

# PORTSMOUTH REDEVELOPMENT AND HOUSING AUTHORITY

## ETHICS POLICY

---

### PREFACE

The Portsmouth Redevelopment and Housing Authority (the "Authority") 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 Authority. Because of its status as an independent public entity, the Authority recognizes its responsibility to conduct all business in a manner above reproach or censure. This Ethics Policy will describe in detail the standards by which members of the Board of Commissioners and staff are to be held accountable.

This policy 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 Portsmouth Redevelopment and Housing Authority shall be applied and shall not supersede the provisions of any contracts or other external agreements affecting the rights and privileges of employees.

The standards of conduct contained within this Ethics Policy shall be generally applied to avoid the appearance or actual occurrence of any favoritism or special treatment toward any applicant, resident, vendor or agent having business or dealings of any kind with the Authority. 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 Authority.

In establishing standards of conduct for its employees and commissioners, the Authority recognizes the importance of establishing standards of conduct for external vendors and suppliers of products and/or services to the Authority. While the Authority 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 Authority.

Specifically, these principles include:

- A. No direct or indirect personal inducement of Authority 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. In such cases, an explanation of the nature of the meal and/or visit should be reported to the Chair of Board of Commissioners.

It is expected that the Ethics Policy to which their particular profession prescribes will govern vendors or suppliers of professional services to the Authority.

Any vendor or supplier found in violation of the Authority's policy shall be barred from future business dealings with the Authority. The Authority reserves the right to have vendors and suppliers sign a Statement of Compliance with the Standards of Conduct of the Authority.

## **1.0 TITLE**

This shall be called the "Portsmouth Redevelopment and Housing Authority Ethics Policy".

## **2.0 APPLICABILITY**

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

## **3.0 PURPOSE**

This Ethics Policy establishes standards of conduct for employees and Commissioners that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity and 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 Authority.

This Ethics Policy is not intended nor should it be construed as an attempt to unreasonably intrude upon the individual employee's or Commissioner's rights to privacy and their rights to participate freely in a democratic society and economy.

## **4.0 DEFINITIONS**

"Agent" shall mean any employee of the Authority (whether full or part time) acting in his or her official capacity as an agent of the Authority.

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

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

"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 Authority, which are broadly considered part of the "conventional public housing program". These shall include but not be limited to such programs as public housing, the Capital Fund, etc.

"Employee" shall mean any person appointed or hired, 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 Authority. Specifically, an "enrollee" shall be a person who expects to receive or is receiving some form of assistance from the Authority.

"Family" shall mean the 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 or a person living in a stable household 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 because of any decision or action or omission to decide or act on the part of the Authority, its Board or employees.

"Leasing program" shall mean those programs operated by the Portsmouth Redevelopment and Housing Authority that are broadly included within the Section 8 Program or the tenant based program. Unless otherwise noted, the provisions contained herein shall apply equally to both the "Leasing" and the "Conventional" programs of the Authority.

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

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

## **5.0 ETHICAL STANDARDS FOR EMPLOYEES**

No employee of the Portsmouth Redevelopment and Housing Authority shall have any employment; engage in any business or commercial transaction or 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 Authority unless:

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

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

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

No Authority employee shall solicit any gift or consideration of any kind, nor shall any Authority employee accept or receive a gift, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority.

No Authority employee acting individually can bind the housing authority by any action or verbal representation.

No Authority employee shall disclose, without proper authorization, non-public information or records concerning any aspects of the operation of the Authority, 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 Authority 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 Authority 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 Authority employee currently employed shall represent any person other than himself in business negotiations, judicial or administrative actions or procedures to which the Authority may be a party.

No former employee of the Authority shall personally represent any person in a matter in which the former employee personally participated while employed by the Authority within the previous one year if such representation would be averse to the interests of the Authority. 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 Authority employee shall be appointed or hired to serve under the direct supervision or authority of that employee, and in no event shall any Authority employee participate in the decision-making regarding employment or contract for services of any family member.

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

No employee of the Authority shall discuss, vote upon, decide or take part in (formally or informally) any matter before the Authority 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 to 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. If, in the opinion of the supervisor, there is any question as to whether the interest is minimal, the matter shall be referred to the Ethics Review Committee for a binding decision on the question. (See 7.0 Ethics Review Committee)

Any matter decided, 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 Authority. Such a matter may be referred to the Ethics Review Committee to render judgement and assess any penalties if necessary.

If the Ethics Review Committee renders judgement that, a matter was performed, a contract entered into, or any matter was conducted, decided or acted upon in a manner prohibited by the Ethics Policy, it may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.

No person employed by the Authority 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.

## **6.0 ETHICAL STANDARDS FOR COMMISSIONERS**

The Board of Commissioners of the Portsmouth Redevelopment and Housing Authority is the architect of policy governing the operations of the Authority and retains legal and fiscal responsibility for the Authority. 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 possible the members of the Board of Commissioners are generally enjoined to follow the standards of conduct, which are outlined in the Ethics Policy 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 his or her seat on the Board. Such a statement should be written and submitted to the Board Chair 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 Authority 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 or interest in activities or programs of the Authority 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 inform and 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 Authority.

## **7.0 ETHICS REVIEW COMMITTEE**

There shall be established an Ethics Review Committee of the Portsmouth Redevelopment and Housing Authority.

The purpose of the Committee shall be to review and render decisions on any matters involving ethical conduct or breach of ethical conduct by employees, vendors or Commissioners.

The Committee is empowered by the Board of Commissioners to:

- A. Call witnesses and receive depositions in the performance of its duties.
- B. Call for provision of appropriate records, files or tapes relative to the performance of its duties.
- C. Review any records maintained by the Authority except those records that are considered confidential or personal. However, confidential records may be examined upon execution of a proper release by the subject person.

In performing its duties, the Committee may:

- A. Issue rules and regulations consistent with and to clarify the Ethics Policy.
- B. Review any questions concerning alleged or suspected infractions of the Ethics Policy and make recommendations to the Board of Commissioners or Executive Director for further or final actions.
- C. Require financial disclosure or disclosure of any other pertinent information by employees, vendors or Commissioners.
- D. Oversee Authority compliance with the Ethics Policy and any other applicable regulations involving ethics.

The Committee shall be composed of three (3) members and one (1) alternate: Board of Commissioners (1), employees (1), and a neutral third party (1). The alternate member of the Committee shall be a party versed in legal/ethical issues, e.g., an attorney not currently serving as counsel to the Authority or an academic authority on ethical issues.

The members of the Committee shall be appointed in the following manner:

- A. The representative of the Board of Commissioners and the neutral third party shall be selected by vote of the Board of Commissioners.
- B. The employee representative and alternate shall be selected by the Executive Director.

Each member of the Committee will serve a three (3) year term. The terms may be renewed once. In no case will a person serve more than two (2) consecutive three (3) year terms.

There shall be a Chair of the Committee, elected by the members of the Committee. The Chair shall serve for one (1) year and may not serve more than two (2) consecutive one (1) year terms. The Executive Director of the Authority shall serve as a non-voting Secretary of the Committee.

Voting by the Committee shall be by simple majority with the Chair voting as any other member.

The alternate member of the Committee may attend all meetings of the Committee. If a Committee member has a conflict of interest, the alternate member will assume the role as a voting member of the Committee. The alternate may at any and all times voice opinions regarding the deliberations of the Committee.

Upon receiving a written request from either the Board of Commissioners or any individual associated with the Authority the Committee shall respond in writing within sixty-(60) days after receipt of the request unless the Committee determines that additional time is required. If additional time is required, the Committee shall inform the person making the request of the approximate time it will be able to render a response.

The Committee shall report in writing and make recommendations for action to the Board of Commissioners. If the Board finds a recommended action is properly within the purview of the Executive Director or his or her designee, it shall delegate the matter without further Board action.

The legal counsel of the Authority may be involved in the deliberations of the Committee, but he/she has no vote and cannot serve as the alternate committee member.

## **8.0 START-UP PROCEDURES**

Within ninety-(90) days of the adoption of this policy, the members of the Ethics Review Committee shall be appointed.

The Commissioner Representative and the alternate shall initially serve three (3) year terms. The employee representative shall initially serve a two (2) year term. The neutral third party shall initially serve a one (1) year term. These initial terms will ensure that at least one appointment will expire each year so that continuity can be maintained.

Within ninety-(90) days of the adoption of this policy, the current Commissioners shall file the required disclosure with the Board Chairman.

## PORTSMOUTH REDEVELOPMENT AND HOUSING AUTHORITY

**\*\*FOR COMMISSIONERS ONLY\*\***

### ANNUAL CONFIDENTIALITY AGREEMENT

Each member of the Board of Commissioners (and committees thereof) acknowledges the importance of confidentiality with respect to the affairs of the Portsmouth Redevelopment and Housing Authority (PRHA) including its subsidiaries and operating departments. In light of this acknowledgement, such individual agrees to keep confidential during and following service with PRHA, all Confidential Information acquired pertaining to PRHA and any related activities in the course of their relationship to PRHA. For purposes of this Agreement, "Confidential Information" includes proprietary, trade secret, personal, client privileged or other sensitive data and information, including but not limited to:

- Information regarding appointment and reappointment of professionals to the staff information included in corporate responsibility and legal affairs reports, quality reports and statistical data reports regarding the organization's services and risk management and individual professional performance reviews of attitudes and opinions of those who work in the organization.
- Issues related to the Board's legal, moral and regulatory responsibility for the oversight of quality client care.
- Information regarding the strategic plan, programs and process toward meeting goals in the plan, and our competitive.
- Financial information including annual budgets, revenues, expenses, long-term capital expenditure plans and equipment purchases, and information regarding the organization's financial condition such as debt, liquidity, return on investment and profitability.
- Performance of management executives including evaluations, compensation, contract and employment conditions, and top management succession plans.

Limits on Confidential Information. Confidential Information shall not be deemed proprietary and the Commissioner shall have no obligation with respect to such information where the information:

- was known to Commissioner prior to receiving any of the Confidential Information from Discloser;
- has become publicly known through no wrongful act of Commissioner;
- was received by Commissioner without breach of this Agreement from a third party without restriction as to the use and disclosure of the information;
- was independently developed by Commissioner without use of the Confidential Information; or
- was ordered to be publicly released by the requirement of a government agency.

It is particularly important that Board members, and Board committee members, recognize the sensitivity of information regarding corporate responsibility issues, medical recruitment plans, capital equipment decisions, real estate purchases, decisions regarding closures, mergers, and other strategic plans that may have impact on the organizations competitive position relative to other social service agencies in the

service area.

It is each Board's member responsibility to address infractions of confidentiality by individual Board and committee members. Violation of this policy may subject an individual director, officer and committee member to disciplinary action as determined by the Chairperson or his/her designee, including removal from the Board.

In signing this agreement, I recognize my obligation to preserve Confidential Information.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date