

# Conflict of Interest Policy

## Community Services Department

Last Updated February 1, 2013

### I. Purpose and Scope

To establish a policy and clear procedures regarding Conflict of Interest involving activities funded through the Community Services Department, to include SHIP, HOME, CDBG, ESG and NSP assisted activities.

This Policy is applicable to public officials, agents, employees and consultants of Seminole County.

### II. Policy Statement

No public official, agent, employee or consultant of Seminole County may obtain a financial interest or benefit from an activity funded through the Community Services Department, to include SHIP, HOME, CDBG, ESG and NSP assisted activities; or have an interest in any contract, subcontract or agreement involving a Federal- and/ or State-funded activity, either for themselves or those whom they have family or business ties, during their tenure or for one year thereafter.

Failure of an employee to follow the procedures set forth in this Policy will result in the employee being subject to disciplinary action in accordance with Seminole County's Policies and Procedures.

In conjunction with this Policy, employees must abide by Seminole County's established procurement policies and procedures which may be found in the Seminole County Administrative Code, *Section 3.55 Purchasing Policy* and the Seminole County Manager Policies, *Section 60 Purchasing*.

In conjunction with this Policy, employees must abide by Seminole County's Personnel Policies and Procedures which may be found in the Seminole County Administrative Code, *Section 24.15 Personnel Policies and Procedures*.

Each employee of the Community Services Department shall be required to attest by signature, he or she received and read this Policy in its entirety.

### III. Procedures

A. When the potential Conflict of Interest involves Federal funds, a request for exception may be submitted in writing to the appropriate HUD Official. The following procedures have been established for employees.

1. In the event an employee identifies a potential Conflict of Interest involving any activities described in Section II of this Policy, the employee will disclose it to his or her Division Manager.
2. The Division Manager will prepare a written request for exception and will submit it to the Department Director for review.
3. If the Department Director determines the request warrants so, the request will be submitted to the County Attorney's Office. The County Attorney's Office will provide a legal opinion stating any violations of state or local law;

or stating there would be no violation of state or local law if the exception is granted.

4. If the County Attorney's Office issues a legal opinion stating there would be no violation of state or local law, a public disclosure of the nature of the conflict will be made on the Seminole County website for a minimum of twenty-one (21) days.
  5. In determining whether granting the exception will serve to further the objectives of the program, HUD will examine the following criteria, where applicable:
    - a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
    - b. Whether an opportunity was provided for open competitive bidding or negotiation;
    - c. Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class generally;
    - d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
    - e. Whether the interest or benefit was present before the affected person was in a position as described in Section II of this Policy;
    - f. Whether undue hardship will result either to the County or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
    - g. Any other relevant considerations.
  6. No action will be taken involving the Conflict of Interest until after HUD issues its approval or denial of the exception and the employee is advised by the Division Manager and/ or Department Director on how to proceed.
- B.** When the potential Conflict of Interest involves SHIP funds, a request for exception may be granted by the Department Director in conjunction with the County Attorney's Office, on a case-by-case basis. The following procedures have been established for employees.
1. In the event an employee identifies a potential Conflict of Interest involving any activities described in Section II of this Policy, the employee will disclose it to his or her Division Manager.
  2. The Division Manager will prepare a written request of exception and will submit it to the Department Director for review.
  3. In determining if granting the exception will serve to further the objectives of the program, the Department Director will examine the following criteria, where applicable:
    - a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
    - b. Whether an opportunity was provided for open competitive bidding or negotiation;

- c. Whether the person affected is a member of a group or class of low income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class generally;
  - d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
  - e. Whether the interest or benefit was present before the affected person was in a position as described in Section II of this Policy;
  - f. Whether undue hardship will result either to the County or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
  - g. Any other relevant considerations.
4. If the Department Director determines granting the exception will serve to further the objectives of the program, the request will be forwarded to the County Attorney's Office for review. The County Attorney's Office will provide a legal opinion stating any violations of state or local law; or stating there would be no violation of state or local law if the exception is granted.
  5. If the County Attorney's Office provides a legal opinion stating there would be no violation of state or local law, the exception will be granted.
  6. No action will be taken involving the Conflict of Interest until the County Attorney's Office issues their legal opinion and the employee is advised by the Division Manager and/ or Department Director on how to proceed.

**IV. Relevant Legislation and Policies**

Code of Federal Regulations:

24 CFR Part 92.356, HOME Conflict-of-Interest Provisions  
 24 CFR Part 85.36, Procurement  
 24 CFR Part 84.42, Codes of Conduct  
 24 CFR Part 570.611, CDBG Conflict-of-Interest Provisions

Florida Administrative Code:

Rule Chapter 67-37, State Housing Initiatives Partnership

Florida Statutes:

Chapter 112, Part III, Code of Ethics for Public Officers And Employees  
 Chapter 420, Part VII, State Housing Initiatives Partnership

Seminole County Administrative Code:

Section 3.55 Purchasing Policy  
 Section 24.15 Personnel Policies and Procedures

Seminole County Manager Policies:

Section 60 Purchasing