

**Santa Clara County
Housing Authority**

Conflict of Interest Code

Approved: 02/11/2020

RESOLUTION 19-07

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE SANTA CLARA COUNTY HOUSING AUTHORITY
AMENDING THE CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, California Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes, to require that individuals occupying certain designated positions file Statement of Economic Interests upon entering office, annually while in office, and upon leaving office; and

WHEREAS, the Act further requires that the agency review and, if necessary, revise the Code within ninety days of creating a new position subject to the provisions of the Conflict of Interest Code; and

WHEREAS, such revision is necessary to modify the list of designated positions to reflect the current organizational structure of the Santa Clara County Housing Authority; and

WHEREAS, the conflict of interest code adopted by the Authority is required to be submitted to the Board of Supervisors of the County of Santa Clara, as the code-reviewing body, for approval; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Santa Clara County Housing Authority, State of California that:

- 1. The Conflict of Interest Code is hereby amended and is set forth in the attached Board Policy.

PASSED AND ADOPTED by the Board of Commissioners of the Santa Clara County Housing Authority, State of California, on August 1, 2019, held at 505 West Julian Street, City of San Jose, State of California, upon motion from Commissioner Anderson and seconded by Commissioner Espinoza - Howard with the following vote:

Chair Jennifer Loving, Vice Chair Denis O'neal, Commissioner William Anderson, Commissioner Adrienne Lawton,
AYES: Commissioner Elizabeth Gardner, Commissioner Kathy Espinoza - Howard, Commissioner Marilyn Russell
NOES:
ABSTAIN:
ABSENT:

By: Jennifer Loving
Jennifer Loving, Chair

ATTEST: Katherine Harasz
Katherine Harasz,
Secretary/Executive Director

APPROVED AS TO FORM:
Valerie J. Armento
Valerie J. Armento, General Counsel

Attachment:
Santa Clara County Housing Authority Revised Conflict of Interest Code

SANTA CLARA COUNTY HOUSING AUTHORITY
CONFLICT OF INTEREST CODE

The Political Reform Act, Government Code Sections 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 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference in an agency's code. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation and the attached Exhibits A and B designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code for the Santa Clara County Housing Authority. The full text of the regulation, together with any amendments thereto, may be found at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

Designated employees shall file Statements of Economic Interests with SCCHA's filing official. If statements are received in signed paper format, SCCHA's filing official shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both SCCHA's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. Statements will be retained by SCCHA and are public records available for public inspection and reproduction pursuant to Government Code section 81008.

New section filed as an emergency on April 2, 1980; effective upon filing
Amendment (b) filed January 9, 1981; effective February 8, 1981

Reviewed: November 1, 2005*
Reviewed: November 11, 2008*
Revised: January 16, 2009
Revised: February 10, 2010*
Revised: October 5, 2010*
Revised: August 28, 2012*
Revised: September 23, 2014*
Revised: April 28, 2015
Revised: December 8, 2015
Revised: August 23, 2016
Revised: September 28, 2017
Revised: June 28, 2018
Revised: August 1, 2019

*Biennial Review

EXHIBIT A

DESIGNATED POSITIONS

- I. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.

Commissioner
Executive Director
Deputy Executive Director
Deputy Executive Director of Housing
General Counsel
Director, Board of SCCHA affiliate corporation
CFO/Director of Finance
Director of Administrative Services
Director of Housing

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Exhibit B

Asset Manager
Assistant Director of Housing: Asset Management and Compliance
Assistant Director of Housing: Development and Inter-Agency Relations
Assistant Director of Housing: Operations
Assistant Director of Housing: Policy, Training & Outreach
Assistant Director of Human Resources
Assistant Director of Information Technology and Facilities
Construction Manager I
Construction Manager II
Controller
Development Manager
Finance Manager
Housing Policy Manager
Housing Programs Manager
Human Resources Manager
Housing Compliance Analyst
Housing Compliance Manager
Information Technology Manager
Information Technology Infrastructure Supervisor
Management Analyst
Procurement Specialist
Project Manager
Senior Management Analyst
Senior Project Manager

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 3 of Exhibit B

Consultant

- IV. Persons occupying newly-created positions that make or participate in the making of decisions that may foreseeable have a material effect on any financial interest of the position-holder, and for which specific position titles are not yet listed herein are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Director may determine in writing that a particular person occupying a newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly- created position. Such written determination shall include a description of the newly-created position'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. (Gov. Code Section 81008.)

As soon as the Authority has a newly-created position that must file statements of economic interests, the Authority's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly-created position into eDisclosure and the Authority's filing official shall ensure that the name of any individual(s) holding the newly-created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Authority shall update this conflict-of- interest code to add the actual position title in its list of designated positions and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT B

DISCLOSURE CATEGORIES

Disclosure Category 1: Persons in this category shall disclose:

- (a) all interests in real property located entirely or partly within the boundaries of the County of Santa Clara, or located not more than two miles from the boundary of the County of Santa Clara or of any land owned or used by the Authority; and
- (b) all investments, business positions, and sources of income (including gifts, loans, and travel payments) in or from any source that is located in, doing business in, planning to do business in, or has done business within the last two years within, the County of Santa Clara.

Disclosure Category 2: Persons in this category shall disclose:

- (a) all interests in real property located entirely or partly within the boundaries of the County of Santa Clara, or located not more than two miles from the boundary of the County of Santa Clara or of any land owned or used by the Authority; and
- (b) all investments, business positions, and sources of income (including gifts, loans, and travel payments) in or from any source that is located in, doing business in, planning to do business in, or has done business within the last two years within, the County of Santa Clara in any of the following areas (1) real property acquisition, leasing, disposal, development, or construction, including supplying construction equipment or materials, architecture, design, engineering, land use planning, property management, or environmental impact review, (2) provision of facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type that the Housing Authority has used in the last two years, (3) community services, facilities or programs for seniors, families, physically or developmentally disabled persons, homeless shelters, or low income persons, or (4) any aspect of real property acquisition or development financing, including loans, tax exempt bond or tax credit financing.

Disclosure Category 3:

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the Conflict of Interest Code subject to the following limitation: The Executive Director 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 comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this Conflict of Interest Code.