

COUNTY OF SAN DIEGO
HOUSING AND COMMUNITY DEVELOPMENT
POLICY AND PROCEDURES MANUAL

SUBJECT: CONFLICT OF INTEREST AND
DISCLOSURE PROCEDURE

POLICY NO: 1.3

EFFECTIVE DATE: 06/03/82

PAGE 1 OF 6 PAGES

REVISED DATE: 09/17/98

Employment with the County often places individuals in a sensitive and unique work environment. Professional conduct, ethical practices and adherence to all laws, regulations and government codes are expected at all times. In the interest of staff and organizational compliance, employees are asked to disclose outside employment, real property owned and transacted, financial interest in corporations and participation by family members in housing programs. Items disclosed are not necessarily in conflict with employment with the Department. Please use good judgment and discuss any questions you may have with your supervisor or the Director.

All County employees are required to file statements regarding outside employment and to refrain from activities which conflict with their official duties. Employees of HCD assigned to the Housing Authority activities are also required to file disclosure statements due to the specific considerations which relate to duties with the Housing Authority.

CONFLICT OF INTEREST

1. To avoid any potential conflicts of interest, or the appearance of such, it is the policy of this Department that *no employee shall enter into any agreements that involve any direct payment or other form of compensation as a result of any program administered by this Department, either directly or through agreements with other parties.*
2. Any employee having a financial interest in real or personal property, or in a business, shall disqualify himself/herself from performing duties in any way related to the property or to the business. It is the employee's responsibility to report such interests to their Program Manager so that a reassignment of duty can be made.
3. Each employee will file disclosure statements when hired and at the end of each fiscal year thereafter. Interim changes in these statements are the responsibility of the employee and are to be submitted promptly.
4. The confidentiality of this information will be maintained by the Department at all times. It is necessary that the Director be fully informed of property-related activities in order to nullify any inaccurate or broad allegations, that any person or group might make. Full cooperation with this policy, both in letter and spirit, is expected to assure that we can maintain the standards of professional integrity we have all worked so hard to develop.

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PAGE 2 OF 6 PAGES

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5. Employees are reminded of the following rules and laws:

a. Section **8.1**, Civil Service Rule - Outside Employment:

"Employees of the County shall devote all their time and efforts, during their assigned work hours to their assigned duties. An employee shall not engage, at any time, in any outside employment, or in any outside business activity or enterprise, which is inconsistent, incompatible, in conflict with or inimical to assigned duties as a County employee or the duties, functions, or responsibilities of the appointing authority and the department.

Appointing authorities may require an employee of their department to inform them of any outside employment, business activity or enterprise in which the employees are engaged. If the appointing authority determines that such employment, business activity, or enterprise is inconsistent, incompatible, in conflict with or inimical as aforesaid, the employee shall be ordered to refrain therefrom; provided, however, that the employee may appeal from such order to refrain in the manner provided in Rule VII for appeals from an order of suspension, demotion or removal."

b. Section 2.13, The Section 8 Housing Assistance Payments Contract provides that:

"No member, officer or employee of the Public Housing Authority, no member of the governing body of the locality (City and County), in which the Project is situated, no member of the governing body of the locality in which the Public Housing Authority was activated, and no other official of such locality or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or in any proceeds of benefits arising therefrom."

Certain staff are currently designated by the Department and mandated by the Board of Supervisors to submit Conflict of Interest Disclosure Statements. Similarly, all Housing Authority employees are required to submit similar statements. Other employees of the Department are also asked to submit disclosure statements on a voluntary basis.

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PAGE3 OF6PAGES

REVISED DATE: 09/17/98

INCOMPATIBLE ACTIVITIES

The following is in compliance with Board of Supervisors Resolution No. 41 of February 29, 1972, which authorizes the appointing authority to formulate rules specifying outside activities that are considered to be inconsistent and incompatible with the duties of employees:

1. Any activity by an employee which involves the use of County time, facilities or materials for private gain or advantage including the following:
 - a. Any outside employment, including employment with another government entity or nonprofit organization, which results in receipt of frequent telephone calls or visitors while on duty at his/her County employment.
 - b. The sale of publications or written materials that were prepared on County time or utilizing County facilities, equipment and/or materials. Funds from the sale of copies of County reports are deposited in the County General Fund.
 - c. Any outside employment, including employment with another government entity or nonprofit organization, which would interfere with the efficient performance of his/her County duties in the Department of Housing and Community Development.
2. Any activity which involves the use for private gain or advantage of the badge, uniform, prestige, or influence of the individual's County employment, including the following:
 - a. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from public jurisdiction, private business firms or their agents who deal with the Department of Housing and Community Development or any department of the County of San Diego.
 - b. Using information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.
3. Any activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the

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EFFECTIVE DATE: 06/03/82

PAGE 4 OF 6 PAGES

REVISED DATE: 09/17/98

regular course of his/her duties *as* a County employee, including:

- a. Any consultation work for a fee or other remuneration concerning the application or interpretation of orders, directives or other communications of this Department, the Board of Supervisors or any other agency or department of the County of San Diego.
4. Any activity which is in conflict with the duties and responsibilities of the Department of Housing and Community Development, including the following:
- a. Outside employment, including employment with another government entity or nonprofit organization, which will impair independence of judgment *as* to his/her County duties.
 - b. Outside activity, including employment with another government entity or nonprofit organization, which will require or induce the employee to disclose confidential information acquired in the course of his/her County duties.
 - c. Outside employment, including employment with another government entity or nonprofit organization, with an entity which has a contract with the County; or has had a contract within the last twelve (12) months.
 - d. The performance of any act which may compromise, or present the appearance of compromising the independence and/or objectivity of the employee in performing assigned official duties.
5. Any outside employment, including employment with another government entity or nonprofit organization, in which a part of the employee's efforts therein may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego.
6. Any activity which involves time demands which render the performance of an employee's County duties less efficient.
7. Disclosure of Outside Activities:

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EFFECTIVE DATE: 06/03/82

PAGES 5 OF 6 PAGES

REVISED DATE: 09/17/98

- a. Each employee is required to disclose or report to the Department head in writing any outside employment or activity where any part of his/her efforts will be subject to approval by any other officer, employee, board or commission of the County.
- b. Each employee is also required to disclose or report to the Department head in writing any assignment of work received that relates to any organization, property or activity in which the employee or members of the employee's immediate family has any direct or indirect financial interest.
- c. Each employee shall disclose to the Department head in writing if he/she makes a presentation before any officer, board or commission which the Department head represents or advises and in which the employee or a member of his/her immediate family has an interest.
- d. Employees of the Department of Housing and Community Development shall disclose to the Department head in writing any paid position held in a nonprofit entity which has or is seeking contracts with the County.
- e. The disclosure requirements shall be applicable to employees of the Department of Housing and Community Development who are employed by another government entity or nonprofit organization.
- f. Where employees of the Department of Housing and Community Development are authorized to expend time and/or resources on outside activities, those involved will document the activities and make it available to the Department head.

PROCEDURE

1. There are three records that are required to be completed by each employee of the Department:
 - a. Annual Employee Disclosure Report - Due: Annually, as of January 31. Subject: Outside employment. Real Property Owned on January 31. Change of outside employment status will require submission during fiscal year. (If NONE, so state.)

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PAGE 6 OF 6 PAGES

REVISED DATE: 09/17/98

- b. Statement of Financial Interest - Due: Annually, as of January 31. Subject: Statement of Financial Interest. (If NONE, so state.)
 - c. Real Property Transactions, Interim Report - Due: Upon Completion of each real property purchase during the fiscal year. Subject: Details of Real Property Purchases.
- 2. Each form is self-explanatory. Upon completion, it will be routed to the Program Services Manager who is responsible for the maintenance and security of all employee statements.
 - 3. Blank forms will be available from the Payroll Clerk.

VIOLATION OF RULES

- 1. Participation in any prohibited activity by any employee or failure to properly disclose outside activities as required by these rules may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rules.
- 2. Any employee may, upon determination of the Director that the employee has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing.

RESPONSIBILITY

Every employee of HCD is responsible for understanding and complying with this policy. The Program Services Manager is responsible for maintaining and securing all employee statements.

Employees are encouraged to consult with their immediate supervisor or the Program Services Manager should any questions or need for clarification be necessary.

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 11/10/98 Minute Order No. 42
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By [Signature]
Deputy Clerk

HOUSING AUTHORITY OF THE COUNTY OF SAN DIEGO

ANNUAL EMPLOYEE DISCLOSURE REPORT

as of January 31, 19__ of

(Employee Name)

OUTSIDE EMPLOYMENT: (See HCD Policy 1.3 on Conflict of Interest)

REAL PROPERTY OWNERSHIP: Indicate all real property owned by you, as of January 31, in San Diego County during the past year:

PARCEL NO(S):	ADDRESS:	DATE OF PURCHASE OR SALE:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

list below any relatives who are participants of the County's Section 8 Program:

I have read and understand the provisions of the Housing and Community Development/
Housing Authority Policy on Conflict of Interest, and certify that the above is true to the
best of my knowledge and belief.

Signed: _____

Position: _____

Date: _____

HOUSING AUTHORITY OF THE COUNTY OF SAN DIEGO

STATEMENT OF FINANCIAL INTEREST
as of January 31, 19__ of

(Employee Name)

INSTRUCTIONS:

Corporation: Enter name and address of corporations in which you have an interest. If you have no interest, write "none" in the column under corporation.

Nature of Interest: Enter the types of interest you have in bonds, common stock, preferred stock, etc.

Quantity: Enter the number of certificates, shares, etc., and whether owned wholly or jointly.

CORPORATION:	NATURE OF INTEREST:	QUANTITY:

I certify that the above is true to the best of my knowledge and belief.

Signed _____

Date: _____

This form shall be completed annually.

HOUSING AUTHORITY OF THE COUNTY OF SAN DIEGO

REPORT OF REAL PROPERTY TRANSACTIONS OF:

(Employee Name)

Parcel No. _____ Sale _____ Purchase _____ Other _____

Property address: _____

If purchase, where first noted? _____

How was property advertised? _____

Was transaction handled through a broker? Yes No

If yes, name of broker: _____ If no, explain:

Your assigned functional area at time of transaction:

- Your assigned work area at time of transaction: _____

Have you had any involvement in this property as an employee of the Housing Authority?

Yes_ No_ If yes, explain: _____

Sale price: \$_____ Type of Property: _____

Date recorded: _____

Use: Personal residence_ Other_ (Explain: _____

_____ list all

names: Buyer(s) _____

Seller(s) _____

If transaction is other than sale or purchase (option, land contract, etc.), please explain:

Additional Comments: _____

I hereby certify that this transaction was handled outside of my County working hours, and my position in the Housing Authority in no way influenced selling price and/or *terms* of the transaction.

HOUSING AND COMMUNITY DEVELOPMENT

EXHIBIT "A"

Designated Positions	Reportable Economic Interest Category Number
1. Director, Housing and Community Development	I, 2, 3
2. Housing Programs Manager	I, 2, 3
3. Housing Program Analyst I, II, III, IV	1, 2, 3
4. Principal Housing Rehabilitation Specialist	I, 2, 3
5. Analyst I, II, III	1, 2, 3
6. Housing Program Review Coordinator	1, 2, 3
7. Housing Rehabilitation Specialist I, II, III	1, 2, 3
8. Housing Specialist I, II, III	1, 2, 3