



Good Neighbors

San Diego
Housing Commission

REPORT

DATE ISSUED: December 8, 2006 **REPORT NO: HCR06-101**

ATTENTION: Chair and Members of the Housing Commission
For the Agenda of December 15, 2006

SUBJECT: Proposed Revisions to Policy 101.000 Conflict of Interest Code &
Related Provisions and Policy 209.000 Mandatory Disclosure of
Business Interests

REQUESTED ACTION:

Approval of the revised Conflict of Interest Code and Mandatory Disclosure of Business Interest Policies.

STAFF RECOMMENDATION:

That the Housing Commission Board approves Policy 101.000 "Conflict of Interest Code" and Policy 209.000 "Mandatory Disclosure of Business Interests" as revised by the Housing Commission's General Counsel.

SUMMARY:

The Housing Commission has adopted certain operational policies to ensure that officials, employees and persons doing business with the Housing Commission comply with all applicable laws and regulations. Once a policy is adopted by the Board, Administrative Regulations covering specific situations are developed and distributed internally to all Housing Commission staff. Policies are approved by the Board of Commissioners and, for certain policies, by the Housing Authority. Administrative Regulations are prepared and approved by the President & Chief Executive Officer or her designee, the Executive Vice President & Chief Operating Officer.

Over the years, policies are revised, primarily to address specific circumstances. As a result, several of the Housing Commission's policies have become redundant and difficult to interpret and administer appropriately.

DISCUSSION:

The Conflict of Interest Code & Related Provisions Policy was originally issued in November 1994 and has been revised every few years; the most recent revision was completed in August 2002. The Mandatory Disclosure of Business Interests Policy was

issued in August 1994 and revised in October 1995. These policies cover all of the Federal, State and Local program and funding source conflict and disclosure requirements in detail and have been revised to a point that the policies exceed legal requirements through excessive definition and limitations.

General Counsel has prepared revisions to these policies that will ensure the Housing Commission is in full compliance with all Federal, State and Local laws and regulations as well as the City of San Diego's Ethics Ordinance. The proposed revisions are more clearly stated and eliminate redundancy. Attachment 1 is a revised version of Policy 101.000 (Conflict of Interest) and Attachment 2 is a revised version of Policy 209.000 (Mandatory Disclosure of Business Interests). Redline versions are included with the attachments so Commissioners can easily review the proposed changes.

Once these policies are approved by the Housing Commission, appropriate Administrative Regulations will be developed, revised or deleted and distributed to all employees to ensure full knowledge and compliance. Specifically, the following Administrative Regulations will be updated to reflect the referenced operating policies: "Employee Participation in Housing Commission Programs," "Gifts, Entertainment, Favors," "Off Duty Employment Activities & Outside Business Enterprises," and "Nepotism." These Administrative Regulations will be written to provide specific direction in the administration of the approved policies.

PREVIOUS RELATED ACTION:

On July 17, 2001, the Housing Authority delegated responsibility for certain operational policies to the Housing Commission.

Submitted by,

**Signature on File
With Original Document**

Approved by,

Carrol M. Vaughan
Executive Vice President &
Chief Operating Officer

Elizabeth C. Morris
President & Chief Executive Officer

Attachment 1: Policy 101.000 Conflict of Interest

Attachment 2: Policy 209.000 Mandatory Disclosure of Business Interests

San Diego Housing Commission
POLICY

Subject: **CONFLICT OF INTEREST CODE AND RELATED PROVISIONS**

Number: **PO101.000**

Effective Date: 11/3/94

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1. BACKGROUND

- 1.1 Federal, State and Local Conflict Laws Incorporated by Reference. All employees, Commissioners, consultants for the Commission, contractors doing business with the Commission, agents of the Commission, and each of them, shall comply with and adhere to all applicable conflict of interest provisions contained in the applicable federal, state and local law to the full extent required by the applicable federal, state and local law.
- 1.2 The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and together constitute the Conflict of Interest Code of the San Diego Housing Commission.
- 1.3 Pursuant to Section b(4) of the Standard Code, designated employees shall file statements of economic interests with the Clerk of the City of San Diego and copies will be made available to any person upon request.

2. POLICY AND ADOPTION OF CODE

- 2.1 Compliance with Applicable Laws. All employees, officers, commissioners of the San Diego Housing Commission, consultants, contractors, subcontractors, grantees, and borrowers shall, to the full extent required by the applicable law, comply with all applicable laws including, but not limited to, HOME, CDBG, etc., and all other federal conflict requirements and provisions, if federal funds and/or programs are involved, including 24 CFR 570.611, 24 CFR Part 982, 24 CFR Part 92, 24 CFR Part 85, and any and all other federal applicable federal conflict provisions. State conflict provisions shall include, but are not limited to, Government Code Sections 87100, et. seq., Government Code Sections 1126, et. seq., Government Code Sections 1090, et. seq., Government Code Section 19990 et. seq., and Health and Safety Code Section 34281 et. seq. Local conflict of interest provisions shall include San Diego Municipal Code Sections 27.3501 et. Seq. (San Diego Ethics Ordinance) and any and all administrative regulations promulgated by the President & Chief Executive Officer, or designee, to implement the federal, state and local conflict laws, if any.
- 2.2 The Standard Code as referenced in 2 Cal. Code of Regulations Section 18730 is hereby adopted by the San Diego Housing Commission. A true and correct copy of the standard code contained in 2 Cal. Code of Regulations Section 18730 may be obtained by contacting the San Diego Housing Commission offices, located at 1122 Broadway, San Diego, CA 92101. Said copy of the Code of Regulations is incorporated herein by reference.

Supersedes Policy 101.000, Issued 11/3/94; Rev: 4/23/96, 11/26/96, 12/08/98, 11/14/00, 8/16/02, 12/15/06

Authorized:

Carrol M. Vaughan, Executive Vice President &
Chief Operating Officer

Date

- 2.3 2 Cal. Code of Regulations 18730. Provisions of Conflict of Interest Code. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of

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interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

2.4 General Definitions:

- A. Designated Employees, Disclosure Categories, Definitions: The designation of officers and employees, disclosure categories, and definitions referenced in the conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:
- (i) Designated Employees The persons holding positions listed in Appendix A are designated employees. It has been determined that these persons make or participate in the making of decisions which may have a foreseeable material effect on financial interests.
 - (ii) Disclosure Categories This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees and positions, the disclosure categories set forth in Appendix B specify which kinds of financial interests are reportable. Such a designated employee or position shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned. It has been determined that the financial interests set forth in a designated employee's or position's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.
 - (iii) Definitions The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code and in Appendix C.
- B. Other Definitions: The following definitions are applicable to all portions of this policy except as referenced herein in Section 2.4 (A) above.

¹ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

- (i) "Contractor" means any individual or firm that enters into an agreement with the Housing Commission or the Housing Authority of the City of San Diego for the provision of goods and services, construction, architect/engineering, consulting services, loans and/or grants.
- (ii) "Contract" means any mutually binding legal relationship obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them. Examples include, but are not limited to, contracts, and amendments thereto, purchase orders, leases, maintenance agreements, and ordering agreements. Contract also includes loans and/or grants.

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- (iii) "Solicitation" means any informal or formal request for prices, bids, proposals, and/or qualifications that are issued in anticipation of making a contract, award and/or loan or grant.

2.5 Mandatory Disclosure of Interests by Prospective Contractors, Consultants, Suppliers, etc.

A. Purpose

To establish principles for determining the name and identity of any and all persons directly or indirectly involved in the proposed transaction, the precise nature of all interests of all persons therein, and other data pertinent to the award of a contract, including grants and/or loans.

B. Policy

No employee, officer, or agent of the Housing Commission or of the Housing Authority of the City of San Diego shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by an employee, officer or agent involved in making the award or his/her Spouse and/or dependent children.

C. Disclosure Required

To ensure that all potential conflicts of interest are identified, all contractors, including grantees and borrowers, selected for award of contracts in excess of \$25,000, including options, for architect/engineering and professional consultants, and all contractors selected for award of contracts in excess of \$49,999, including options, for construction and goods and services, shall be required to submit a Statement for Public Disclosure.

D. Failure to Submit

Failure to submit a Statement for Public Disclosure, or failure to fully disclose all of the information enumerated in the Statement for Public Disclosure, shall be grounds for denial of contract award and may result in forfeiture of any and all rights and privileges that have been granted heretofore.

2.6 Notification of Conflicts or Potential Conflicts and Manner of Abstention All legally mandated abstentions should be filled out and transmitted to the Commission in advance of a hearing, but not

later than the time of the hearing, using the form attached hereto as Appendix E. Examples of required written disclosures include, but are not limited to, conflicts involving economic interests under the Political Reform Act, Government Code sections 1090, 1091 and 1091.5 disclosures, Health and Safety Code section 34281 disclosures, City's Ethics Ordinance, and disclosures required by the "rule of necessity" under Government Code section 87100, et. seq.

2.7 Provision Governing Former Employees. No employee or member of the Housing Commission or of the Housing Authority of the City of San Diego shall have any prohibited interest, direct or indirect, nor shall profit from any Housing Commission contract to the extent prohibited by applicable federal, state or local law.

3. Promulgation of Conflict of Interest Administrative Regulations The CEO of the Commission shall, from time to time, promulgate administrative regulations to implement the various conflict of interest provisions referenced above, if and when required. Such administrative regulations shall be made available to members of the public upon request. The Board of Commissioners may, but shall not be required to, review, approve and amend such

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administrative regulations, at such times as the Board, in its sole discretion shall determine. Subject to such discretionary review by the Board, all authority to promulgate, amend, review and revise the administrative regulations shall be vested in the President & Chief Executive Officer of the Commission.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300-87302, 89501, 89502, 89503, and 89504, Government Code.

HISTORY:

New Section filed 4/2/80 as an emergency; effective upon filing. Certificate of Compliance included.

Editorial correction

Amendment of subsection (b) filed 1/9/81; effective thirtieth day thereafter

Amendment of subsection (b)(7)(B)l. filed 1/26/83; effective thirtieth day thereafter

Amendment of subsection (b)(7)(A) filed 11/10/83; effective thirtieth day thereafter

Amendment filed 4/13/87; effective thirtieth day thereafter

Amendment of subsection (b) filed 10/21/88; effective thirtieth day thereafter

Amendment filed 8/28/90; effective thirtieth day thereafter

Amendment filed 8/7/92; effective thirtieth day thereafter

Amendment filed 2/5/93; effective upon filing

Amendment filed 3/14/95; effective upon filing

Amendment filed 4/23/96; effective upon filing

Amendment filed 11/26/96; effective upon filing

Amendment filed 12/08/98; effective upon filing

Amendment filed 11/14/00; effective upon filing

Amendment filed 8/16/02; effective upon filing

Amendment filed 12/15/06; effective upon filing

APPENDIX A

DESIGNATED EMPLOYEES and DESIGNATED POSITIONS

Accountant
Accounting Supervisor
Assistant Director in All Departments
Board of Commissioners
Budget Officer
President & President & Chief Executive Officer
Executive Vice President & Chief Operating Officer
Community Liaison
Communications Officer
Community Relations Specialist
*Consultant
Contracts Analyst
Contract Employee
Directors in All Departments
Financial Specialist
Housing Construction Specialist
Housing Construction Supervisor/Officer
Housing Supervisor
Human Resources Officer
Information Technology Officer
Legal Counsel
Loan Management Supervisor
Loan Production Specialist
Loan Servicing Specialist
Members of the Housing Development Partners of San Diego
Members of the Loan Committee
Project Manager
Purchasing Supervisor
Reinvestment Task Force Coordinator
Secretary/Assistant to President & Chief Executive Officer
Senior Accountant
Senior Budget Analyst
Senior Program Analyst
Senior Systems/Data Base Manager
Supervisory Project Manager
Supervising Resident Initiatives Coordinator

*Commission Regulation 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

1) Makes a governmental decision whether to:

- a) Approve a rate, rule or regulation;
- b) Adopt or enforce a law;
- c) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- d) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- e) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- f) Grant agency approval to a plan, design, report, study, or similar item;
- g) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(2) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

APPENDIX B

DISCLOSURE CATEGORIES

Investments, business positions, interests in real property and sources of income and gifts shall include, but not be limited to, the following categories for reporting purposes:

1. Real property within the City of San Diego limits
2. Real estate development, maintenance or management companies
3. Construction, building materials or demolition companies
4. Engineering, surveying, architectural and appraising companies
5. Soils testing, analysis, and compaction companies
6. Office equipment and supplies companies
7. Newspapers, printing and reproduction services companies
8. Banks and savings and loan companies
9. Securities and investment companies
10. Title insurance and escrow companies
11. Financial audit services companies
12. Insurance companies, including brokers and agencies
13. Companies or consultants in the following categories:
 - a. Fiscal
 - b. Financial
 - c. Architectural
 - d. Legal (excluding income from sources other than those described in this Appendix)
 - e. Engineering
 - f. Planning
 - g. Property Management
 - h. Management and Administration
 - i. Economic
 - j. Real Estate
 - k. Appraisers
 - l. Property Acquisition
 - m. Relocation or moving
 - n. Hearing Officer
 - o. Technical and Developmental Training

APPENDIX C

General Provisions

When a designated employee is required to disclose investments and sources of income, the employee need only disclose investments in business entities and sources of income that do business in the jurisdiction or have done business in the jurisdiction, within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, the employee shall disclose real property located whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned by the local government agency. (The boundaries of the Housing Commission's jurisdiction are depicted and described on Appendix D).

Designated employees or designated positions shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in the chart on Appendix B.

The following positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government code Section 87200: Director of Financial Services/Budget Officer.

Late Filing. The filing officer may impose penalties for statements of economic interests that are filed late. The fine is \$10 per day beginning the day after the filing deadline, up to a maximum of \$100. Late filing penalties can be reduced or waived under certain circumstances.

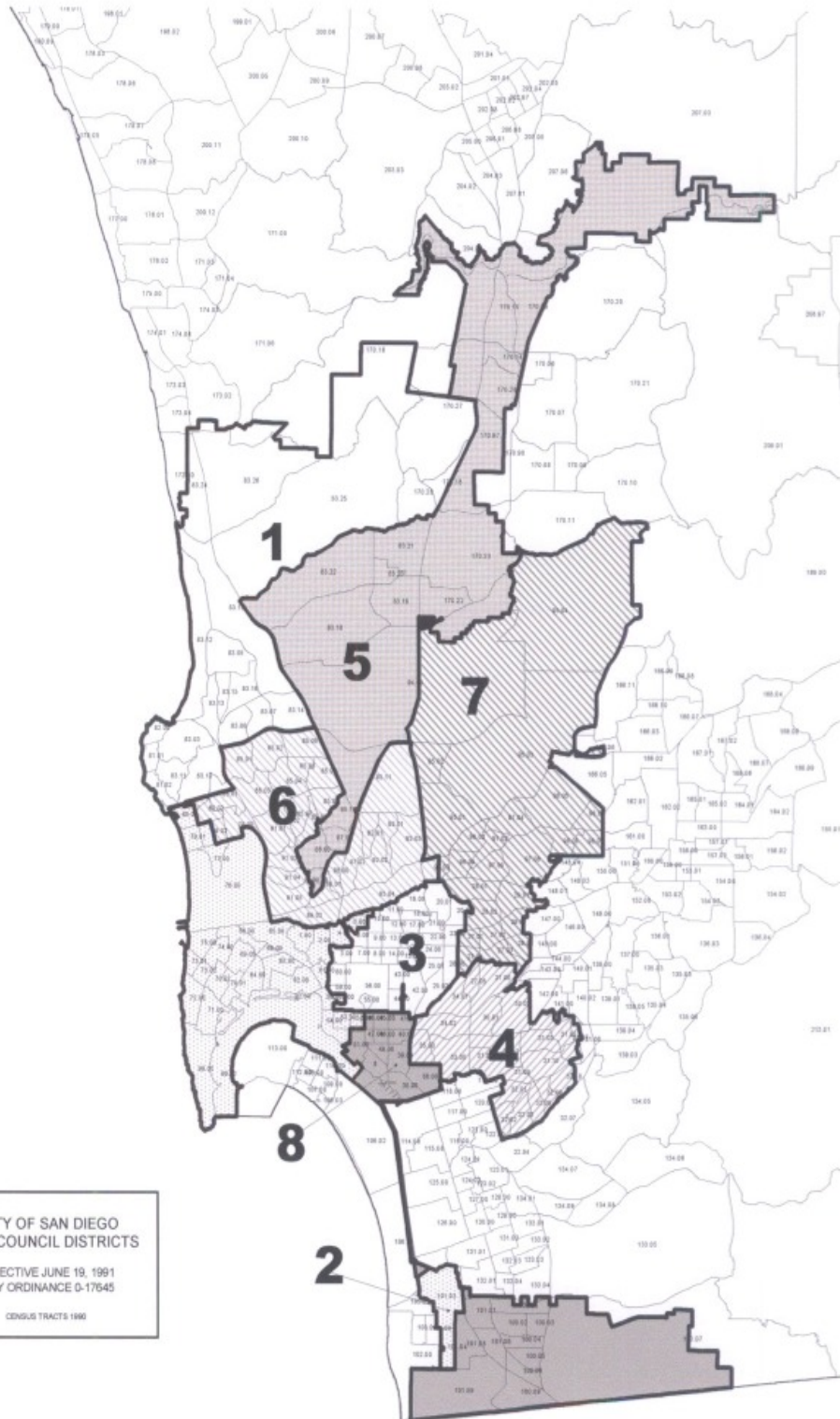
The President & Chief Executive Officer is authorized to implement proposed revisions to the Designated Positions List as classifications are added and deleted. Changes to the approved Designated Positions List will be forwarded for document approval during the biennial review process per City Council Resolution 287239.

With respect to consultants, the President & Chief Executive Officer or designated authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President & Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

OR

The President & Chief Executive Officer or designated authority shall determine in writing whether a consultant shall be required to disclose economic interests in one or more categories listed in Appendix B. The President & Chief Executive Officer may determine that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus will be required to disclose economic interests in fewer than all four categories. The President & Chief Executive Officer's written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the consultant's disclosure requirements. The President & Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX D



CITY OF SAN DIEGO
CITY COUNCIL DISTRICTS
EFFECTIVE JUNE 19, 1991
CITY ORDINANCE 0-17645
CENSUS TRACTS 1990

APPENDIX E

WRITTEN DISCLOSURE OF CONFLICT OR POTENTIAL CONFLICT OR
OTHER REASON FOR ABSTENTION AND NOTICE OF INTENTION TO
ABSTAIN FROM PARTICIPATION AND ACTION ON THE ITEM

DATE: _____

TO: The Clerk of the City of San Diego, President & President & Chief
Executive Officer, Secretary and General Counsel of the San Diego
Housing Commission

FROM: _____
(Name) (Title)

SUBJECT: San Diego Housing Commission Item _____
for Meeting Scheduled on _____ (“the Item”)

NATURE OF CONFLICT OR POTENTIAL CONFLICT OR OTHER REASON
FOR ABSTENTION:

The undersigned requests that this written disclosure be made part of the public record and incorporated into the minutes of the meeting, if, and to the extent, required by law, including but not limited to Government Code Sections 87100, 87101, 1090, 1091, 1091.5, Health and Safety code Section 32481, City’s Ethics Ordinance and the applicable regulations, including, but not limited to 2 Cal. Regs. 18730(b)(10).

Executed this _____ of _____, at San Diego, California.

(Name Printed or Typed)
Commissioner or Employee of the
San Diego Housing Commission

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1. BACKGROUND

- 1.1 Federal, State and Local Conflict Laws Incorporated by Reference. All employees, Commissioners, consultants for the Commission, contractors doing business with the Commission, agents of the Commission, and each of them, shall comply with and adhere to all applicable conflict of interest provisions contained in the applicable federal, state and local law to the full extent required by the applicable federal, state and local law.
- 1.2 The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and together constitute the Conflict of Interest Code of the San Diego Housing Commission.
- 1.3 Pursuant to Section b(4) of the Standard Code, designated employees shall file statements of economic interests with the Clerk of the City of San Diego and copies will be made available to any person upon request.

2. POLICY AND ADOPTION OF CODE

- 2.1 Compliance with Applicable Laws. All employees, officers, commissioners of the San Diego Housing Commission, consultants, contractors, subcontractors, grantees, and borrowers shall to the full extent required by the applicable law, comply with all applicable laws including, but not limited to, HOME, CDBG, etc., and all other federal conflict requirements and provisions, if federal funds and/or programs are involved, including 24 CFR 570.611, 24 CFR Part 982, 24 CFR Part 92, 24 CFR Part 85, and any and all other federal applicable federal conflict provisions. State conflict provisions shall include, but are not limited to, Government Code Sections 87100, et. seq., Government Code Sections 1126, et. seq., Government Code Sections 1090, et. seq., Government Code Section 19990 et. seq., and Health and Safety Code Section 34281 et. seq. Local conflict of interest provisions shall include San Diego Municipal Code Sections 27.3501 et. Seq. (San Diego Ethics Ordinance) and any and all administrative regulations promulgated by the President & Chief Executive Officer, or designee, to implement the federal, state and local conflict laws, if any.
- 2.2 The Standard Code as referenced in 2 Cal. Code of Regulations Section 18730 is hereby adopted by the San Diego Housing Commission. A true and correct copy of the standard code contained in 2 Cal. Code of Regulations Section 18730 may be obtained by contacting the San Diego Housing Commission offices, located at 1122 Broadway, San Diego, CA 92101. Said copy of the Code of Regulations is incorporated herein by reference.

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Supersedes Policy 101.000, Issued 11/3/94; Rev: 4/23/96, 11/26/96, 12/08/98, 11/14/00, 8/16/02, 12/15/06

Authorized:

Carrol M. Vaughan, Executive Vice President & _____ Date
_Chief Operating Officer

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Elizabeth C. Morris, Chief Executive Officer

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- 2.3 2 Cal. Code of Regulations 18730. Provisions of Conflict of Interest Code. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of

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2.4 General Definitions:

A. Designated Employees, Disclosure Categories, Definitions: The designation of officers and employees, disclosure categories, and definitions referenced in the conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

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(i) Designated Employees The persons holding positions listed in Appendix A are designated employees. It has been determined that these persons make or participate in the making of decisions which may have a foreseeable material effect on financial interests.

(ii) Disclosure Categories This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees and positions, the disclosure categories set forth in Appendix B specify which kinds of financial interests are reportable. Such a designated employee or position shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned. It has been determined that the financial interests set forth in a designated employee's or position's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.

(iii) Definitions The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code and in Appendix C.

B. Other Definitions: The following definitions are applicable to all portions of this policy except as referenced herein in Section 2.4 (A) above.

¹ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

(i) "Contractor" means any individual or firm that enters into an agreement with the Housing Commission or the Housing Authority of the City of San Diego for the provision of goods and services, construction, architect/engineering, consulting services, loans and/or grants.

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- (iii) "Solicitation" means any informal or formal request for prices, bids, proposals, and/or qualifications that are issued in anticipation of making a contract, award and/or loan or grant.

2.5 Mandatory Disclosure of Interests by Prospective Contractors, Consultants, Suppliers, etc.

A. Purpose

To establish principles for determining the name and identity of any and all persons directly or indirectly involved in the proposed transaction, the precise nature of all interests of all persons therein, and other data pertinent to the award of a contract, including grants and/or loans.

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To ensure that all potential conflicts of interest are identified, all contractors, including grantees and borrowers, selected for award of contracts in excess of \$25,000, including options, for architect/engineering and professional consultants, and all contractors selected for award of contracts in excess of \$49,999, including options, for construction and goods and services, shall be required to submit a Statement for Public Disclosure.

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Failure to submit a Statement for Public Disclosure, or failure to fully disclose all of the information enumerated in the Statement for Public Disclosure, shall be grounds for denial of contract award and may result in forfeiture of any and all rights and privileges that have been granted heretofore.

2.6 Notification of Conflicts or Potential Conflicts and Manner of Abstention All legally mandated abstentions should be filled out and transmitted to the Commission in advance of a hearing, but not

later than the time of the hearing, using the form attached hereto as Appendix E. Examples of required written disclosures include, but are not limited to, conflicts involving economic interests under the Political Reform Act, Government Code sections 1090, 1091 and 1091.5 disclosures, Health and Safety Code section 34281 disclosures, City's Ethics Ordinance, and disclosures required by the "rule of necessity" under Government Code section 87100, et. seq.

2.7 Provision Governing Former Employees. No employee or member of the Housing Commission or of the Housing Authority of the City of San Diego shall have any prohibited interest, direct or indirect, not shall profit from any Housing Commission contract to the extent prohibited by applicable federal, state or local law.

3. Promulgation of Conflict of Interest Administrative Regulations The CEO of the Commission shall, from time to time, promulgate administrative regulations to implement the various conflict of interest provisions referenced above, if and when required. Such administrative regulations shall be made available to members of the public upon request. The Board of Commissioners may, but shall not be required to, review, approve and amend such

Deleted: relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister).

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¶

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Deleted: 2.7 Provisions Governing Former Employees No employee or member of the Housing Commission or of the Housing Authority of the City of San Diego shall have any private interest, direct or indirect, nor shall profit from any Housing Commission contract during that person's tenure or for one full year after termination of such tenure.¶

¶ This section of the policy *related to interest of former employees during the period of one year after termination* shall not apply to Housing Commission employees who have been laid off due to workload and/or funding shortfalls. Further, this provision shall not apply in instances where the CEO determines that the hiring of a former employee is in the best interests of the agency, and does not otherwise violate any Federal, state or local laws.¶

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POLICYSubject: **CONFLICT OF INTEREST CODE AND RELATED PROVISIONS**Number: **PO101.000**

Effective Date: 11/3/94

Page 4 of 4

administrative regulations, at such times as the Board, in its sole discretion shall determine. Subject to such discretionary review by the Board, all authority to promulgate, amend, review and revise the administrative regulations shall be vested in the [President & Chief Executive Officer](#) of the Commission.

Deleted: Chief Executive Officer

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300-87302, 89501, 89502, 89503, and 89504, Government Code.

HISTORY:

New Section filed 4/2/80 as an emergency; effective upon filing. Certificate of Compliance included.

Editorial correction

Amendment of subsection (b) filed 1/9/81; effective thirtieth day thereafter

Amendment of subsection (b)(7)(B)l. filed 1/26/83; effective thirtieth day thereafter

Amendment of subsection (b)(7)(A) filed 11/10/83; effective thirtieth day thereafter

Amendment filed 4/13/87; effective thirtieth day thereafter

Amendment of subsection (b) filed 10/21/88; effective thirtieth day thereafter

Amendment filed 8/28/90; effective thirtieth day thereafter

Amendment filed 8/7/92; effective thirtieth day thereafter

Amendment filed 2/5/93; effective upon filing

Amendment filed 3/14/95; effective upon filing

Amendment filed 4/23/96; effective upon filing

Amendment filed 11/26/96; effective upon filing

Amendment filed 12/08/98; effective upon filing

Amendment filed 11/14/00; effective upon filing

Amendment filed 8/16/02; effective upon filing

[Amendment filed 12/15/06; effective upon filing](#)

APPENDIX A

DESIGNATED EMPLOYEES and DESIGNATED POSITIONS

Accountant
 Accounting Supervisor
[Assistant Director in All Departments](#)
 Board of Commissioners
 Budget Officer
~~President & Chief Executive Officer~~
~~Executive Vice President & Chief Operating Officer~~
 Community Liaison
 Communications ~~Officer~~
 Community Relations Specialist
 *Consultant
 Contracts Analyst
 Contract Employee
[Directors in All Departments](#)
 Financial Specialist
 Housing Construction Specialist
 Housing Construction Supervisor/~~Officer~~
 Housing Supervisor
 Human Resources ~~Officer~~
 Information ~~Technology Officer~~
 Legal Counsel
 Loan Management Supervisor
 Loan Production Specialist
 Loan Servicing Specialist
 Members of the Housing Development Partners of San Diego
 Members of the Loan Committee
 Project Manager
 Purchasing Supervisor
 Reinvestment ~~Task Force~~ Coordinator
~~Secretary/Assistant to President & Chief Executive Officer~~
 Senior Accountant
 Senior Budget Analyst
 Senior Program Analyst
 Senior Systems/Data Base Manager
 Supervisory Project Manager
 Supervising Resident Initiatives Coordinator

- Deleted:** Accounting & Financial Services Manager¶
- Asset Management Program Manager¶
- Assistant Housing Property Supervisor¶
- Assistant Rental Assistance Manager¶
- Assistant Resident Services Manager¶
- Formatted:** Indent: First line: 0.5"
- Deleted:** Budget Analyst¶
- Deleted:** Chief Executive Officer
- Deleted:** & Operations Development Manager
- Deleted:** Organizational Development & Training Manager¶
- Deleted:** Housing Finance & Development Manager¶
- Deleted:** Manager
- Deleted:** Systems Manager
- Deleted:** Rental Assistance Manager¶
- Deleted:** Chief Executive Officer

*Commission Regulation 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- 1) Makes a governmental decision whether to:
 - a) Approve a rate, rule or regulation;
 - b) Adopt or enforce a law;
 - c) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - d) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - e) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - f) Grant agency approval to a plan, design, report, study, or similar item;
 - g) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (2) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

APPENDIX B

DISCLOSURE CATEGORIES

Investments, business positions, interests in real property and sources of income and gifts shall include, but not be limited to, the following categories for reporting purposes:

1. Real property within the City of San Diego limits
2. Real estate development, maintenance or management companies
3. Construction, building materials or demolition companies
4. Engineering, surveying, architectural and appraising companies
5. Soils testing, analysis, and compaction companies
6. Office equipment and supplies companies
7. Newspapers, printing and reproduction services companies
8. Banks and savings and loan companies
9. Securities and investment companies
10. Title insurance and escrow companies
11. Financial audit services companies
12. Insurance companies, including brokers and agencies
13. Companies or consultants in the following categories:
 - a. Fiscal
 - b. Financial
 - c. Architectural
 - d. Legal (excluding income from sources other than those described in this Appendix)
 - e. Engineering
 - f. Planning
 - g. Property Management
 - h. Management and Administration
 - i. Economic
 - j. Real Estate
 - k. Appraisers
 - l. Property Acquisition
 - m. Relocation or moving
 - n. Hearing Officer
 - o. Technical and Developmental Training

APPENDIX C

General Provisions

When a designated employee is required to disclose investments and sources of income, the employee need only disclose investments in business entities and sources of income that do business in the jurisdiction or have done business in the jurisdiction, within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, the employee shall disclose real property located whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned by the local government agency. (The boundaries of the Housing Commission's jurisdiction are depicted and described on Appendix D).

Designated employees or designated positions shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in the chart on Appendix B.

The following positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government code Section 87200: Director of Financial Services/Budget Officer.

Deleted: Accounting & Financial Services Manager

Late Filing. The filing officer may impose penalties for statements of economic interests that are filed late. The fine is \$10 per day beginning the day after the filing deadline, up to a maximum of \$100. Late filing penalties can be reduced or waived under certain circumstances.

The President & Chief Executive Officer is authorized to implement proposed revisions to the Designated Positions List as classifications are added and deleted. Changes to the approved Designated Positions List will be forwarded for document approval during the biennial review process per City Council Resolution 287239.

Deleted: Chief Executive Officer

With respect to consultants, the President & Chief Executive Officer or designated authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President & Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Deleted: Chief Executive Officer

Deleted: Chief Executive Officer

OR

The President & Chief Executive Officer or designated authority shall determine in writing whether a consultant shall be required to disclose economic interests in one or more categories listed in Appendix B. The President & Chief Executive Officer may determine that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus will be required to disclose economic interests in fewer than all four categories. The President & Chief Executive Officer's written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the consultant's disclosure requirements. The President & Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

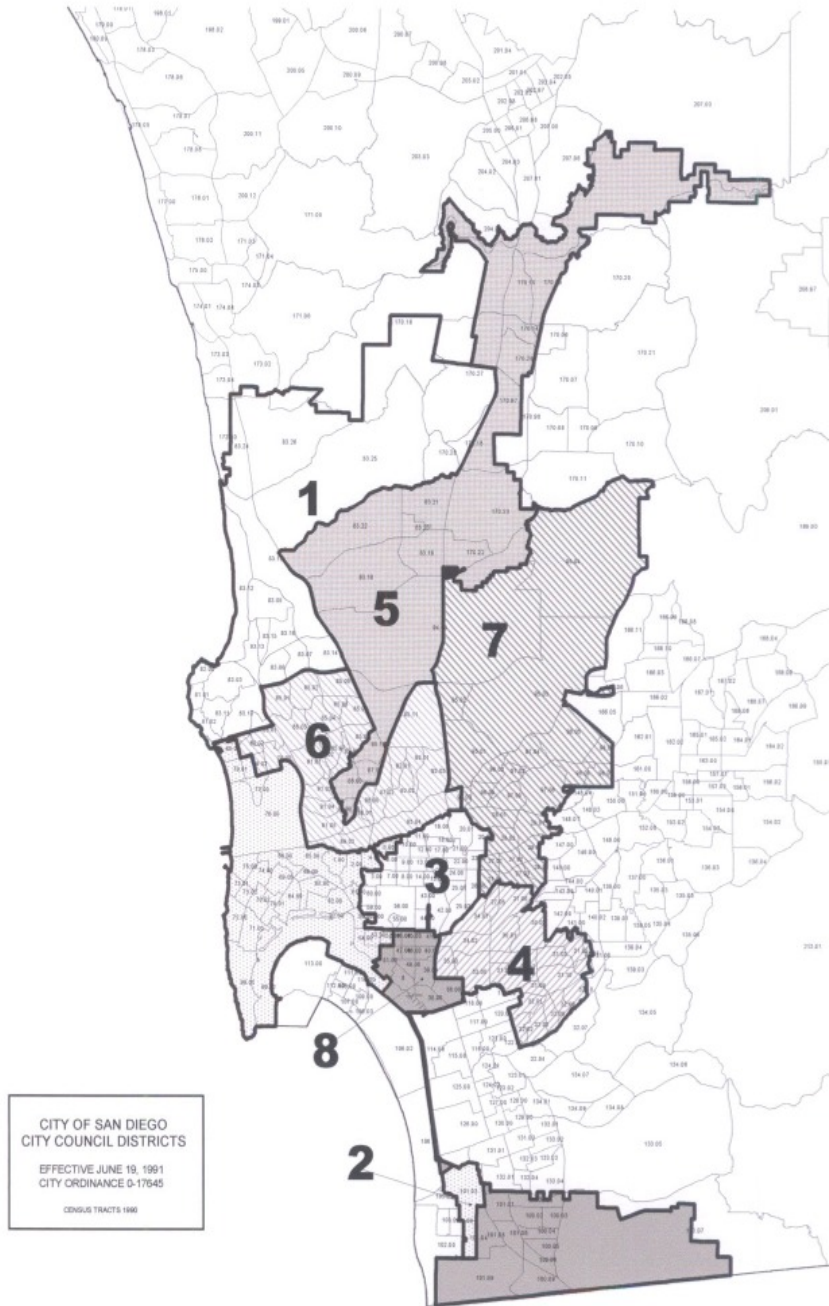
Deleted: Chief Executive Officer

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APPENDIX D



APPENDIX E

WRITTEN DISCLOSURE OF CONFLICT OR POTENTIAL CONFLICT OR OTHER REASON FOR ABSTENTION AND NOTICE OF INTENTION TO ABSTAIN FROM PARTICIPATION AND ACTION ON THE ITEM

DATE: _____

TO: The Clerk of the City of San Diego, ~~President & President & Chief Executive Officer~~, Secretary and General Counsel of the San Diego Housing Commission

Deleted: Chief Executive Officer

FROM: _____ (Name) _____ (Title)

SUBJECT: San Diego Housing Commission Item _____ for Meeting Scheduled on _____ ("the Item")

NATURE OF CONFLICT OR POTENTIAL CONFLICT OR OTHER REASON FOR ABSTENTION:

The undersigned requests that this written disclosure be made part of the public record and incorporated into the minutes of the meeting, if, and to the extent, required by law, including but not limited to Government Code Sections 87100, 87101, 1090, 1091, 1091.5, Health and Safety code Section 32481, City's Ethics Ordinance, and the applicable regulations, including, but not limited to 2 Cal. Regs. 18730(b)(10).

Deleted: Council Policy No. 004-04,

Executed this _____ of _____, at San Diego, California.

(Name Printed or Typed)
Commissioner or Employee of the
San Diego Housing Commission

POLICY

Subject: **MANDATORY DISCLOSURE OF BUSINESS INTERESTS**

Number: **PO209.000**

Effective Date: October 3, 1995

Page 1 of 2

1. PURPOSE

- 1.1 To establish principles for determining the name and identity of any and all persons directly or indirectly involved in the proposed transaction, the precise nature of all interests of all persons therein, and other data pertinent to the award of a contract.
- 1.2 To set forth administrative procedures implementing these principles.

2. DEFINITIONS

- 2.1 "Contractor" means any individual or firm that enters into an agreement with the Housing Commission or the Housing Authority of the City of San Diego for the provision of goods and services, construction, architect/engineering, or consulting services.
- 2.2 "Contract" means any mutually binding legal relationship obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them. Examples include, but are not limited to, contracts, and amendments thereto, purchase orders, leases, maintenance agreements, and ordering agreements.
- 2.3 "Solicitation" means any informal or formal request for prices, bids, or proposals that is issued in anticipation of making a contract award.

3. POLICY

- 3.1 No employee, officer, or agent of the Housing Commission or of the Housing Authority of the City of San Diego shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved.
- 3.2 Such conflict would arise when a financial or other interest in a firm selected for award is held by an employee, officer or agent involved in making the award or his/her spouse and/or dependent children.

[Supersedes Policy 209.000, Issued 8/22/94, Effective 10/3/95, Revised 12/15/06]

Authorized:

Carrol M. Vaughan, Executive Vice President
& Chief Operating Officer

Date

POLICYSubject: **MANDATORY DISCLOSURE OF BUSINESS INTERESTS**Number: **PO209.000**

Effective Date: October 3, 1995

Page 2 of 2

- 3.3 No employee or member of the Housing Commission or of the Housing Authority of the City of San Diego shall have any private interest, direct or indirect, nor shall profit from any Housing Commission contract when prohibited by applicable federal, state or local law.
- 3.4 To ensure that all potential conflicts of interest are identified, all contractors selected for award of contracts in excess of \$25,000, including options, for architect/engineering and professional consultants, and all contractors selected for award of contracts in excess of \$49,999, including options, for construction and goods and services, shall be required to submit a Statement for Public Disclosure in a time approved by the President & Chief Executive Officer of the Housing Commission.
- 3.5 Failure to submit a Statement for Public Disclosure, or failure to fully disclose all of the information enumerated in the Statement for Public Disclosure, shall be grounds for denial of contract award and may result in forfeiture of any and all rights and privileges that have been granted heretofore.

4. ADMINISTRATIVE PROCEDURESResponsibilityAction

Procuring Section

4.1

Incorporates Statement for Public Disclosure in all solicitations for architect/engineering and professional consultants anticipated to result in a contract award in excess of \$25,000, including options, and all construction and goods and services solicitations anticipated to result in a contract award of in excess of \$49,999, including options.

4.2

After award selection is made by the delegated approval authority, the Procuring Section will require the selected contractor to submit a fully completed Statement for Public Disclosure.

4.3

The Procuring Section will forward the Statement for Public Disclosure and all contract award documents to the Project Manager for review.

Project Manager

4.4

The Project Manager will review the Statement for Public Disclosure and all contract award documents to determine if a conflict of interest or other reportable issues exist.

Procuring Section

4.5

The Project Manager shall include a summary of possible conflicts of interest or other concerns within the Report to the Board of Commissioners or Housing Authority and attaches a copy of the Statement for Public Disclosure to the Report.

Board

4.6

Each individual member reviews the Report and the Statement for Public Disclosure.

San Diego Housing Commission
POLICY

Subject: **MANDATORY DISCLOSURE OF BUSINESS INTERESTS**

Number: **PO209.000**

Effective Date: October 3, 1995

Page 1 of 3

1. PURPOSE

- 1.1 To establish principles for determining the name and identity of any and all persons directly or indirectly involved in the proposed transaction, the precise nature of all interests of all persons therein, and other data pertinent to the award of a contract.
- 1.2 To set forth administrative procedures implementing these principles.

2. DEFINITIONS

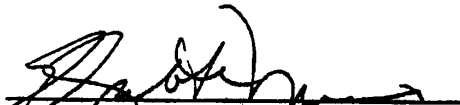
- 2.1 "Contractor" means any individual or firm that enters into an agreement with the Housing Commission or the Housing Authority of the City of San Diego for the provision of goods and services, construction, architect/engineering, or consulting services.
- 2.2 "Contract" means any mutually binding legal relationship obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them. Examples include, but are not limited to, contracts, and amendments thereto, purchase orders, leases, maintenance agreements, and ordering agreements.
- 2.3 "Solicitation" means any informal or formal request for prices, bids, or proposals that is issued in anticipation of making a contract award.


3. POLICY

- 3.1 No employee, officer, or agent of the Housing Commission or of the Housing Authority of the City of San Diego shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved.
- 3.2 Such conflict would arise when a financial or other interest in a firm selected for award is held by an employee, officer or agent involved in making the award or his/her ~~relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister).~~ *spouse and/or dependent*

[Supersedes Policy 209.000, Issued 8/22/94, Effective 10/3/95]

Authorized:


Elizabeth C. Morris, Executive Director


Carrol M. Vaughan, Deputy Executive Dir.,
Operations

Ch. Liden.

San Diego Housing Commission
POLICY

Subject: **MANDATORY DISCLOSURE OF BUSINESS INTERESTS**

Number: **PO209.000**

Effective Date: October 3, 1995

Page 2 of 3

- 3.3 ^{applicable} No employee or member of the Housing Commission or of the Housing Authority of the City of San Diego shall have any private interest, direct or indirect, nor shall profit from any Housing Commission contract ~~during that person's tenure or for one full year after termination of such tenure.~~ ^{which is prohibited by Fed, State or local law.}

~~This section of the policy related to interest of former employees during the period of one year after termination shall not apply to Housing Commission employees who have been laid off due to workload and/or funding shortfalls. Employees who have been laid off through no fault of their own may enter into contracts for a specific scope of work which requires specialized skills. Contracts which exceed \$500.00 (cumulative to an individual) between laid off employees and the Housing Commission must be approved by the Housing Commission Board.~~

~~Any action on a proposed contract shall include the disclosure of the following information to the Board:~~

- ~~a. The name of former employee;~~
- ~~b. The duties of former employee;~~
- ~~c. The proposed duties of former employee;~~

~~Further, any proposed contract shall:~~

- ~~a. Comply with San Diego Housing Commission procurement policies;~~
- ~~b. Be in a form acceptable to the ^{CEO} Executive Director and General Counsel of the Housing Commission;~~
- ~~c. Set forth a maximum amount of compensation to be awarded to the former employee and/or former employee's current employer.~~

~~This waiver shall also apply should laid off employees wish to execute contracts with organizations which receive funds from the Housing Commission. All other terms and conditions of such fund awards shall remain as stated in the contract documents.~~

- 3.4 To ensure that all potential conflicts of interest are identified, all contractors selected for award of contracts in excess of \$25,000, including options, for architect/engineering and professional consultants, and all contractors selected for award of contracts in excess of \$49,999, including options, for construction and goods and services, shall be required to submit a Statement for Public Disclosure ^{in a form approved by the CEO of the town.}

- 3.5 Failure to submit a Statement for Public Disclosure, or failure to fully disclose all of the information enumerated in the Statement for Public Disclosure, shall be grounds for denial of contract award and may result in forfeiture of any and all rights and privileges that have been granted heretofore.

4. ADMINISTRATIVE PROCEDURES

Responsibility

Action

Procuring Section

4.1

Incorporates Statement for Public Disclosure in all solicitations for architect/engineering and professional consultants anticipated to result in a contract award in excess of \$25,000, including options,

POLICY

Subject: **MANDATORY DISCLOSURE OF BUSINESS INTERESTS**

Number: **PO209.000**

Effective Date: **October 3, 1995**

Page 3 of 3

and all construction and goods and services solicitations anticipated to result in a contract award of in excess of \$49,999, including options.

- 4.2 After award selection is made by the delegated approval authority, the Procuring Section will require the selected contractor to submit a fully completed Statement for Public Disclosure.
- 4.3 The Procuring Section will forward the Statement for Public Disclosure and all contract award documents to the Project Manager for review.
- Project Manager 4.4 The Project Manager will review the Statement for Public Disclosure and all contract award documents to determine if a conflict of interest or other reportable issues exist.
- Procuring Section 4.5 The Project Manager shall include a summary of possible conflicts of interest or other concerns within the Report to the Board of Commissioners or Housing Authority and attaches a copy of the Statement for Public Disclosure to the Report.
- Board/~~Authority~~ 4.6 Each individual member reviews the Report and the Statement for Public Disclosure.

History

Adopted: 8/22/94

Revised: 10/3/95