000028901>);
- Library Bill of Rights (<http://www.ala.org/advocacy/intfreedom/librarybill>); and the
- Code of Ethics of the American Library Association (<http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/proethics/codeofethics/Code%20of%20Ethics%20of%20the%20American%20Library%20Association.pdf>).

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## Collection Development Policy

The Collection Development Policy supports the mission of the San Francisco Public Library and provides direction and guidance for the Collection Development Plan. It is the goal of the Library to provide a high quality collection of books and other materials in a variety of formats and languages for all ages that is responsive to the needs and interests of the community and reflective of the diversity of the community. To support an informed public, the collections shall represent diverse points of view, and may include materials that some members of the public consider to be controversial in nature. The Library will provide free and equitable access to library collections to all users. In selecting materials, library staff will use professional reference resources, judgment, knowledge and experience to select these materials, and will proactively solicit advice from, as well as anticipate the needs and interests of, the community. Within budgetary and space limitations, the collections will serve to enhance the cultural, literary, aesthetic and educational pursuits of library users and the needs of the community as a whole. The San Francisco Public Library endorses the principles documented in the American Library Association's Library Bill of Rights, Freedom to Read Statement, Freedom to View Statement, Code of Ethics, and Core Values of Librarianship Statement.

Adopted by the Library Commission 4-3-08

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## Collection Development Plan

How the Library Selects and Manages Books and Other Library Materials

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## San Francisco Public Library Collection Levels

1. **Basic Collection:** Provides an introductory overview. Includes basic reference materials, such as dictionaries, encyclopedias, selected editions of important works, historical surveys, bibliographies, handbooks and a few major periodicals. Librarians acquire best sellers, other popular materials and a few current, general works on a subject. The collection is weeded continually based on use.
2. **Support Collection:** Provides all of Level 1 plus general coverage and understanding of a subject. Encompasses a wide range of representative works including some advanced titles per topic. Librarians acquire reference works, bibliographies and secondary works relating to the particular subject. The collection is weeded based on significance of title and changing use.
3. **Resource Collection:** Provides all of Level 2 plus broad, current, in-depth and retrospective coverage to meet an extensive range of use by public library patrons. Includes the available substantive works on the subject with an emphasis on currency. Librarians acquire all important reference works, a wide selection of specialized books and an extensive collection of journals. The collection is weeded based on significance of title, usage, and maintenance of existing collection strengths.
4. **Comprehensive Collection:** Provides all of Level 3 and encompasses the full range of use for public library patrons, from introductory works for acquiring general knowledge to primary resources for conducting historical research. Librarians acquire all significant and available current and retrospective works for comprehensive coverage of a defined and limited field. All titles and holdings are retained in a non-circulating collection with an emphasis on preservation. Weeding rarely occurs.

### Expressed as a Chart

LEVEL	1	2	3	4
Current and popular	collect	collect	collect	collect
Classics and significant titles		collect	collect	collect
Retrospective materials if ongoing demand		collect	collect	collect
Retrospective materials for resource level			collect	collect
Comprehensive purchasing and retention				collect

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## Selection Criteria

In keeping with the Mission Statement and the Collection Development Policy of the San Francisco Public Library, selection criteria include:

- suitability for meeting the needs of the community
  - appeal to the interests of the community
  - artistic excellence
  - literary merit
  - local interest
  - technical quality
  - quality of presentation
  - reputation and significance of the author, generally and in the local community
  - accuracy
  - authoritativeness
  - objectivity
  - reviews in the professional and popular media
  - originality of thought
  - permanent value
  - popular demand
  - relation to existing collections and other material on the subject
  - inclusion of title in standard or special bibliographies or indexes
  - skill, competence and purpose of the author
  - budget, cost and space considerations
  - contemporary significance and current usefulness
  - suitability of physical form for library use
  - availability of materials at other libraries
  - availability of materials online
  - San Francisco Public Library will only purchase or add to its collection items that conform to U.S. laws (e.g. copyright, trade laws)
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## Materials Budget Allocation and Collection Priorities

Each fiscal year, July 1-June 30, a portion of the Library's budget is allocated to the purchase and lease of new items. The following narrative describes the sources of funding for the books and materials budget, the budget approval process, the major budget categories and the many factors that determine the Library's collection priorities.

### Sources of Funds

The Library receives annual funding for the purchase of library materials from the City and County of San Francisco's Library Preservation Fund. Other sources of funds include gifts, grants, and bequests, some of which are received from the Friends of the San Francisco Public Library.

### Responsibility for the Books and Materials Budget

Each year the City Librarian presents a proposed Library budget to the Library Commission. The Library Commission then approves a budget proposal which is forwarded to the Mayor. The Mayor presents a budget to the Board of Supervisors, which then approves the Library's budget, including the amount to be spent on materials. Allocations for the major categories of the materials budget are then determined by senior staff in consultation with division managers, subject to approval by the City Librarian. The selection of adult materials is coordinated by the Collection Development Office and Main Library staff; the selection of children's and teen materials is coordinated by Children and Youth Services.

### Major Budget Categories

The major categories of the books and materials budget are books, electronic resources, periodicals (magazines and newspapers), standing orders (annuals, directories, etc.), books and materials in languages other than English, audiovisual materials, cataloging and processing services from vendors, and leased books and audiobooks.

### Factors That Determine Collection Priorities

Many factors determine the Library's collection priorities. Among those (not in priority order) are:

- Usage statistics, such as circulation, in-library use, database use, etc.
- Public surveys
- Demand
- Community assessments
- Consultations with staff
- Changing demographics
- Strategic Plan goals, if applicable
- Rising costs
- Recurring costs
- Restricted grants
- Library and societal trends
- Format changes
- Changes in technology for delivery of content
- Collection capacity changes, including branch bond program facility plans

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## Exhibitions Policy

Exhibitions Policy adopted by the San Francisco Library Commission March 5, 1996.

The San Francisco Public Library prepares and sponsors exhibitions to feature its service goals, collections, activities and programs. Exhibitions have two basic, interrelated goals: to provide increased access to the collections through the display of Library holdings, and to provide an avenue for public education through the presentation of thematic exhibitions. The Library's strength as a repository of materials on every subject enables the development of exhibitions which present viewers with the resources to understand the connection among disciplines and become lifelong learners.

Exhibitions support the City Librarian's service goals by reinforcing the role of the Library as a preeminent educational resource. Resources for exhibitions may be drawn from cooperating organizations and individuals. Through the development of a variety of publications, interpretive materials, events and coordinated branch programs, the Library reaches out to diverse audiences within the city as well as providing materials for future research.

The City Librarian is authorized to issue rules and guidelines that are consistent with this policy and which further its implementation.

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## Exhibitions Guidelines

### General Exhibition Information

In support of the San Francisco Public Library's mission statement, service goals, and collection development guidelines, the Office of Exhibitions & Programming administers an active exhibition program at the San Francisco Main Library at Civic Center. Galleries include the 1,500 square foot Jewett Gallery on the Lower Level and the 2,200 square foot Skylight Gallery on the 6th Floor. Additional display spaces and Affinity Centers located throughout the Main Library can accommodate smaller exhibitions and/or wallcase displays. Four to five major exhibitions are mounted each year both in the Jewett Gallery and the Skylight Gallery. Multiple smaller exhibitions are mounted each year in each of the Affinity Centers and other Library spaces. The James C. Hormel Gay and Lesbian Center, the African American Center, the Filipino American Center, the International Center and the Chinese Center are located on the 3rd Floor. The Bernard Osher Foundation Art and Music Center and the Steve Silver Beach Blanket Babylon Music Center are located on the 4th Floor. The Wallace Stegner Environmental Center is located on the 5th Floor. Branch Libraries, the San Francisco History Center and the Marjorie G. & Carl W. Stern Book Arts and Special Collections Center and the Fisher Children's Center schedule exhibits for their respective areas.

The Library has final authority over the review, selection and arrangement of all exhibitions at the San Francisco Public Library. The Library's Office of Exhibitions & Programming is responsible for ensuring that exhibitions in the spaces as outlined above conform to Library exhibition policies and guidelines. In addition to co-sponsoring exhibitions from outside organizations, the Office of Exhibitions & Programming works with other Library departments to install exhibitions drawn primarily from Library collections. Exhibitions are supplemented by public programs that include book discussions, films, gallery talks, lectures, workshops, and other related activities.

Galleries and display areas are open to the public during regular building hours. All exhibitions and programs are free to the public. For information on current and upcoming events and exhibitions, go to the Events and Exhibitions pages of the San Francisco Public Library website at [www.sfp1.org](http://www.sfp1.org).

The Exhibition Review Committee considers written proposals for exhibitions. For more information on the review process, refer to Exhibition Guidelines/Selection Criteria and the Exhibition Proposal Form.

### Selection Criteria

The Library may sponsor exhibitions from organizations or individuals that are engaged in a wide range of educational, cultural or intellectual activities. Exhibition proposals will be evaluated based on the following criteria: treatment of exhibition content and approach, quality of implementation, artistic quality, originality, suitability to Library exhibition spaces, budget considerations, relevance to broad based and diverse community interests, usefulness to a general audience, and historical or educational significance. Additionally the Library welcomes proposals that relate to Library collections and resources, reflect the cultural diversity of San Francisco, attract a wider audience, or connect to other exhibitions or programs in the community presented at or about the same time. An effort is made to maintain a variety of exhibitions.

The Library retains the right to determine the suitability of any proposed exhibition to be included in the Library's exhibition program. Please be aware

of the following considerations when submitting a proposal. Library exhibition spaces are not exclusively gallery spaces and are not a public forum. These areas are also passageways for employees and members of the public of all ages to reach certain Library services. Accordingly, the Library discourages proposals containing images that include significant elements of sexually explicit imagery, nudity or graphic depiction of violence. The Library reserves the right to reject any part of an exhibition or to change the manner of display. Library exhibition spaces may not be used for commercial or political purposes, for the solicitation of business, for profit or for fundraising. The Library cannot engage in the sale of any artwork displayed in an exhibition, or provide pricing information within the exhibition. The Library does not advocate or necessarily endorse the viewpoints of exhibitions or exhibitors. Preparation of materials for exhibition purposes is the responsibility of the exhibitor and must meet the standards of the San Francisco Public Library.

The Library accepts requests to mount an exhibition through written application. Submit a completed Exhibition Proposal Form to the Office of Exhibitions and Programming. The Exhibition Committee meets quarterly to review proposals for the Jewett and Skylight Galleries. Proposals for smaller exhibits should be submitted at least 3 months before the desired exhibit dates. Upon acceptance of a proposal a written and executed Exhibition Agreement between the San Francisco Public Library and the exhibitor must be signed.

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## Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](#).

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## Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of coworkers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

The previous version of this file has long held the **incorrect amendment date of June 28, 1997**; the Office for Intellectual Freedom regrets and apologizes for the error.