

Code of Ethics
for
SFO Museum
San Francisco International Airport

Last Updated September 10, 2019
Airport Commission Resolution No. 19-0236

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PREAMBLE

SFO Museum (“SFOM”) is a division within the San Francisco International Airport (the “Airport”), a department of the City and County of San Francisco (“City”). The San Francisco Airport Commission (the “Commission”) is responsible for the operation and management of the Airport, including SFOM. The mission of SFOM is to delight, engage, and inspire a global audience with programming on a broad range of subjects; to collect, preserve, interpret, and share the history of commercial aviation; and to enrich the public experience at San Francisco International Airport. SFOM achieves its mission through the production of exhibitions throughout the Airport’s terminals; the collection, preservation, and presentation of material related to the history of commercial aviation; and through events related to SFOM’s exhibitions and collections.

Museums in the United States are grounded in a tradition of public service and stewardship. SFOM follows this tradition and places public accountability, transparency in operations, and ethical practices ahead of the interests of any individual. This approach to public service and museum stewardship furthers the SFO mission to provide an exceptional Airport in service to our communities and to promote the Airport’s core values of teamwork, communication, personal responsibility, and a commitment to excellence.

The Airport Commission has determined that adoption of this Code of Ethics serves the best interests of the Airport and SFOM in the pursuit of its mission.

ARTICLE I PURPOSE AND COVERAGE

Section 1.01. The purpose of the Code of Ethics is to establish standards of conduct to guide members of the Airport Commission, the Airport Director, SFOM staff, volunteers, and associated personnel in handling SFOM operations, assets, and audits. The standards set forth in this Code of Ethics apply to all such personnel unless the specific provision identifies a smaller group for coverage purposes.

Section 1.02. In specific circumstances, the Code of Ethics shall also apply to the immediate family of such personnel, as well as corporations, partnerships or other organizations, that are subject to control, either directly or indirectly, by such personnel. The circumstances that extend the applicability of this Code of Ethics to other persons and organizations are described below.

Section 1.03. The Airport Commission intends that this Code of Ethics be consistent with and supplement applicable state or local law or regulation, including without limitation the Conflict of Interest Code applicable to the Commission, as provided under San Francisco Campaign and Governmental Conduct Code sections 3.1-101 and 3.1-120 (as it may be

modified from time to time; see Appendix A for the Conflict of Interest Code as of the date of adoption of this Code of Ethics). In the event of a conflict, the applicable law or regulation shall control.

Section 1.04. The Airport Commission, after careful study, consultation, and discussion, has adopted this Code of Ethics as of February 5, 2019, superseding the prior Code of Ethics, dated March 3, 1998.

Section 1.05. Acknowledgement of this Code of Ethics is required of all Covered Persons at the time of their hire or appointment. Periodically, the SFOM Director will require a re-acknowledgement of this Code of Ethics.

ARTICLE II DEFINITIONS

Section 2.01. "Airport" means the San Francisco International Airport.

Section 2.02. "Airport Commission" means the governing board of San Francisco International Airport.

Section 2.03. "Board Member" means a member of the SFOM Advisory Board.

Section 2.04. "City" means the City and County of San Francisco.

Section 2.05. "Commission" means the San Francisco Airport Commission.

Section 2.06. "Commissioner" means a member of the Airport Commission and any non-member of the Airport Commission appointed to serve on a committee of the Airport Commission which committee provides advice and/or recommendations relative to the operation of SFOM.

Section 2.07. "Covered Person" means any individual who oversees or is engaged in the operation, control, or handling of SFOM or its assets. Covered Persons include but are not limited to Commissioners, Board Members, Employees, and Volunteers.

Section 2.08. "Employee" means the Airport Director, heads of Airport divisions, and other employees of the City whose job duties are with SFOM; directors and employees of Support Organizations; and employees of independent contractors retained to provide services to support SFOM management or operations. A person may be an Employee regardless of full- or part-time employment status and regardless of the employer.

Section 2.09. "Gift" means any benefit received or accepted for which the recipient does not provide payment of equal or greater value. A gift may be tangible or intangible and

need not have monetary value. Examples of gifts include but are not limited to entertainment (such as tickets to an event), favors, discounts, dispensations, or other special arrangement.

Section 2.10. "Support Organization" means the San Francisco Aeronautical Society and any similar organization with the primary purpose of supporting SFOM.

Section 2.11. "Volunteer" is a person who donates time or services to SFOM, whether on a full-time or part-time basis, and who does not receive monetary or other compensation for their SFOM time from any source, and who is not a Commissioner, Board Member, or Employee.

ARTICLE III GENERAL PRINCIPLES AND GUIDELINES

Section 3.01. This Code of Ethics sets forth standards for ethical behavior in several sensitive areas of conduct in which questions of propriety most commonly arise. It is not possible and perhaps not even desirable to enumerate every detailed circumstance that might prove detrimental to the public perception of, and ultimately therefore to the effectiveness and credibility of, SFOM. For that reason, this Code of Ethics consists of general guiding principles rather than a complete set of prescriptive rules.

Section 3.02. This Code of Ethics relies on two fundamental principles that form the basis for the standards of behavior set out in the policy:

- (a) fair, honest, and ethical conduct and conduct consistent with the best interests of SFOM shall prevail at all times in internal and external interactions; and
- (b) conduct that even gives the appearance of ethical impropriety should be avoided.

Section 3.03. The collection of SFOM is the property of the City and shall be held and administered solely for the public benefit.

Section 3.04. The maintenance of high standards of honesty, integrity, and impartiality by all Covered Persons is essential to assure proper conduct of SFOM's business and of public confidence in the program. Covered Persons must refrain from any private business or personal or professional activity which would be inconsistent, incompatible, in conflict, or appear to conflict with the interests of SFOM or would otherwise appear likely to affect adversely the confidence of the public in SFOM's integrity.

Section 3.05. Covered Persons are entrusted to make decisions that benefit SFOM and to act without regard for their personal interests. Covered Persons should not use their position, title, affiliation, employment, or access to information about SFOM to further their

own financial interests or to derive personal advantage of benefit. Transactions in which a Covered Person may have a conflict of interest are subject to careful scrutiny.

Section 3.06. Covered Persons shall avoid any action, whether or not specifically prohibited by this Code of Ethics, that might affect adversely, or might create the appearance of affecting adversely, the confidence of the public in the integrity of SFOM.

Section 3.07. Unless specifically authorized to do so, Covered Persons may not disclose any official information of SFOM that is confidential or that represents a matter of trust, or any other information of such character that its disclosure might be contrary to the best interests of SFOM; private, personal, or business-related information furnished to SFOM in confidence. Security and investigative data for official use only shall not be divulged to unauthorized persons or agencies.

Section 3.08. All Covered Persons should be aware of the laws and rules applicable to their actions. Pertinent laws and rules applicable to City officers and employees, and to Airport Commission employees include, but are not limited to, the following, as may be amended from time to time:

- (a) California Government Code Sections 1090, *et seq.* (incorporated into local law by San Francisco Campaign and Governmental Conduct Code Section 3.206) (restricting officers and employees from participating in the making of contracts in which they have an interest);
- (b) California Political Reform Act, California Government Code § 87100, *et seq.* (incorporated into local law by San Francisco Campaign and Governmental Conduct Code Section 3.206) (restricting officers and employees from making, participating in or seeking to influence decisions in which they have a financial interest);
- (c) 2 California Code of Regulations Section 18730(b)(Section 8.1) (this Fair Political Practices Commission Regulations incorporated into local law by San Francisco Campaign and Government Conduct Code Section 3.1-101)(monetary limits on value of gifts certain officers and employees may accept in a calendar year); San Francisco Campaign and Government Conduct Code Section 3.216 (setting forth other restrictions on gifts to officers and employees);
- (d) San Francisco Administrative Code Sections 2A.155.4 through 2A.155.11 (relating to sale, exchange, and transfer of works of art);
- (e) San Francisco Administrative Code Sections 10.100-305 and 67.29-6 (relating to acceptance and reporting of gifts);
- (f) San Francisco Campaign and Governmental Conduct Code Sections 3.1-100 through 3.1-108 and 3.1-120 (Conflict of Interest Code: Financial Disclosure (Airport Commission)) (adopting Conflict of Interest Code applicable to the Commission, requiring disclosure of financial interests by persons in certain designated positions within the Commission);
- (g) San Francisco Campaign and Governmental Conduct Code Sections 3.200 through 3.244 (conflict on interest laws that apply to local officers and employees);

- (h) San Francisco Civil Service Rule 118 (Conflict of Interest) (relating to outside employment);
- (i) The Commission's Statement of Incompatible Activities (for City officers and employees); and
- (j) Airport Executive Directives.

ARTICLE IV CONDUCT IN THE PERFORMANCE OF DUTIES

Section 4.01. High standards of conduct in the performance of their duties are required of Covered Persons of SFOM. Those Covered Persons in contact with the public play a particularly significant role in determining the public's attitude toward SFOM. Objectivity, alertness, courtesy, consideration, and promptness in carrying out one's official duties are important aspects of conduct.

Section 4.02. In the performance of their duties, Covered Persons may not discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), weight, or height, or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes. Discrimination on the basis of refusals to render political service or to contribute money for political purposes is also prohibited.

Section 4.03. Covered Persons may not directly or indirectly use, or allow to be used, property of any kind belonging to SFOM or to the City for other than officially approved activities. Covered Persons have an affirmative duty to protect and conserve Museum and City property, equipment, and supplies that are in their custody and control.

Section 4.04. Covered Persons shall not share their knowledge of SFOM security procedures and shall never confide codes or offer keys or other confidential or privileged information or materials to unauthorized individuals.

Section 4.05. When Covered Persons are asked in the performance of their official duties to suggest sources for objects, materials, or services such as conservation, appraisal, or the transportation of art objects, multiple reputable suppliers or competent sources should be suggested, where possible, to avoid giving the appearance of an official endorsement by SFOM of any one source.

Section 4.06. City property other than collection objects shall be disposed of through the City Purchaser after consultation with the City Attorney regarding any restrictions on disposal of the property or on the use of proceeds from the sale of the property.

ARTICLE V
GIFTS, FAVORS, ENTERTAINMENT, DISCOUNTS, AND DISPENSATIONS

Section 5.01. Except as provided by applicable law, Covered Persons may not accept Gifts from outside individuals, businesses and organizations with whom they have dealings in their capacity as Covered Persons. This includes investments and any relationship of personal financial benefit with any gallery or business entity that manufactures or sells museum supplies, books, machinery or equipment, or that provides services to SFOM. A summary of applicable state and local laws regarding acceptance of Gifts is set forth in Appendix B. The SFOM Director and Chief Curator may, in consultation with the City Attorney, provide an updated version of Appendix B as needed to reflect changes in the laws summarized.

ARTICLE VI
OUTSIDE ACTIVITIES

Section 6.01. Outside Employment, Positions, and Services:

- (a) Subject to the limitations prescribed in Rule 118 of the Civil Service Commission of the City, and any other applicable restrictions in the Commission's Statement of Incompatible Activities or other applicable laws or Airport Executive Directives, outside employment may be appropriate when it would not adversely affect the performance of an SFOM employee's official duties, exploit the name and reputation of SFOM, or reflect discredit on SFOM. Outside employment must be accomplished on the SFOM employee's personal time outside SFOM duty hours, and may be prohibited if it would be in conflict with the best interests of SFOM, the Commission, or the City.
- (b) Approval of outside employment may be given subject to appropriate conditions. These conditions may include, but are not limited to requiring the employee to take affirmative steps to avoid using SFOM's name unnecessarily in connection with outside activities or misleading the public regarding SFOM's endorsement of the activity. In the case of a publication in which the author is identified as an employee of the Commission or SFOM, approval may be conditioned on the author's incorporation of language disclaiming that the views expressed are those of SFOM or the Airport.
- (c) In addition to the requirements of the Civil Service rules noted above, an SFOM employee must request authorization from his or her supervisor in writing prior to engaging in any outside employment, position, or service for compensation (including teaching, lecturing, or writing) that is similar to or related to the employee's SFOM responsibilities or activities.
 - (i) The written request shall describe the contemplated outside employment, the approximate payment or honorarium expected, and the anticipated extent or duration of the employment. The SFOM employee must also notify his or her

supervisor in writing of, and request authorization for, and substantial changes in the scope or nature of an outside employment already cleared by his or her supervisor.

(ii) If there is no conflict of interest or questionable circumstance, the supervisor shall initial and date the written request and return it to the employee, and retain a copy in the employee's personnel file.

(iii) To avoid any inference that outside employment is sponsored or supported by the Commission or SFOM, supervisors should not indicate that the outside employment is "approved", but only that there is "no objection" to the outside employment. In addition, the employee shall not advertise his or her affiliation with SFOM when engaging in activities outside the scope of their employment with SFOM.

- (d) Nothing in this section is intended to preclude an employee from lecturing about SFOM or aviation history on behalf of SFOM even where such presentation is paid for by another museum or nonprofit agency and approved by SFOM's Director and Chief Curator. City officers and employees are strongly encouraged to consult in advance with the City Attorney's Office regarding travel stipend and honorarium payment restrictions and reporting requirements.

Section 6.02. Community and Professional Activities:

- (a) Employees of SFOM are encouraged to participate in the affairs of charitable, religious, public service, professional and civic organizations, and may accept awards from such organizations for meritorious public contributions or achievements.
- (b) SFOM employees may not work, solicit, or proselytize for such organizations during SFOM duty hours, or attempt to use in any way the name, reputation, property, or facilities of SFOM for the benefit of such organizations.
- (c) The prohibitions of subparagraph (b), above, do not apply to professional organizations, such as the American Alliance of Museums and other recognized academic or scientific associations or institutions with which SFOM has established a supporting or cooperative relationship; or to union activities authorized by law or provided for in an applicable memorandum of understanding with the City.

Section 6.03. Teaching, Lecturing, and Writing:

- (a) SFOM employees engaged in teaching, lecturing, and writing that advances their research and increases and diffuses knowledge must carry out those activities in a manner consistent with SFOM's policies, including those pertaining to outside activities and employment.
- (b) SFOM employees may not, either with or without compensation, engage in teaching, lecturing, or writing that depends on information obtained as a result of his or her SFOM employment, except when that information has been made available to the general public or will be made available upon request, or when the SFOM Director and Chief Curator gives written permission for the use of non-public information on the basis that the use is in the public interest. Such permission may be given subject to appropriate conditions, including a

requirement that any compensation received from outside sources be remitted to SFOM.

- (c) Manuscripts, lecture notes, digital files, and all other materials prepared during SFOM duty hours are the property of SFOM and employees may not receive outside compensation for them. Employees are encouraged to seek the advice of the SFOM Director and Chief Curator before agreeing to author as a private individual any publication that draws upon or relates to materials prepared in the course of carrying out SFOM responsibilities.
- (d) Any and all materials or items developed, written, designed, drawn, painted, constructed, or created by staff members while carrying out SFOM-related responsibilities are considered to be the property of SFOM. Information created in the course of SFOM-related work done by Covered Persons is also the property of SFOM, including research notes, correspondence, records, electronic files, and photographs. When SFOM employees leave SFOM employ, they should work with supervisors and colleagues to determine which materials should be retained. SFOM's ownership of intellectual property created by Covered Persons while in the employ of SFOM continues after he or she leaves for any reason.
- (e) Ownership of copyright for manuscripts, lecture notes, digital files, and all other materials prepared outside of SFOM employment and consistent with this Article VI rests with the employee.

ARTICLE VII PERSONAL COLLECTING

The Airport Commission acknowledges that personal collecting by Covered Persons advances professional knowledge and judgment. Because the acquisition, maintenance, and management of a personal collection may create actual or apparent conflicts of interest, the following sections provide specific guidelines that govern personal collecting.

POLICY STATEMENT

PERSONAL/PRIVATE COLLECTING OF OBJECTS OF THE TYPE COLLECTED BY SFOM IS AN APPROPRIATE ACTIVITY FOR COVERED PERSONS, PROVIDED THAT SUCH ACTIVITY RESULTS IN NEITHER THE FACT NOR THE APPEARANCE OF A CONFLICT OF INTEREST WITH SFOM, AND ITS COLLECTING PROGRAM.

Section 7.01. For the purpose of this Article VII, Covered Persons include the spouses, minor children, and any other household members of Covered Persons. The provisions of the Code shall also apply to private foundations, corporations, partnerships, or other business entity controlled, either directly or indirectly, by Covered Persons.

Section 7.02. Covered Persons may not engage in the business of dealing in objects of a type collected by SFOM unless they refrain from participating in, and recuse themselves from, involvement in any SFOM transaction involving the sale, acquisition, transfer, deaccessioning or other similar disposition of such objects. Occasional sales to upgrade a personal collection are permissible provided such collection activities are in compliance with other limitations contained in this Code of Ethics or in other policies adopted by SFOM regarding personal collecting.

Section 7.03. No Covered Person shall use his or her affiliation with SFOM to promote his or her personal collecting activities.

Section 7.04. A Covered Person may not participate in SFOM's decision to accept a donation of an object from that individual, to purchase an object from that individual, or to exhibit an object owned by that individual or in which that individual has a financial interest.

Section 7.05. No Covered Person shall receive or purchase, either directly or indirectly, an object deaccessioned from SFOM's collection.

Section 7.06. Covered Persons may not use information obtained through their affiliation with SFOM, when the information may not be generally available, to promote their personal collecting activities or the collection activities of an associate, family member, or corporation, partnership, or other business entity controlled by them, either directly or indirectly.

Section 7.07. No Covered Person may knowingly compete with SFOM for the receipt or purchase of objects of interest to SFOM.

Section 7.08. No Covered Person may directly or indirectly sell objects to SFOM except at a price substantially below fair market value, as determined by an independent appraisal, and upon terms approved by the Collections Review Committee.

ARTICLE VIII COLLECTIONS

Section 8.01. The collection of SFOM is the property of the City and shall be held and administered solely for the public benefit.

Section 8.02. Covered Persons have an ethical duty to adhere to SFOM's collection management policies. Care of SFOM's collections and their accessibility should be in keeping with professionally accepted standards.

Section 8.03. Covered Persons who have direct contact with the public concerning gifts or bequests of collection objects to SFOM shall communicate to potential donors the

fact that SFOM's acceptance of a donated object is not necessarily an indication that SFOM will accession the object into the permanent collection.

Section 8.04. All recommendations for accessions shall be given to the Collections Manager, who shall transmit the recommendations to the Collections Review Committee. All accessioned items shall be approved by the Collections Review Committee, and by the Airport Director, Airport Commission, and the Board of Supervisors as appropriate.

Section 8.05. SFOM may not loan collection objects to private individuals.

Section 8.06. SFOM may not acquire an object for the collection if such acquisition would violate the laws of the United States.

Section 8.07. SFOM may acquire objects for the collection by purchase, exchange, gift, bequest, or transfer or any other transaction that transfers title to SFOM. A collection object may be disposed of by sale or exchange if it has not been accessioned into the SFOM collection; provided, however, that SFOM may not sell or exchange objects that it owns at below market value if such sale or exchange would violate federal aviation law or federal tax law.

Section 8.08. Once an object has been accessioned, it shall not be deaccessioned except through formal deaccession procedures in accordance with SFOM's Collection Management Policy and applicable local law, subject to any applicable gift restrictions or applicable court order.

Section 8.09. In conformance with the principles of San Francisco Administrative Code sections 2A.155.4-2A.155.10 and 2A.155.12, as those sections may be amended from time to time, disposal of collection objects by sale shall be by public auction except in those instances where the Commission determines on the basis of written information supplied by the Director and Chief Curator, that shall include a statement of the Director's opinion, that:

- (a) It is advantageous to SFOM to dispose of them by some other method, and
- (b) The method be consistent with SFOM's deaccession policy.

Section 8.10. Consistent with San Francisco Administrative Code Section 2A.155.12, as may be amended from time to time, and in conformance with SFOM's Collection Management Policy, proceeds from the sale of collection objects deaccessioned by SFOM shall not be used for any purpose other than the acquisition of objects for SFOM's collection.

Section 8.11. It is the responsibility of SFOM staff to present current and accurate facts about collection objects and to integrate this information into the object's collection record. Intellectual honesty and objectivity in the presentation of objects shall be the duty of all Covered Persons.

Section 8.12. SFOM will provide appropriate access to collection objects to members of the public with a legitimate interest. Public access to collection objects is provided by

appointment during established office hours and is subject to collection storage area rules in order to ensure the safety and security of the collection.

Section 8.13. SFOM will provide appropriate access to collections records in accordance with the California Public Records Act (California Government Code sections 6250 *et seq.*) and the San Francisco Sunshine Ordinance (S.F. Administrative Code Chapter 67).

ARTICLE IX EXHIBITIONS

Section 9.01. SFOM shall mount exhibitions that are consistent with its mission, vision, and values.

Section 9.02. SFOM curatorial staff shall retain intellectual integrity and control over exhibitions. Interpretive materials, publications, and public programs that accompany exhibitions shall be founded on sound scholarship consistent with current knowledge. SFOM acknowledges that objects may have many meanings and encourages many different approaches to their presentation and interpretation, including perspectives that will engender a greater understanding of and respect for diverse cultures and artistic achievements.

Section 9.03. In considering incoming loans for exhibitions, SFOM staff shall be aware of their ethical responsibilities with regard to provenance and unlawful appropriation issues, especially in relation to American Indian materials, antiquities from foreign countries, Nazi-era materials, and endangered species.

Section 9.04. Objects borrowed for exhibition from Covered Persons shall be credited in all exhibition material as an anonymous loan.

Section 9.05. SFOM shall not sell artists' work in any exhibition, other than in publicly advertised fundraising events where proceeds enhance acquisition funds. Such sales shall not come from deaccessioned items from the permanent collection.

ARTICLE X APPRAISAL, AUTHENTICATION, AND IDENTIFICATION ACTIVITIES

Section 10.01. Appraisal, authentication, and statements as to monetary value of objects may be prepared by employees only for internal use by SFOM, such as for insurance valuations of objects temporarily in the custody of SFOM or on loan to other institutions. Such appraisal information may not be disseminated to sources outside SFOM by Covered Persons without the approval of the SFOM Director and Chief Curator.

ARTICLE XI
REPRODUCTIONS OF ART WORK

Section 11.01. Reproductions and sales of reproduction shall be limited to maintain a climate of artistic integrity. The Airport Director, in consultation with the SFOM Director and the Chief Curator, may authorize the production or sale of reproductions of objects in the collection of SFOM.

Section 11.02. Reproductions must be clearly labeled as such. Any signs, labels, or advertising shall clearly designate the item as a reproduction.

- (a) If an object is reproduced for sale and/or distribution, signatures, print edition numbers, and printers' symbols or titles should not appear in the reproduction if in the original they occur outside the borders of the image. Similarly, signatures, edition numbers and/or found marks on sculpture should not appear on any reproduction.
- (b) Reproductions of paintings and sculptures should only be offered for sale and/or distribution in materials and sizes other than those used by the artist in the original work of art. It is recognized that reproductions of decorative arts serving functional purposes may pose special problems, but the fact that they are reproductions should be clearly indicated.
- (c) In advertising reproductions for sale and/or distribution, language should not be used which would imply that there is any identity or quality between the copy and the original, or which would lead the potential buyer to believe that by purchasing the reproduction he or she is, in effect, acquiring an original work of art.
- (d) If an object is reproduced for the purposes of exhibition, the displayed item must be clearly identified as a reproduction.

Section 11.03. Reproductions shall be used in accordance with federal regulations and international treaties regarding copyright and intellectual property rights.

ARTICLE XII
ETHICS REVIEW

Section 12.01. The Airport Director shall establish and maintain an advisory committee (the "Ethics Committee") comprised of persons who will review questions and matters concerning the interpretation and application of this Code of Ethics and provide advice and recommendations. The Airport Director shall in his/her sole discretion establish the standing membership of the Ethics Committee and shall appoint an Ethics Committee Chair to facilitate the review process and, as appropriate, issue a recommendation.

Section 12.02. For questions initiated by or concerning Commissioners, heads of Airport Divisions, the SFOM Director, or the SFOM Chief Curator, the Airport Director shall review the matter and may convene the Ethics Committee for advice and/or recommendations.

Section 12.03. For questions initiated by or concerning the Airport Director, the San Francisco Human Resources Director shall review the matter and may convene the Ethics Committee for advice and/or recommendations.

Section 12.04. For questions initiated by or concerning SFOM employees, Board Members, Volunteers, or employees of independent contractors, the SFOM Director and Chief Curator shall review the matter and may request that the Airport Director convene the Ethics Committee for advice and/or recommendations.

Section 12.05. Any determination following a review under this Article shall be final.

ARTICLE XIII VIOLATIONS OF THE CODE OF ETHICS

Section 13.01. A failure by a Covered Person to meet the standards set forth in this Code of Ethics may be cause for removal from office or position; termination of employment or other employee discipline or reassignment; or termination of a contract. For Airport Commission employees, violations will be addressed as provided in Executive Directive 07-09, *Standards for Ethical Conduct*. Contractors may also be subject to debarment proceedings under the San Francisco Administrative Code. No action involving a violation of this Code of Ethics shall be exclusive or preclusive of any other administrative or legal action.

Section 13.02. A claim of a violation of this Code of Ethics may be submitted to the Airport Commission Secretary at airportcommissionsecretary@flysfso.com. The Commission Secretary shall refer any claim as follows:

- If the claim involves a potential violation by a Commissioner or the Airport Director, then the Commission Secretary shall refer the claim to the San Francisco Human Resources Director.
- If the claim involves a potential violation by a City employee other than the Airport Director, then the Commission Secretary shall refer the claim to the Airport Director.
- If the claim involves a potential violation by a Board Member, Volunteer, or contractor, then the Commission Secretary shall refer the claim to the SFOM Director.

Section 13.03. A claim shall require an investigation. Investigations under this Code shall be treated as confidential. An investigation concerning a Commissioner or City employee shall be treated as a personnel matter. An investigation concerning a Board

Member, Volunteer, or contractor shall be conducted by the SFOM Director, in consultation with the Airport Director, who may convene the Ethics Committee for advice and/or recommendations.

SFO Museum Code of Ethics Compliance Statement

I have read and understood the Code of Ethics for SFO Museum dated September 10, 2019, and agree to abide by all of the Code's provisions.

Name:

Signature:

Date:

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APPENDIX A
CONFLICT OF INTEREST CODE APPLICABLE TO THE COMMISSION
AS OF SEPTEMBER 10, 2019

Part 1

San Francisco Administrative Code: San Francisco Campaign and Governmental Conduct Code.

Article III: Conduct of Government Officials and Employees

Chapter 1: Conflict of Interest Code: Financial Disclosure

Full URL:

[http://library.amlegal.com/nxt/gateway.dll/California/campaign/articleiiiconductofgovernmentofficialsan?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_Art.IIIC_h.1](http://library.amlegal.com/nxt/gateway.dll/California/campaign/articleiiiconductofgovernmentofficialsan?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Art.IIIC_h.1)

Part 2

Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations. Regulation 18730.

Full URL:

<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>

APPENDIX B

SUMMARY OF STATE AND LOCAL LAW GOVERNING GIFT ACCEPTANCE BY CITY EMPLOYEES

City employees are subject to a number of laws and rules restricting the receipt of gifts and requiring the reporting of gifts. This Appendix summarizes the principal gift requirements under State and local law.

State Gift Restrictions

Employees listed in the Conflict of Interest Code may not accept gifts of more than \$500 in a calendar year from any source if they would be required to report income from that source on their statement of economic interests. If an employee required to report income from only specific categories of sources, gifts from other sources are not subject to the gift limit and need not be reported. Gifts of \$50 or more from a reportable source must be disclosed on the employee's statement of economic interests.

The total amount of gifts that an employee or official receives from a single source in a calendar year may not exceed \$500. And if the total value of gifts received from a single source exceeds \$50, the employee must report all of the gifts received.

What Is a Gift?

A gift is any payment or benefit that a public official receives or accepts for which the official does not provide goods or services of equal or greater value. A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to all members of the general public. Unless such a payment, benefit or discount falls into one of the exceptions described below, it should be considered a gift subject to limits and reporting requirements.

An employee has "received" or "accepted" a gift when the employee has actual possession of the gift or when the employee exercises discretion or control over the gift, including discarding the gift or giving it to someone else.

If an employee receives a gift and take one of the following steps within 30 days of receiving the gift, the employee does not need to report the gift or account for any potential gift limits:

- Return the gift unused;
- Donate the gift, unused, to a 501(c)(3) nonprofit organization with which the employee, or a member of the employee's immediate family, holds no position, or to a government agency and do not take a tax deduction for the donation; or
- Pay fair market value for the gift.

Exceptions to Definition of Gift

The Political Reform Act contains a number of exceptions to the broad definition of gift. The following are not considered gifts under the Act:

- Informational material. Informational material provided to assist an employee in the performance of official duties, including books, reports, pamphlets, calendars, periodicals, photographs, audio and video recordings, or free or discounted admission to conferences or seminars. Transportation provided to or in connection with an on-site demonstration, tour, or inspection also qualifies as informational material if the transportation is integral to the information conveyed, the site is otherwise legally inaccessible, or there is no publicly-available commercial transportation to or from the site.
- Gifts from family members. Gifts from an employee's spouse or former spouse, including an employee's registered domestic partner, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grand-aunt, grand-uncle, grand-niece, grand-nephew, first cousin, first cousin once removed or the spouse or former spouse of any such person (other than a former in-law), provided that they are not acting as an intermediary for someone else.
- Campaign contributions. Campaign contributions are not gifts under the Act, but are subject to other state and local reporting and regulatory requirements.
- Bequest or inheritance. A bequest or inheritance is not a gift, but if an employee receives tangible items as part of a bequest, such as property or stock, an employee may have to report these items as investments.
- Personalized plaques and trophies worth less than \$250.
- Gifts of home hospitality. Gifts of home hospitality provided in the host's home when the host is present, including food, drink, or occasional lodging, from a person with whom the employee has a relationship, connection, or association unrelated to the employee's position, unless:
 - any part of the cost of the hospitality is paid directly or reimbursed by another person;
 - the host or any other person deducts any part of the cost of the hospitality as a business expense on a tax return; or
 - there is an arrangement between the host and a third party under which the host will use compensation received from the third party to pay for the hospitality.
- Gifts exchanged on birthdays and holidays. Gifts of approximately equal value exchanged between an employee and another individual on holidays, birthdays, or similar occasions when gifts are typically exchanged. Similarly, if a group of City employees participate in a gift exchange – such as during the holiday season – any items received are not gifts as long as they are not substantially disproportionate in value.
- Reciprocal exchanges. Exchanges made in a social relationship between an employee and another individual, with whom the employee participates in

repeated social events or activities such as lunches, dinners, rounds of golf, and attendance at entertainment or sporting events, where the participants typically rotate payments of less than \$500 on a regular basis so that, over time, each participant pays for approximately that person's share of the costs. But even in the context of such a social relationship, if the employee has received a disproportionate amount relative to what the employee has paid, that excess amount constitutes a gift.

- Donation of leave credits from colleagues. Leave credits, including vacation, sick leave, or compensatory time off, donated to an employee in accordance with the City's catastrophic illness program.
- Payments received in connection with making a presentation. Admission fees, food, and nominal items provided as part of paid admission to an event, when the employee is making a speech at the event and receives these payments as a result of that appearance.
- Tickets to events to perform a ceremonial role. Tickets provided to an employee and one guest of the employee to a facility, even, show, or performance where the employee performs a ceremonial role on behalf of the City. A ceremonial role is an act performed at an event at the request of the holder of the event where, for a period of time, the focus of the event is on an act performed by the employee, such as throwing out the first pitch at a baseball game, cutting a ribbon at an opening, or making a presentation of a proclamation or award. Mere attendance does not qualify as performing a ceremonial role.
- Prize or award. A prize or award received in a bona fide competition unrelated to one's official status is not a gift. But the employee must report it as income if the value of the prize or award is \$500 or more.
- Wedding attendance. Benefits such as food and refreshments received as a wedding guest are not gifts so long as they are substantially the same as the benefits received by other guests.
- Bereavement offerings. Bereavement offerings typically provided in memory of and concurrent with the passing of a spouse, parent, child, sibling, or other relative of an employee, such as flowers at a funeral.
- Acts of neighborliness. Acts of kindness that would be performed by a neighbor or good Samaritan, such as loaning a household item, providing a needed car ride, or assisting with a home repair. This exception does not extend to air transportation.
- Gifts given directly to members of an employee's family. Gifts given directly to members of an employee's family are presumed not to be gifts to the employee, except when there is no established working, social, or similar relationship between the source of the gift and the employee's family member, or there is evidence suggesting that the source of the gift intended to influence the employee through the employee's family member. 2 C.C.R. § 18943.
- Tickets to fundraisers for 501(c)(3) nonprofit organizations. If the nonprofit organization directly provides the ticket to the employee, and the employee uses the ticket. The employee may accept up to two tickets for each event, for the employee's own use and a guest. 2 C.C.R. § 18946.4(b).

- Tickets to fundraisers for political campaigns, if the candidate or committee supported by the fundraiser directly provides the ticket to the employee and the employee uses the ticket. The employee may accept up to two tickets for each event, for the employee's own use and a guest. 2 C.C.R. § 18946.4(c).

The following gifts must be reported on an employee's statement of economic interests, but are not subject to the gift limit.

- Wedding gifts. The law attributes one half of the gift to the public employee.
- Certain gifts of travel.

Disqualification

An employee is disqualified from making a decision affecting a source of gifts of \$500 or more in the 12 months before the decision, even if the gift is not subject to the gift limit.

Further, regardless of whether an employee files a Statement of Economic Interests, City employees and officers may not make, participate in making, or seek to influence any governmental decision affecting any person or entity that was a source of \$500 or more in gifts in the 12 months preceding the date of the decision.

Local Gift Restrictions

In addition to the Political Reform Act's requirements, the City has gift rules, found in sections 3.216 and 2.115 of the Campaign and Governmental Conduct Code.

Limits on gifts from a restricted source

Section 3.216(b) of the Campaign and Governmental Conduct Code provides that City officers and employees may not solicit or accept gifts from a person who the officer or employee knows or has reason to know is a restricted source.

A restricted source is:

- a person doing business with (i.e., entering into a contract or performing under a contract) or seeking to do business with the department of the officer or employee; or
- any person who during the previous 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action.

Ethics Commission regulations have established exceptions to this rule which allow officers and employees to receive nominal gifts from otherwise restricted sources. Under these exceptions, an officer or employee may accept non-cash gifts worth \$25 or less on up to four occasions per year from any restricted source. The regulations also allow officers and employees to accept from restricted sources gifts of food and drink to be shared with coworkers. Other exceptions address free attendance at a widely attended conference or

seminar, gifts offered by members of certain industries, and prizes awarded through the annual Combined Charities Fundraising Drive.

Gifts from subordinates

Under Section 3.216(c) of the Campaign and Governmental Conduct Code, officers and employees may not solicit or accept anything of value from any subordinate, or employee or from any candidate or applicant for a position as an employee or subordinate under them.

Ethics Commission regulations implement this section. These regulations exclude certain voluntary gifts given or received for special occasions or under other circumstances in which gifts are traditionally given or exchanged. For example, gifts, other than cash, with an aggregate value of \$25 or less per occasion, given on occasions on which gifts are traditionally given, are not considered gifts for purposes of this section. Gifts, such as food and drink, without regard to value, to be shared in the office among employees, and personal hospitality provided at a residence that is of a type and value customarily provided by the employee to personal friends, are also not prohibited under this section.

Gifts from lobbyists

City officers may not accept or solicit any gifts from lobbyists for themselves or their spouses, domestic partners, or dependent children. This rule has one exception: City officers may accept gifts of food or refreshment worth \$25 or less per occasion, if the lobbyist making the gift is a 501(c)(3) nonprofit organization, the gift is offered in connection with a public event held by the organization, and the same food and refreshments are made available to all attendees at the event.

Gifts for referrals

City officers and employees may not accept anything of value for referring a member of the public to a person or entity for any advice, service, or product related to the City's processes. C&GC Code § 3.226.

Other general prohibitions

Below are other general prohibitions to be mindful of.

Honoraria are payments for giving a speech, publishing an article, or attending a conference or other gathering. Local elected officials, officials listed in Government Code section 87200, and candidates for local elective office may not accept honoraria. Designated employees may not accept honoraria from any source they would be required to report on their statement of economic interests.

The Political Reform Act treats payments for travel as gifts. A payment, advance, or reimbursement for transportation and related lodging and food will be subject to the \$500 gift limit, unless an exception applies.

Personal loans that elected and appointed officials receive are subject to restrictions and, in some circumstances, a personal loan that the official does not repay or repays below certain amounts, may become a gift to that official.

City departments, instead of individual City employee or officers, may also receive gifts. The City imposes a number of requirements on departments' acceptance of gifts. Also, departments should follow state law guidelines on acceptance of gifts to ensure that gifts to the City are not attributed to individual public employees, who are subject to gift limits.

In narrow circumstances, a City department may accept a gift that would benefit a City employee or a group of employees within the department, without violating any gift limits or rules that would otherwise apply. When a City agency or department receives a gift of goods or services that will benefit particular employees or officers rather than the department as a whole, state law imposes additional restrictions and reporting requirements. Such a gift may be considered a gift to the City and not to individual employees or officers, only if the following criteria are met. These requirements do not apply to gifts of travel or tickets received by a City department. Those gifts are addressed by separate regulations.

- The department uses the gift for official department business.
- The department head determines and controls the use of the gift and independently decides which officers or employees will use it. The department head may not select himself or herself as a recipient, unless the gift is a good or service that may be generally used by other department employees, such as a network printer connected to several office computers.

When a payment that benefits one or more individual employees or officers meets these criteria, the City must report the gift on the FPPC Form 801.

Tickets, passes or raffle prizes provided by the City may also be treated as gifts under certain circumstances.