San Diego Housing Commission
POLICY

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

Number: **PO101.000** | Effective Date: 11/3/94 |

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.

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 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-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
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 in Appendix A. 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.

[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

(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.

(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.

(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.

(iv) Agreement An Agreement where the filing of Form 700 is legally required

.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 for any amount including options, for architect/engineering and professional consultants, and all contractors selected for award of contracts 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, 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 President & Chief Executive Officer 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 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
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Authorized

Azucena Valladolid Date
Chief Operating Officer