

RESOLUTION NUMBER R- 294196

ADOPTED ON NOV 20 2000

RESOLUTION ADOPTING THE REVISED
CONFLICT OF INTEREST CODE FOR THE
SAN DIEGO HOUSING COMMISSION.

WHEREAS, by Resolution No. R-285024, adopted on December 5, 1994, the City Council approved the San Diego Housing Commission's Conflict of Interest Code, which was revised and updated following the required City-wide biennial review of all conflict of interest codes for which the City Council serves as code reviewing body; and

WHEREAS, Government Code section 87306.5 requires biennial review of local agency conflict of interest codes every even-numbered year; and

WHEREAS, Government Code section 87306 requires agencies to amend their conflict of interest codes whenever an amendment is necessitated by changed circumstances, including the creation of new positions which must be designated and relevant changes in the duties assigned to existing positions; and

WHEREAS, the San Diego Housing Commission has proposed changes to Appendix A, Appendix B and Appendix C of that office's conflict of interest code to accurately reflect designated positions and appropriate disclosure categories; NOW, THEREFORE,

BE IT RESOLVED that the San Diego Housing Commission's proposed changes to Appendix A, Appendix B and Appendix C of that office's conflict of interest code are hereby approved and are incorporated into its conflict of interest code.

BE IT FURTHER RESOLVED that revised Appendix A, Appendix B and Appendix C to the San Diego Housing Commission's Conflict of Interest Code be placed on file in the Office of the City Clerk as Document No. RR- 294196.

BE IT FURTHER RESOLVED that the revised Conflict of Interest Code for the San Diego Housing Commission becomes effective upon the date of adoption of this resolution.

APPROVED: CASEY GWINN, City Attorney

By Lisa A. Foster
Lisa A. Foster
Deputy City Attorney

LAF:jrl
10/12/2000
Or.Dept:Hous.Comm.
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San Diego Housing Commission
POLICY

Subject: CONFLICT OF INTEREST CODE

Number: PO101.000

Effective Date: 11/26/96

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1. BACKGROUND

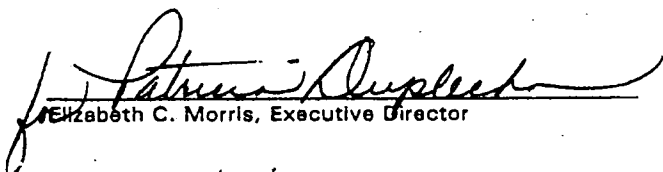
- 1.1 The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms 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 constitute the Conflict of Interest Code of the San Diego Housing Commission.
- 1.2 Pursuant to Section b(4) of the Standard Code, designated employees shall file statements of economic interests with the Secretary of the Board (Executive Director) of the Housing Commission. Upon receipt of the statements, the Secretary of the Board shall retain the originals and forward copies to the Clerk of the City of San Diego upon request.

2. POLICY

- 2.1 CONFLICT OF INTEREST CODE FOR THE SAN DIEGO HOUSING COMMISSION (Regulation of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations)
- 2.2 18730. Provisions of Conflict of Interest Codes 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.

[Supersedes Policy 101.000, issued 11/3/94]
rev: 4/23/96, 11/26/96, 12/08/98

Authorized:


Elizabeth C. Morris, Executive Director


Kadee Gonzalez, Human Resources Manager

2/11/99
Date

2/10/99
Date

DOCUMENT NO. RR-294196

FILED NOV 20 2000

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

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- 2.3 The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:
- A. 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.
 - B. Designated Employees The persons holding positions listed in Appendix B are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.
 - C. 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 C 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 in Appendix B. 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.
 - D. Statements of Economic Interests - Place of Filing The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

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.

² See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

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E. Statements of Economic Interests Form 700 Time of Filing

1. Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
2. Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
3. Annual Statements. All designated employees shall file statements no later than April 1.
4. Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

F. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement. Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

1. File a written resignation with the appointing power; and
2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. Contents of and Period Covered by Statements of Economic Interests

1. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

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2. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
 3. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
 4. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.
- H. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:
1. Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:
 - a. A statement of the nature of the investment or interest;
 - b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 - c. The address or other precise location of the real property;
 - d. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

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2. Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:
 - a. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
 - c. A description of the consideration, if any, for which the income was received;
 - d. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
 - e. In the case of a loan, the annual interest rate and the security, if any, given for the loan.
3. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:
 - a. The name, address, and a general description of the business activity of the business entity;
 - b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
4. Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

⁵ A designated employee's income includes his/her community property interest in the income or his/her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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5. Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.
-
- I. Prohibition on Receipt of Honoraria. No member of a state board or commission, and no designated employee of a state agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
 1. No member of the governing board of a special district or designated employee of a local government agency shall accept any honorarium. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.
 2. Prohibition on Receipt of Gifts of \$300 or More. No member of a state board or commission, and no designated employee of a state agency, shall accept gifts with a total value of more than (\$300) in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
 3. No member of the governing board of a special district, or designated employee of a local government agency shall accept any gifts with a total value of more than (\$300) in a calendar year from any reportable source.
 - J. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:
 1. Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
 2. Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or

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more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

4. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$2890 or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

K. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting board is needed to break a tie does not make his or her participation legally required for purposes of this section.

L. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of Section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

1. Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
2. Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

M. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

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- N. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.
- O. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

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)I. 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

APPENDIX A

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 which 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 C.

The following positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government code Section 87200: Financial Manager; Controller.

Late Filing. The filing officer may impose penalties for statements of economic interests which 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 Executive Director 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 Executive Director 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 Executive Director'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 Executive Director 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 C. The Executive Director 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 Executive Director'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 Executive Director'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.

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APPENDIX B

DESIGNATED EMPLOYEES and DESIGNATED POSITIONS

Accountant
Accounting Supervisor
~~Administrative Analyst~~
Asset Management Program Manager
Assistant to the Chief Executive Officer
Assistant Housing Property Supervisor
Assistant Rental Assistance Manager
Assistant Resident Initiatives Manager
Associate Project Manager
Board of Commissioners
Budget Analyst
Budget Manager
Chief Executive Officer
Chief of Staff
Community Liaison
Community Relations Manager
Community Relations Specialist
*Consultant
Contract Employee
Contracts Analyst
Contracts Compliance Assistant

Controller
Director

Equal Opportunity and Compliance Manager
Financial Specialist
~~Housing Assistant I/II~~
Housing Construction Specialist
Housing Construction Supervisor
Housing Finance & Development Manager
~~Housing Inspector~~
~~Housing Specialist~~
Housing Supervisor
~~Human Resources Analyst~~ Human Resources Manager
Information Systems Manager
Legal Counsel
Loan Portfolio Coordinator
Loan Production Specialist
Loan Servicing Specialist
Members of the Housing Development Partners of San Diego
Members of the Loan Committee
~~PIU Hearing Coordinator~~
~~Principal Human Resources Analyst~~
~~Program Analyst~~
Policy and Planning Manager
Project Manager
Purchasing Supervisor
Rental Assistance Manager
~~Resident Initiatives Coordinator~~
Secretary to Chief Executive Officer
Senior Accountant
Senior Budget Analyst
~~Senior Human Resources Analyst~~
~~Senior Housing Assistant~~

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Senior Program Analyst
Senior Systems/Data Base Manager
~~Senior Resident Initiatives Coordinator~~
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.

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APPENDIX C

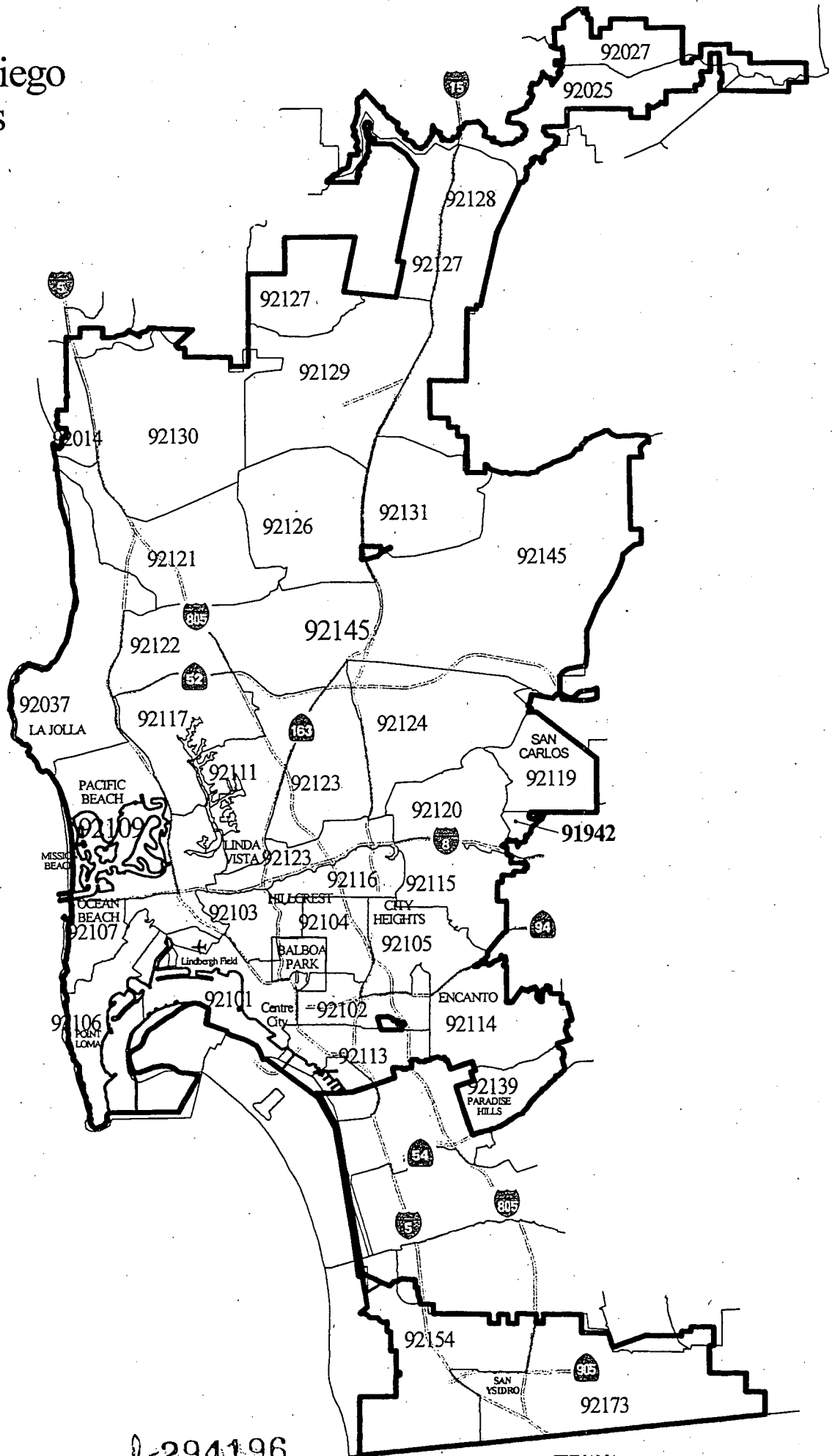
DISCLOSURE CATEGORIES

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 C)
 - 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

City of San Diego Zip Codes

- 92014
- 92025
- 92027
- 92037
- 92101
- 92102
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- 92106
- 92107
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- 92173



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TIJUANA



Good Neighbors.

San Diego Housing Commission

- 1625 Newton Avenue
- San Diego, California 92113-1038
- 619/231 9400
- Fax: 235 4537

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego Housing Commission after a fair opportunity was offered to the members of the San Diego Housing Commission to present their views.



Signature of Executive Officer

8/14/00

Date

RECEIVED
CITY CLERK'S OFFICE
00 AUG 16 AM 9:49
SAN DIEGO, CALIF.

