

Sacramento Housing and Redevelopment Commission
CODE OF CONDUCT, DUTY OF LOYALTY, AND ETHICS POLICY

TO: The Sacramento Housing and Redevelopment Commission

FROM: La Shelle Dozier, Executive Director

POLICY SUBJECT: Agency Code of Conduct, Duty of Loyalty, and Ethics Policy

EFFECTIVE: April 3, 2019

Scope - This policy applies to all members of the Sacramento Housing and Redevelopment Commission).

Purpose - The purpose of this Policy is to outline expectations for ethical and responsible behavior and related legal requirements.

Policy: As a public agency, we are committed to acting in the best interest of the communities and clients whom we serve. We have the same expectation of our Commissioners and employees. Therefore, the Sacramento Housing and Redevelopment Commission has established this Code of Conduct

Commissioners to make themselves aware of requirements related to the conduct of business at the Agency.

The Commission Members' Conduct and Role

The Commission and its members shall act in an ethical, businesslike, productive, and lawful manner. Commission members should avoid even the appearance of impropriety to ensure and maintain public confidence in the Agency.

Specifically:

a) Commission members shall conduct themselves in accordance with all laws.

b) Commission members shall conduct themselves with civility and respect at all times with one another, with staff, and with members of the public.

c) Commission members are expected to demonstrate loyalty to the interests of the Agency and its residents and programs. This supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Commissions, boards, or staffs.

d) Commission members may not attempt to exercise individual authority over the organization except as explicitly set forth in Commission policies.

i) Commission members must recognize the lack of authority vested in them as individuals in their interactions with the Executive Director or with staff, except where explicitly authorized.

ii) Commission members must recognize that a Commissioner's responsibility is not to make the day to day management decisions of the Agency, but see that it is well run by carrying out policy making, planning, and appraisal functions, and by providing direction and taking formal action in support of these functions.

iii) In their interactions with the public, press or other entities, Commission members should recognize the same limitation and the inability of any Commission member to speak for the Commission or for other Commission members except to repeat explicitly stated Commission decisions.

e) Commission members shall at all times endeavor to express their individual opinions in a responsible manner, without causing harm to the Agency, to the Agency's governing boards, the public and residents, or to other Commission members and Agency staff.

i) Each member of the Commission is expected to support the legitimacy and authority of the decisions of the Commission concerning any matter, irrespective of the member's personal position.

ii) Commission members retain the right to criticize the decisions of the Agency, but in doing so shall make it clear that it is their opinion, and not the opinion of the Commission or other Commission members, and so long as it complies with the limitations set forth in these

policies. Commission members are encouraged to notify the Executive Director in advance when they plan to speak publicly in opposition to Agency decisions and policies.

iii) Commissioners must first refer all complaints, including any personal criticisms, to the Executive Director, and only after failure of administrative solution, then pursue such matters outside the Commission, recognizing the individual rights of a Commissioner as a citizen appointee and the responsibility such appointment implies.

f) Commission members should prepare themselves for Commission deliberations.

g) Commission members shall discourage former Commission members from attempting to influence the Commission, individual Commission members or staff, on behalf of any third party (other than a governmental entity) from whom the former Commission member is receiving compensation, on any matter that the former Commission member substantially participated in during his or her tenure with the Commission.

(h) Commission members are to make decisions in terms of the most economical and efficient method toward the best interests of all citizens, particularly those of low-and moderate income. Decisions will provide an equal opportunity to all citizens regardless of race, creed, religion, sex, gender orientation or identification, national origin, age, disability, or English language proficiency.

(i) Commission members are not to meet one-on-one with potential developers, contractors, funding or program applicants once a proposal, application, or other similar submission has been made to the Agency. Such one-on-one contact while the contract is pending by applicants, third parties, or higher level officials has the appearance of bias and unduly influencing the decision-maker. If there is such one-on-one contact, the communication must be made a part of the record and shared with all of the applicants.

(j) Commission members should seek and maintain an equitable, honorable, and cooperative association with fellow public housing officials and all others who are concerned with the proper and professional management of public housing developments.

Ethical Conduct

The Sacramento Housing and Redevelopment Commission will comply with all federal, California and local Conflict of Interest, Duty of Loyalty, and Ethics laws.

(a) California. Two California laws must be considered in analyzing a potential conflict of interest: the Political Reform Act and Section 1090. Additionally, the California Public Contract Code has prohibitions against self-dealing and conflict of interests in procurement activities.

i) More specifically, California Health and Safety Code Section 34328.2 prohibits members of any housing authority governing board or commission to have any direct or indirect interest in any housing project or property (including maintenance, materials, supplies, etc.).

(b) Federal. In addition to the various California ethical and conflict of interest statutes and regulations, HUD addresses conflicts of interests in each of its programs. For example, the Housing Choice Voucher Program conflict provisions may be found at 24 CFR 982.161; the HOME program, 24 CFR 92.356; and, for CDBG at 24 CFR 570.611.

i) Federal procurement as it applies to housing authorities and non-federal program grantees is now consolidated in the Uniform Administrative Requirements for State and Local Governments (2 CFR 200): Conflicts of Interest- The Agency, including its Commissioners, must disclose in writing any potential conflict of interest in violation.

HUD's Annual Contribution Contracts.

All Commissioners and Housing Authority staff shall be bound by the following Ethical Standards which are from the U.S. Department and Urban Development's (HUD) Public Housing Annual Contributions Contract (ACC):

(a) In addition to any other applicable conflict of interest requirements, neither the housing authority nor any of its contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project under this ACC in which any of the following classes of people that housing authority has an interest, direct or indirect, during his or her tenure or for one year thereafter:

i) Any present or former member or officer of the governing body of a housing authority, or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant Commissioner who does not serve on the governing body of a resident corporation, and

who otherwise does not occupy a policymaking position with the resident corporation, the housing authority, or a business entity.

ii) Any employee of the housing authority who formulates policy or who influences decisions with respect to the project(s), or any member of the employee's immediate family, or the employee's partner.

iii) Any public official, member of the local governing body, or State or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the project(s) or the housing authority.

(b) Any member of these classes of persons must disclose the member's interest or prospective interest to the housing authority and HUD.

(c) The requirements of this may be waived by HUD for good cause, if permitted under State and local law. No person for whom a waiver is requested may exercise responsibilities or functions with respect to the contract to which the waiver pertains.

(d) The provisions of this subsection shall not apply to the General Depository Agreement entered into with an institution regulated by a Federal agency, or to utility service for which the rates are fixed or controlled by a State or local agency.

(e) Nothing in this section shall prohibit a tenant of housing authority from serving on the governing body of the housing authority.

(f) The Agency may not hire an employee in connection with a project under this ACC if the prospective employee is an immediate family member of any person belonging to one of the following classes:

i) Any present or former member or officer of the governing body of the Agency. There shall be excepted from this prohibition any former tenant Commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the Agency.

ii) Any employee of the Agency who formulates policy or who influences decisions with respect to the project(s).

iii) Any public official, member of the local governing body, or State or local legislator, who exercises functions or responsibilities with respect to the project(s) or the Agency.

(g) The prohibition shall remain in effect throughout the class member's tenure and for one year thereafter.

(h) The class member shall disclose to the Agency and HUD the member's familial relationship to the prospective employee. The requirements of this subsection may be waived by the Commission for good cause, provided that such waiver is permitted by State and local law.

(j) For purposes of this section, the term "immediate family member" means the spouse, mother, father, brother, sister, or child of a covered class member (whether related as a full blood relative or as a "half" or "step" relative, e.g., a half-brother or stepchild).

Annual Certification and Form 700 Disclosure.

Separate and apart from this Code of Conduct, Duty of Loyalty and Ethics Policy, the Agency has a separate Conflict of Interest Code as required by the California Policy Political Reform Act (California Government Code §81000 et seq.).

Commission members are required to certify and acknowledge their understanding of and their compliance with these policies and codes. In addition, Commission members must submit disclosures as specified in Form 700 each April 1 for the prior calendar year.