

Housing Authority of the County of San Joaquin

CODE OF ETHICS AND STANDARDS OF CONDUCT

PREFACE

The Housing Authority of the County of San Joaquin (Authority) has established Standards of Conduct for its employees and members of its Board of Commissioners. These Standards of Conduct are designed to assure the utmost in public trust and confidence in the policies and practices of the Authority. Because of its status as an independent public entity, the Authority recognizes its responsibility to conduct all business in a manner above reproach or censure. The Code of Ethics and Standards of Conduct will describe in detail the standards by which members of the Board of Commissioners and Authority employees are to be held accountable.

The Code of Ethics and Standards of Conduct recognize and incorporate sections of federal, state, and local law which govern the conduct of public employees, and in no way supplants those provisions of law. In cases where no statutory precedent exists, the policy of the Authority shall be applied, except that the Code of Ethics and Standards of Conduct shall in no way be taken to supersede the provisions of any contracts, labor agreements, or other external agreements affecting the rights and privileges of Authority employees.

The Standards of Conduct contained within the Code of Ethics shall be generally applied so as to avoid the appearance, or actual occurrence of any favoritism or special treatment towards any applicant, resident, vendor, or agent having business, or dealings of any kind, with the Authority. No commissioner or employee shall use or cause or allow to be used his or her position to secure any personal privileges for himself, herself, or others, or to influence the activities, actions, or proceeds of the Authority. Even the appearance of impropriety shall be avoided when possible.

The Authority, in establishing Standards of Conduct for its employees and commissioners, recognizes the importance of establishing Standards of Conduct for external vendors and suppliers of products and/or services to the Authority. While the Authority cannot mandate the internal conduct or policies of vendors, it nevertheless requires vendors and suppliers adhere to certain basic principles in conducting business with the Authority. Specifically, these principles include:

- A. No direct or indirect personal inducement of Authority employees is allowed. This includes the giving of gifts, money, tickets or any item or service having value.

- B. No direct or indirect inducement of members of the Board of Commissioners is allowed. This shall include the same provisions covering employees, except that it is recognized that in the course of business dealings, there may be times when meals and/or visits may be arranged. In such cases, such events should be reported to the Chairperson of the Board, with the nature of the visit explained.

Vendors or suppliers of professional services to the Authority are expected to be governed by the Code of Ethics to which their particular profession prescribes.

Any vendor or supplier found in violation of Housing Authority Code of Ethics and Standard of Conduct policy shall be barred from future business dealings with the Authority for a period of two years from the date of the violation. The Authority reserves the right to have vendors and suppliers sign a statement of compliance with the Code of Ethics and Standards of Conduct of the Authority.

1.0 TITLE

This shall be called the "Housing Authority of the County of San Joaquin Code of Ethics and Standards of Conduct."

2.0 APPLICABILITY

The provisions contained herein shall apply to all employees and members of the Board of Commissioners of the Housing Authority of the County of San Joaquin. With respect to contracted professional services of the Authority (legal, accounting, or otherwise), it is assumed that these professionals will abide by the professional ethics of their particular profession.

3.0 PURPOSE

The Code of Ethics establishes standards for employee and commissioner conduct that will assure the highest level of public service. The Authority recognizes compliance with any ethical standards rests primarily on personal integrity nevertheless the Code of Ethics and Standards of Conduct identifies those acts or omissions of acts that could be deemed injurious to the general mission of the Authority.

The Code of Ethics and Standards of Conduct is not intended, nor should it be construed as, an attempt to unreasonably intrude upon the individual employee's or commissioner's right to privacy and the right to participate freely in a democratic society and economy.

4.0 DEFINITIONS

"Agent" shall mean any employee of the Authority (whether full or part time) acting in his or her official capacity as an agent of the Housing Authority.

"Claim" shall mean any demand, written or oral, made upon the Authority to fulfill an obligation arising from law or equity.

"Commissioner" shall mean one of the persons serving on the Board of Commissioners of the Authority.

"Contract" shall mean any obligation to do something arising from an exchange of promises or consideration between persons, regardless of the particular form in which it is stated.

"Conventional" shall mean those housing programs operated by the Authority, which are broadly considered part of the "conventional public housing program." This shall include but not be limited to, such programs as Public Housing, Public Housing ROSS, the Capital Fund, HOPE VI, Migrant Farmworker and Asset Management.

"Employee" shall mean any person appointed or hired, whether full or part time, seasonal, temporary, paid or unpaid, on a fixed or unfixed term, provisional or permanent.

"Enrollee" shall broadly mean any applicant, resident, or program participant in any program operated by the Authority. Specifically, an "enrollee" shall be a person who expects to receive, or is receiving, some form of assistance from the Authority.

"Family" shall mean the 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, or a person living in a stable household relationship with an employee, agent or commissioner.

"Interest" shall mean a benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision, or action or omission to decide or act, on the part of the Authority, Board of Commissioners, or employees.

"Leasing program" shall mean those programs operated by the Authority that are broadly included within the Housing Choice Voucher Project and Tenant Based Programs. Unless otherwise noted, the provisions contained herein shall apply equally to both the "Leasing" and the "Conventional" programs of the Authority.

"Person" shall mean any individual, corporation, partnership, business entity, association, organization, and may include a Authority employee.

"Public Information" shall mean information obtainable pursuant to the Freedom of Information Act and Authority guidelines adopted pursuant thereto.

5.0 ETHICAL STANDARDS FOR EMPLOYEES

No employee of the Authority shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation in which directly or indirectly he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.

No employee shall have or enter into any contract with any person who has or enters into a contract with the Authority unless:

- A. The contract between the person and the Authority is awarded pursuant to competitive bidding procedures and/or purchasing policies as outlined in regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), state law, or the Housing Authority of the County of San Joaquin Procurement Policy; or
- B. The contract between the person and the Authority is one in which the Authority employee has no interest, has no duties or responsibilities, or if the contract with the person is one which the Authority employee entered into prior to becoming an employee.

There shall be no preferential treatment given by an employee of the Authority acting in performance of his or her official duties to any person, agency or organization. Employees, Agents and Commissioners will be required to disclose whether he/she has any relationship or interest with vendors of the Authority.

No Authority employee shall use or permit the use of Authority-owned vehicles, equipment, materials or property for the convenience or profit of himself, herself, or any other person. However, this provision shall not apply in the case of usage for "diminutive" purposes, i.e., purposes which in and of themselves should not be construed as abuse of Authority property.

No Authority employee shall solicit any gift or consideration of any kind, nor shall any Authority employee accept or receive a gift having value in excess of \$25.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority.

No Authority employee acting individually can bind the Authority by any action or verbal representation.

No Authority employee shall disclose without proper authorization non-public information or records concerning any aspects of the operation of the Authority, nor shall he or she use such information to the advantage or benefit of himself, herself, or any other person. This shall include records maintained on enrollees of the Authority, for whom a properly executed release of information form shall be obtained and kept in the client file. The release of any information relative to enrollees of the Authority shall be done pursuant to government regulations allowing the release of information among government agencies or agencies receiving government subsidy, shall be done following prescribed methods of requesting and transmitting such information, and shall be done with full knowledge of the enrollee except in those cases where through action of law the enrollee's knowledge is not required.

No Authority employee currently employed shall represent any person, other than himself, in business negotiations, judicial or administrative actions or procedures, to which the Authority may be a party.

No former employee of the Authority shall personally represent any person in a matter in which the former employee personally participated while employed by the Authority within the previous one (1) year, if such representation would be adverse to the interests of the Housing Authority. This provision shall not, however, bar the timely filing by a current or former employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law.

No member of the family of any Authority employee shall be appointed or hired to serve under the direct supervision or authority of that employee, and in no event shall any Authority employee participate in the decision-making regarding employment or contract for services of any family member.

No Authority employee shall have an interest in a contract between any person and the Authority, except that this provision shall not apply if the contract was entered into prior to the employee's hire by the Authority; the employee discloses his or her interest in the contract prior to employment; and after employment, the employee has no power to authorize or approve payment under the contract, monitor performance or compliance under the contract, or audit bills or claims under the contract and the compensation of the employee will not be affected by the contract.

No Authority employee shall have any employment, engage in any business or commercial transaction, or engage in any professional activity in which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her duties with the Authority or that would be in conflict with his or her duties at the Authority.

No employee of the Authority shall discuss, vote upon, decide or take part in (formally or informally) any matter before the Authority in which he or she has an interest. Exception shall be made in the case of an employee whose interest in the matter is minimal (e.g. an employee helping decide on a new software system owns 100 shares of Microsoft stock), provided the employee shall fully and specifically describe his or her interest, in writing, and the underlying basis of it, whether it be ownership, investment, contract, claim, employment or family relationship, to his or her immediate supervisor prior to the employee's participation. If, in the opinion of the supervisor, there is any question as to whether the interest is minimal, the matter shall be referred to the Ethics Review Committee of the Housing Authority of the County of San Joaquin for a binding decision on the question.

Any matter decided on, contracted, adjudicated, or in any way acted upon by an employee who does not disclose a personal interest either in the matter, or in any person or organization having an interest in the matter, may be considered null and void by the Authority. Such a matter may be referred to the Ethics Review Committee to render judgment and assess any penalties if necessary.

If the Ethics Review Committee renders judgment that a matter was performed; a contract entered into; or any matter was conducted, decided or acted upon in a manner prohibited by the Code of Ethics and Standards of Conduct, it may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.

No person employed by the Authority shall be permitted to participate as a lessor or lessor's agent in the leasing programs. Similarly, no member of the Board of

Commissioners in his or her individual capacity shall be a lessor or lessor's agent. These prohibitions, however, shall not apply where the employee or commissioner is a principal in a not-for-profit or charitable, educational, or humanitarian agency or organization that may own or manage housing for rental purposes.

6.0 ETHICAL STANDARDS FOR COMMISSIONERS

The Board of Commissioners of the Housing Authority of the County of San Joaquin is the architect of policy governing the operations of the Authority and retains legal and fiscal responsibility for the Authority. The Authority recognizes that the commissioners are chosen from a broad range of fields and professions and community interests renders difficult the circumscription of external interests and activities of the commissioners. It is the intent that, insofar as is possible, the members of the Board of Commissioners are generally enjoined to follow the Standards of Conduct which are outlined in the Code of Ethics for employees. Further, it is expected that a commissioner will voluntarily and fully outline his or her personal interests and potential conflicts of interest prior to assuming their seat on the Board. Such a statement should be submitted to the Board Chairperson within ninety (90) days of the commissioner's appointment. For commissioners currently serving, such an updated statement shall be developed within ninety (90) days of their re-appointment for a new term. Such a statement shall disclose the following:

- A. The names of any business, organizational, or professional involvements that might reasonably be inferred as having business with the Authority and for which at some point a commissioner might be expected to vote, legislate, or rule on a matter involving said party.
- B. Any current or past contact in, or interest in, activities or programs of the Authority, including, but not limited to, any contracts previously bid and let, familial relationships with any staff or other board members, or any consultative or professional contracts.
 - 1. No commissioner shall vote, decide on, or discuss any matter before the Board if that commissioner has an interest in the matter, except that:
 - a. A commissioner having interest through a voluntary association with the person or organization may be allowed to discuss the matter.

- b. If the matter concerns a person or organization with which the commissioner had former contact, and that former contact existed either prior to his or her selection, or occurred at least two (2) years prior to the current discussion of the matter, the commissioner may freely act.
- 2. No commissioner may use his or her position on the Board to intimidate, coerce, persuade or otherwise influence any of the activities or employees of the Authority.

7.0 ETHICS REVIEW COMMITTEE

There shall be established an Ethics Review Committee of the Authority of the County of San Joaquin.

The purpose of the Committee shall be to review and render decisions on any matters involving ethical conduct, or breach of ethical conduct, by employees, vendors, or commissioners.

The Committee is empowered by the Board of Commissioners to:

- A. Call witnesses and receive depositions in the performance of its duties.
- B. Call for provision of appropriate records, files or tapes relative to the performance of its duties.
- C. Review any records maintained by the Authority, except those records that are considered confidential or personal. However, confidential records may be examined upon execution of a proper release by the subject person.

In performing its duties, the Committee may:

- A. Issue rules and regulations consistent with and to clarify the Code of Ethics and Standards of Conduct.
- B. Review any questions concerning alleged or suspected infractions of the Code of Ethics and Standards of Conduct and make recommendations to the Board of Commissioners or Chief Executive Officer for further or final actions.
- C. Require financial disclosure or disclosure of any other pertinent information by employees, vendors, or commissioners.

- D. Oversee compliance by the Authority with the Code of Ethics and Standards of Conduct and any other applicable regulations involving ethics.

The Committee shall be composed of three (3) members and one (1) alternate:
one (1) Board of Commissioners member;
one (1) Authority employee; and
one (1) neutral third party

The alternate member of the panel shall be a party versed in legal/ethical issues, e.g., an attorney not currently serving as counsel to the Authority or an academic authority on ethical issues.

The members of the Committee shall be appointed in the following manner:

- A. The representative of the Board of Commissioners and the neutral third party shall be selected by vote of the Board of Commissioners.
- B. The Authority employee representative and alternate shall be selected by the Chief Executive Officer.

Each member of the Committee will serve a three (3) year term. The terms may be renewed once. In no case will a person serve more than two (2) consecutive three (3) year terms.

There shall be a chair of the Committee, elected by the members of the Committee. The chair shall serve for one (1) year and may not serve more than two (2) consecutive terms. The Chief Executive Officer of the Authority shall serve as a non-voting Secretary of the Committee.

Voting by the Committee shall be by simple majority, with the Chair voting as any other member.

The alternate member of the Committee may attend all meetings of the Committee. In case of a conflict of interest by a committee member, the alternate member will assume the role as a voting member of the Committee. The alternate may at any and all times voice opinions regarding the deliberations of the Committee.

The Committee shall, upon receiving a written request from either the Board of Commissioners or any individual associated with the Authority, respond in writing within sixty (60) days after receipt of the request, unless the Committee

determines that additional time is required. If additional time is required, it shall inform the requestor of the approximate time it will be able to render a response.

The Committee shall make reports and recommendations for action to the Board of Commissioners. If the Board finds a recommended action is properly within the purview of the Chief Executive Officer or his or her designee, it shall delegate the matter without further Board action.

The legal counsel of the Authority may be involved in the deliberations of the Committee, but he or she has no vote and cannot serve as the alternate committee member.

8.0 STARTUP PROCEDURES

Within ninety (90) days of the adoption of this policy, the members of the Ethics Review Committee shall be appointed.

The Board of Commissioner representative and the alternate shall initially serve three (3) year terms. The employee representative shall initially serve a two (2) year term. The neutral third party shall initially serve a one (1) year term. By doing so, at least one appointment will expire each year and yet continuity will be maintained.

Within ninety (90) days of the adoption of the Code of Ethics and Standards of Conduct policy, the current commissioners shall file the required disclosure with the Board Chairperson.