

RESOLUTION NO. 2018-09

A RESOLUTION OF THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY APPROVING THE AUTHORITY BOARD CONFLICT OF INTEREST POLICY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY:

Section 1. The Policy. The Escambia County Housing Finance Authority hereby approves the Authority Board Conflict of Interest Policy in substantially the form attached hereto as Exhibit "A".

Section 2. Effective Date. This resolution and the Authority Board Conflict of Interest Policy shall take effect immediately upon adoption.

DULY ADOPTED in public meeting on this 13th day of November, 2018.

ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

ATTEST:
(SEAL)



By: Sandra J. Ward
Sandra J. Ward, Chair

By: Robert C. Maloy
Robert C. Maloy, Secretary/Treasurer

Approved as to legal sufficiency:

By: Patricia D. Lott
Patricia D. Lott,
General Counsel

Date: 11/13/18

STATE OF FLORIDA

COUNTY OF ESCAMBIA

I, Robert C. Maloy, Secretary/Treasurer of the Escambia County Housing Finance Authority in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of the original resolution approving a Conflict of Interest Policy as the same was duly approved at a regular meeting of the Authority on the 13th day of November, 2018, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 13th day of November, 2018.

(SEAL)



By: 
Robert C. Maloy, Secretary/Treasurer

Escambia County Housing Finance Authority Board Conflict of Interest Policy

Reason for Policy/Purpose:

The Board is the governing body of the Escambia County Housing Finance Authority (the “Authority”); as such it is obligated to serve the public trust. As a member of the Board, each Member agrees to keep the welfare of the Authority at all times paramount, putting aside any and all personal, and business interests thereby assuring that a Member's independence of judgment is not compromised, that the confidence and respect of the public and the community in the integrity of the Board are preserved, and that the Authority's public mission is protected and well served.

Definitions:

The following definitions apply to this policy:

Business Associate - means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, or corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.

Material Interest – means a direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

Principal by Whom Retained – means an individual or entity, other than an agency as defined in Section 112.312(2), F.S., that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed a Member to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

Relative – unless otherwise specified in the Code of Ethics, means an individual who is related to a Member as 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, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Member or who otherwise holds

himself or herself out as or is generally known as the person whom the Member intends to marry or with whom the Member intends to form a household, or any other natural person having the same legal residence as the Member.

Special Private Gain or Loss – means an economic benefit or harm that would inure to the Member, his or her relative, business associate, or principal, unless the measure affects a class that includes the Member, his or her relative, business associate, or principal, in which case, at least four factors must be considered when determining whether a special private gain or loss existed: 1. The size of the class affected by the vote, 2. The nature of the interests involved, 3. The degree to which the interests of all members of the class are affected by the vote, and 4. The degree to which the Member, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class. The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the Member, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

Policy Statement:

1. Scope. It is the requirement of the State of Florida that no public officer shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the officer's proper discharge of his or her duties in the public interest. See Section 112.311(5), Florida Statutes.
2. Fiduciary Responsibilities. Section 8 of Article II of the Constitution of the State of Florida states: "A public office is a public trust." Board members of the Authority serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this requirement. Each Member is responsible for abiding by the Code of Ethics for Public Officers and Employees which is contained in Chapter 112, Part III (Sections 112.311 - 112.326) of the Florida Statutes.
3. Best Interests of the Authority. All decisions of the Board are to be made solely on the basis of a desire to advance the best interests of the institution and the public good. Members are entrusted to be independent of and impartial in their decision in terms of their other interests, and are not permitted to use their public office for private gain.
4. No Interest in Authority Project. No Member of the Authority shall acquire any

interest, direct or indirect, in any qualifying housing development or in any property included or planned to be included in such a development, nor shall a Member have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any qualifying housing development. If any Member owns or controls an interest, direct or indirect, in any property included or planned to be included in any qualifying housing project, the Member shall immediately disclose the same in writing to the Authority. Such disclosure shall be entered upon the minutes of the Authority. Failure to disclose such interest shall constitute misconduct in office.

5. Other Interests. Board members are often involved in the affairs of other institutions, businesses and organizations. Members may have other relationships and affiliations that raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, each Member has the responsibility to comply with the Code of Ethics with respect to these interests.

6. The Code of Ethics for Public Officers and Employees. The Code of Ethics provides definitions and sets forth the various contexts in which conflicts arise. As defined in the Code, a "conflict of interest" arises in a situation in which regard for a private interest tends to lead to disregard of a public duty or interest. Particular attention is required when public officers are in situations involving the following, which may be prohibited by the Code of Ethics:

- (a) solicitation and acceptance of gifts;
- (b) doing business with, contracting with or engaging in transactions with the Authority, or maintaining any business association with or having a material interest in any entity doing business with the Authority;
- (c) favors or compensation;
- (d) unauthorized compensation;
- (e) misuse of public position or confidential information;
- (f) conflicting employment or consulting contractual relationships;
- (g) employment of relatives; and
- (h) special private gain to a Member, a Member's business associate, a principal by whom a Member is retained, or to a Member's relative resulting from an association with the Authority.

7. Consultation and Guidance. Any Member who is uncertain whether a conflict of interest may exist in any matter shall advise the Chair of the Board and may request advice from General Counsel or the State of Florida Commission on Ethics (www.ethics.state.fl.us).

8. Continuing Obligation. Each Member has a continuing obligation to:
 - (a) be familiar with the Florida Statutes regarding ethics and conflicts of interest and the terms of this Policy; and
 - (b) disclose as required by law any possible personal, familial, or business relationships that might reasonably give rise to a conflict involving the Authority.

9. Disclosure.
 - (a) All Members shall complete and file disclosure forms as required by Florida law. (See Sections 112.3143, 112.3144, and 112.3145, F.S.)
 - (b) Each Member will on or before July 1 of each year, file with the Secretary/Treasurer of the Board an executed Conflict of Interest Disclosure Statement identifying relationships that may constitute conflicts or potential conflicts of interest, or confirming that no such conflicts or potential conflicts are known to exist (the form attached hereto as Exhibit A).

10. Voting Conflicts. A Member may not vote on any matter that the Member knows would inure to his or her special private gain or loss. Any Member who abstains from voting in an official capacity upon any measure that the Member knows would inure to the Member's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the Member is retained, or to the parent organization or subsidiary of a corporate principal by which the Member is retained other than an agency as defined in Section 112.312(2); or which the Member knows would inure to the special private gain or loss of a relative or business associate of the Member, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the Member to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

“Relative” as used in this paragraph 10 means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

11. Confidential Information. Board members will frequently receive information in connection with their membership on the Board. Members shall not use information acquired as a result of their position to their own advantage, profit, or gain. On occasion such information will be confidential. Confidential information includes all non-public information that is protected by federal or state law such as trade secrets or work product. Members shall not use confidential information for any personal purpose and shall not disclose such information, in any form, except to those who require such information to carry out the business of the Authority or to those whom disclosure is legally mandated.

12. Authority of Individual Board Members. The authority of the Board rests with the board as a whole and is exercised in meetings of the Board. Members shall conduct relationships with the Authority staff, the public and the media with this in mind. The expertise of the Board is needed in terms of policy-making and planning so that the Authority can be efficiently and properly administered and operated.

Authority and Related Documents:

Chapter 159, Part IV, Florida Statutes; Chapter 112, Part III, Florida Statutes; Chapter 58, Article III of the Code of Laws of Escambia County, Florida.

Exhibit A

The Authority Board Conflict of Interest Disclosure Statement

This Conflict of Interest Disclosure Statement is intended to protect both the Board and the Authority, by affording the Authority ample opportunity to forestall any potential conflicts and assure that all Board decisions are above reproach.

To allow the Board and the Authority to monitor and promptly address any potential conflicts, please:

(i) identify below any relationships, financial or personal, that may constitute conflicts or potential conflicts of interest, or (ii) confirm that no such conflicts or potential conflicts are known to exist.

The following represent interests or relationships that are or may be in conflict with my position as Member of the Authority:

1. Personal, familial or business relationships that might reasonably give rise to a conflict involving the Authority.

2. Outside employment or service (any outside employment or provision of outside services by you or any member of your family that may be in conflict with your position as a Member of the Authority).

3. Outside interests, financial and other (any interests or positions which you or any member of your family hold in any outside concern from which the Authority obtains goods or services, or which provides services competing with the Authority):

4. Any other potential issues or conflicts:

OR

_____As of today's date, I have no financial, professional, or personal relationships that reasonably hold the potential for a conflict of interest involving my service as an Authority Member.

I am familiar with the Conflict of Interest Policy pursuant to which this Disclosure Statement is filed. I have disclosed all potential conflicts of interests of which I am aware, and I agree to promptly file an additional Disclosure Statement if any additional matters subject to disclosure arise before my next annual Disclosure Statement is due.

Signature_____

Date _____