

# ETHICS POLICY

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## PREFACE

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

This code recognizes and incorporates those 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 Ferndale Housing Commission shall be applied, except that this policy 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 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 Commission. 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 Commission.

The Ferndale Housing Commission, 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 Commission. While the Commission cannot mandate the internal conduct or policies of vendors, it nevertheless requires that vendors and suppliers adhere to certain basic principles in conducting business with the Commission. Specifically, these principles include:

- A. No direct or indirect personal inducement of Commission employees. 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. 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.

It is expected that vendors or suppliers of professional services to the Commission will be governed by the Code of Ethics to which their particular profession prescribes.

Any vendor or supplier found in violation of Commission policy shall be barred from future business dealings with the Commission. The Commission reserves the right to have vendors and suppliers sign a statement of compliance with the standards of conduct of the Commission.

## **1.0 TITLE**

This shall be called the "Ferndale Housing Commission Code of Ethics and Standards of Conduct."

## **2.0 APPLICABILITY**

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

## **3.0 PURPOSE**

This Code of Ethics establishes standards for employee and Commissioner conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity, and also recognizing in general the integrity of Commissioners and employees, it nevertheless sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the Commission.

This Code of Ethics 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 Commission (whether full or part time) acting in his or her official capacity is an agent of the Commission.

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

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

"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 Commission, which are broadly considered part of the "conventional public housing program." This shall include but not be limited to, such programs as public housing, the Capital Fund, HOPE VI, and the Public Housing Drug Elimination Program (PHDEP).

"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 Commission. Specifically, an "enrollee" shall be a person who expects to receive, or is receiving, some form of assistance from the Commission.

"Family" shall mean the spouse, 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 family relationship.

"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 Commission, its Board, or employees.

"Leasing program" shall mean those programs operated by the Ferndale Housing Commission that are broadly included within the Section 8 Program or the tenant-based program, whether it be for certificates or vouchers. Unless otherwise noted, the provisions contained herein shall apply equally to both the "Leasing" and the "Conventional" programs of the Commission.

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

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

## **5.0 ETHICAL STANDARDS FOR EMPLOYEES**

No employee of the Ferndale Housing Commission 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 judgement 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 Commission unless:

- A. The contract between the person and the Commission 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, and the Ferndale Housing Commission Procurement Policy; or
- B. The contract between the person and the Commission is one in which the Commission employee has no interest, has no duties or responsibilities, or if the contract with the person is one which the Commission employee entered into prior to becoming an employee.

There shall be no preferential treatment given by an employee of the Commission acting in performance of his or her official duties to any person, agency or organization.

No Commission employee shall use or permit the use of Commission-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 Commission property.

No Commission employee shall solicit any gift or consideration of any kind, nor shall any Commission 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 Commission.

No Commission employee acting individually can bind the housing Commission by and action or verbal representation.

No Commission employee shall disclose without proper authorization non-public information or records concerning any aspects of the operation of the Commission, 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 Commission, 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 Commission 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 former employee of the Commission shall personally represent any person in a matter in which the former employee personally participated while employed by the Commission for one year, if such representation would be adverse to the interests of the Commission. 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 Commission employee shall be appointed or hired to serve under the direct supervision or Commission of that employee, and in no event shall any Commission employee participate in the decision-making regarding employment or contract for services of any family member.

No Commission employee shall have an interest in a contract between any person and the Commission, except that this provision shall not apply if the contract was entered into prior to the employee's hire by the Commission; 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 Commission 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 judgement or action in the performance of his or her duties with the Commission or that would be in conflict with his or her duties at the Commission.

No employee of the Commission shall discuss, vote upon, decide or take part in (formally or informally) any matter before the Commission 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 telephone system owns 100 shares of AT&T 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.

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 Commission.

If it is determined 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; it may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.

No person employed by the Commission 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, or a Resident Commissioner as stipulated by the U. S. Department of Housing and Urban Development.

## **6.0 ETHICAL STANDARDS FOR COMMISSIONERS**

The Board of Commissioners of the Ferndale Housing Commission is the architect of policy governing the operations of the Commission and retains legal and fiscal responsibility for the Commission. Recognizing 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 Chairman 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 Commission 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 Commission, 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 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 Commission.