

RULES FOR THE COUNTY ASSESSOR/RECORDER/CLERK
REGARDING INCOMPATIBLE ACTIVITIES

Pursuant to Government Code Sections 1125-1127 and Board of Supervisors' Resolution No. 41 of February 29, 1972, each appointing authority of the County of San Diego is required to formulate rules specifying those activities for compensation outside of County duties of the employees under his/her jurisdiction which are inconsistent and incompatible with their duties as County employees. In compliance with these code sections, the Assessor/Recorder/County Clerk has determined that the outside activities as set forth in the rules may be in conflict with the functions and responsibilities of the employees of this Department and are therefore prohibited or required to report those activities to the Assessor/Recorder/County Clerk.

1. Any activity which involves the use for private gain or advantage of County time, facilities, equipment or materials including but not limited to the following:
 - A. Any outside employment, which results in receiving telephone calls or visitors by the employee while on duty during County employment.
 - B. Any gathering, reporting or publication for private gain of data, studies, reports or other written materials, whether printed, microfilmed, or from electronic media that were prepared on County time or which utilized in their preparation, County facilities, equipment and/or materials, except when specifically authorized by the Assessor/Recorder/County Clerk.
 - C. Any outside activity that interferes with full-time attention of the employee during business hours to the duties of the Assessor/Recorder/County Clerk Department.

2. Any activity which involves the use for private gain or advantage of the badge, uniform, prestige or influence of the individual's County employment, including the following:
 - A. Directly or indirectly soliciting, seeking or accepting personal loans, gifts, gratuities, business, compensation or favors from individuals, businesses, legal entities or their agents who deal with this Department.
 - B. Using official information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.

- C. Engaging in preparation of documents to be filed, recorded or acting as a notary public.
3. Any activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of duties as a County employee, including the following:
- A. Any consultation work for a fee or other consideration concerning the application or interpretation of orders of this Department.
 - B. Assisting in the preparation of Business Property Statements, claims for refunds or for exemptions, exclusions, applications for assessment appeals or other documents or reports for a fee.
 - C. Performing marriage ceremonies.
 - D. Assisting in title searching, record searching or other related activities for a fee, except as prescribed by law.
4. Any activity which is in conflict with the duties and responsibilities of the employee's Department, including the following:
- A. Any paid or unpaid outside employment, which will impair the employee's independence of judgment as to County duties.
 - B. Any outside activity, which will require or induce the employee to disclose confidential information acquired in the course of County duties.
 - C. Any outside employment with title companies, real estate firms, qualified notaries, escrow companies, legal messenger services and/or any other legal entities or individuals doing business which requires interaction with or are regulated by the Assessor/Recorder/County Clerk.
 - D. Assisting in the selection or preparation of legal documents for recording or filing.
 - E. Distributing real estate legal document forms.
 - F. Holding an active California Real Estate Salesman's or Broker's License, or active Notary's Commission, buying or selling real estate for a fee, or accepting employment with any firm or individuals dealing in the buying, selling, or management of real estate.

- G. The preparation of tax returns or providing accounting service for any business entities subject to property taxes.
 - H. Performing any fee appraisal or appraisal data gathering for property located within San Diego County.
 - I. Performing any fee appraisal or appraisal data gathering for property located outside the County where such work is performed directly or indirectly for any owner of a taxable interest in San Diego County property. Any work outside the County must be reported within three working days of acceptance of the assignment by completing Form STD61D (OUT OF COUNTY APPRAISAL REPORT).
 - J. Performing any appraisal work, research or appearing as a witness for individuals or firms whose business activity is the analysis of property values that are enrolled by the San Diego Assessor's Office.
 - K. The performance of any work, which may compromise or present the appearance of compromising the independence and/or objectivity of an employee in the Assessor/Recorder/County Clerk's office.
 - L. Due to the mandatory overtime and various schedules required by this Department, any outside work must not be in conflict with the schedules of this office. Vacation and compensatory time should be used to keep employee's leave balances in proper condition for the Assessor/Recorder/County Clerk's work, and use of sick leave in connection with outside work is strictly prohibited.
5. Any outside employment or activities in which a part of the employee's efforts may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego.
6. Any activity involving time demands which render the performance of County duties less efficient.
- A. Employees may not solicit or authenticate any outside employment or present themselves in the course of an outside activity as a representative of, or acting in the name of the Assessor/Recorder/County Clerk's Office. Any outside employers or clients must be informed that the County employee is engaged as a private individual.

7. The Appointing Authority will designate the appropriate Chief Deputies to review and make recommendations to the Department management regarding any requests from Department employees to perform outside employment. Employees currently engaged in or contemplating outside employment and who have not declared the outside employment should report this in writing to the Chief Deputy. The Chief Deputy will, within five days, notify the employee of approval or denial of their request. If denied, the employee may appeal to the appointing authority within 10 days. A copy of this decision will be placed in the employee's departmental personnel file.

8. Disclosure of Outside Activities

A. Employees of the Assessor/Recorder/County Clerk shall disclose or report to the Assessor/Recorder/County Clerk in writing any outside employment or activity where any part of his/her efforts will be subject to the approval of any other officer, employee, board or commission of the County.

B. If any person employed by the Assessor/Recorder/County Clerk shall receive an assignment of work that relates to any organization, property or activity in which they or a member of their immediate family has interest, they shall disclose and report such interest in writing to the Assessor/Recorder/County Clerk.

9. Violation of Rules Is Grounds For Discipline

Participation in any prohibited activity by any classified officer or employee or failure to properly disclose activities as required by these Rules, after proper notification of such prohibition or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rule VII as to notice and hearing, shall be applicable to discipline imposed based on a determination that a classified officer or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these rules.

Any unclassified officer or employee may, upon determination of the Assessor/Recorder/County Clerk that he has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Assessor/Recorder/County Clerk or his/her designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these rules by any unclassified officer or employee may be cause for discipline or removal.

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 4/21/09 Minute Order No. 15
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By Nancy Vinyana
Deputy Clerk