

RESOLUTION NUMBER R- 297327

ADOPTED ON NOV 18 2002

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

WHEREAS, by Resolution No. R-294196, adopted on November 20, 2000, 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

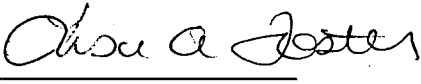
WHEREAS, the San Diego Housing Commission has proposed changes to Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E of that office's conflict of interest code to accurately reflect designated positions and appropriate disclosure categories; NOW, THEREFORE,

BE IT RESOLVED that the San Diego Housing Commission's proposed changes to Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E 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, Appendix C  
Appendix D, and Appendix E 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- 297327.

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  
Deputy City Attorney

LAF:jab  
09/30/2002  
Or.Dept:Hous.Comm.  
R-2003-474  
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APPENDIX A

DESIGNATED EMPLOYEES and DESIGNATED POSITIONS

Accountant  
Accounting Supervisor  
Accounting & Financial Services Manager  
Asset Management Program Manager  
Assistant Housing Property Supervisor  
Assistant Rental Assistance Manager  
Assistant Resident Services Manager  
Board of Commissioners  
Budget Analyst  
Budget Officer  
Chief Executive Officer  
Chief Operating Officer  
Community Liaison  
Communications & Operations Development Manager  
Community Relations Specialist  
\*Consultant  
Contracts Analyst  
Contract Employee  
Organizational Development & Training Manager  
Financial Specialist  
Housing Construction Specialist  
Housing Construction Supervisor  
Housing Finance & Development Manager  
Housing Supervisor  
Human Resources Manager  
Information Systems Manager  
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  
Rental Assistance Manager  
Reinvestment Coordinator  
Secretary to 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.

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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: 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 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.

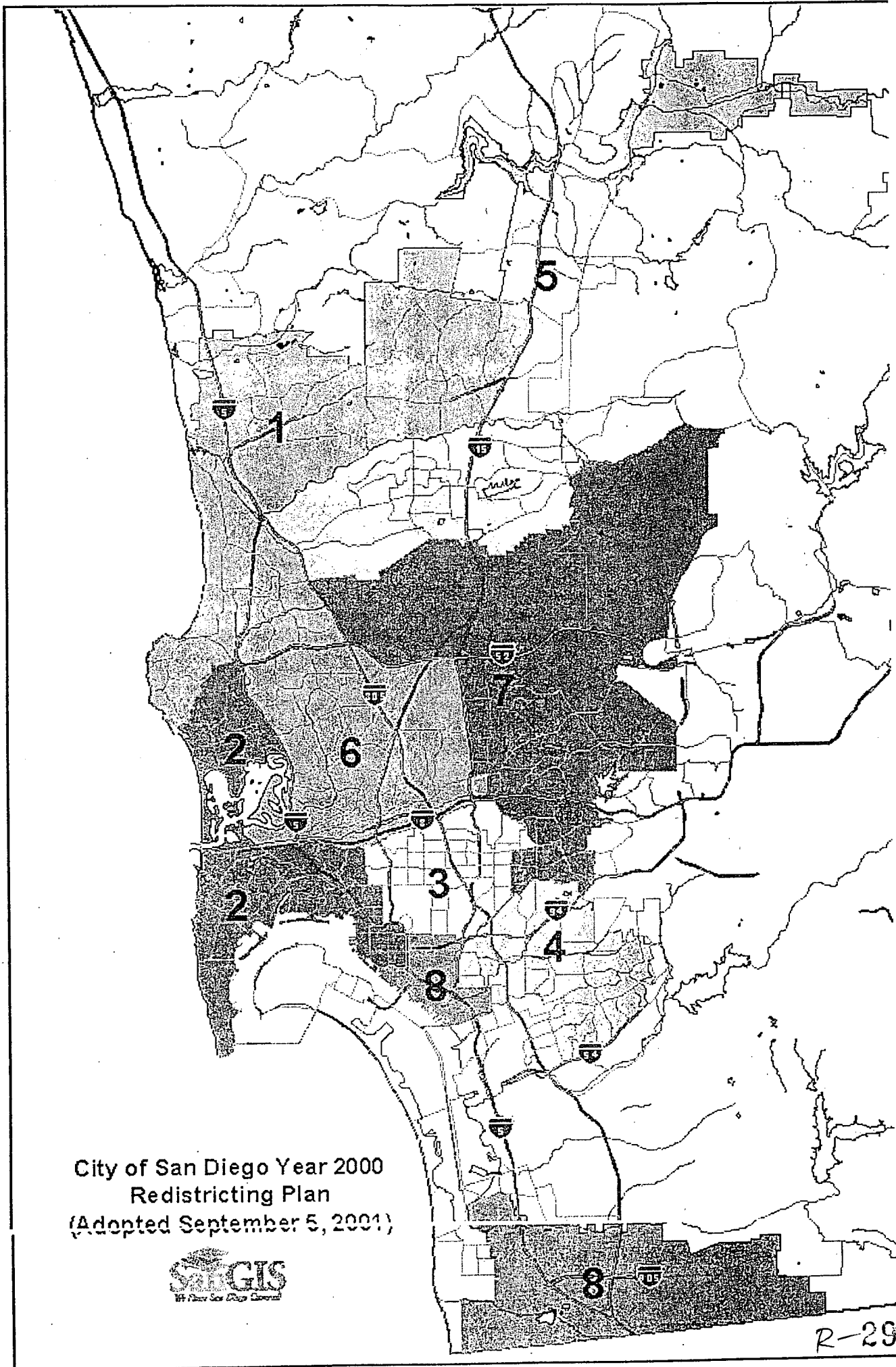
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With respect to consultants, the Chief Executive Officer or designated authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not 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 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 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 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 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 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.

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City of San Diego Year 2000  
Redistricting Plan  
(Adopted September 5, 2001)



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, 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, §7101, 1090, 1091, 1091.5, Health and Safety code Section 32481, Council Policy No. 004-04, 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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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.
- 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 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 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 Council Policy 000-04 and any and all administrative regulations promulgated by the 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 1625 Newton Avenue. 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

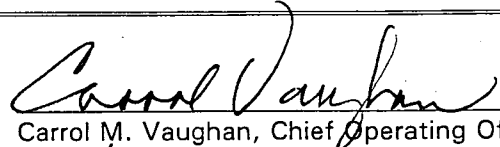
Authorized:



Elizabeth C. Morris, Chief Executive Officer

Date

8/5/02



Carrol M. Vaughan, Chief Operating Officer

Date

8/5/02

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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 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.<sup>1</sup> 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.

<sup>1</sup> 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.

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- (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.

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 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).

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

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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; Council Policy 000-04 disclosures, and disclosures required by the "rule of necessity" under Government Code section 87100, et. seq.

- 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.

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 needed. 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 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

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Good Neighbors  
San Diego  
Housing Commission

**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

8.05.02

Date

RECEIVED  
CITY CLERK'S OFFICE  
02 AUG - 6 PM 3:48  
SAN DIEGO, CALIF.

