

This Policy shall outline the required and expected Codes of Conduct for all Officers, Employees and Agents of the Leech Lake Band of Ojibwe Housing Authority relating to Conflicts of Interest.

LLBO Housing Authority

Conflict of Interest Policy and
Procedures Manual

Adopted on: October 27, 2015

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I. Introduction

100.1 Purpose. It is the policy of the Leech Lake Band of Ojibwe Housing Authority that this Conflict of Interest Policy and Procedures Manual shall represent the principals and standards for conducting daily operations and addressing issues surrounding conflicts of interest for all parties associated with the Leech Lake Band of Ojibwe Housing Authority.

100.2 Authority This Conflict of Interest Policy shall be issued under the authority of **Native American Housing Assistance and Self Determination Act of 2007 – Final Rule [24 CFR Parts, 85,950,532,1000,1003 and 1005]**.

The Leech Lake Band of Ojibwe Housing Authority (LLBOHA) is recognized as a Tri bally Designated Housing Entity (TDHE) authorized to conduct business within the self-governing tribe of the Leech Lake Band of Ojibwe. The Leech Lake Band of Ojibwe participates in tribal self-governance as authorized under **Public Law 93-638**, as amended (25 U.S.C. 450 et seq.).

100.3 Applicability This comprehensive statement of policy and procedure shall be used as the criteria for determining conflicts of interest and applying standards of procedure in the event a conflict of interest or a perceived conflict of interest exists.

100.4 Definitions For the purposes of this policy, the following definitions apply:

Conflict of Interest - A set of circumstances that creates risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest such as a financial gain, professional advancement or a wish to do favors for family and friends.

Apparent Conflict of Interest The *conflict* in a conflict of interest exists when there is a perception of conflict regardless of whether or not a particular individual is actually influenced by a secondary interest. If the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions made may be unduly influenced by other interests, then a conflict does exist.

IHBG An acronym for Indian Housing Block Grant, the annual federal grant allocated through NAHASDA to Indian tribes for low-income housing activities.

Immediate Relative Relative (including 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 culturally adopted child) or a person whose relationship with the employee or Board of Commissioners is substantially similar to any of these relationships.

NAHASDA – An acronym for Native American Housing Assistance and Self-Determination Act was enacted into law in 1998 and reauthorized in 2007.

II. Conflict of Interest and NAHASDA Funds

200.1 Use of NAHASDA funds Per the Department of Housing and Urban Development NAHASDA regulations at **24 CFR 1000.30(b)** (Appendix A) No person who participates in the decision-making process or who gains inside information with regards to NAHASDA assisted activities may obtain a personal or financial interest or benefit from such activities except for the use of NAHASDA funds to pay salaries or other related administrative costs.

200.2 Disclosure of Interest All officers and management personnel shall be required annually to submit a disclosure of any interest, direct or indirect, in any sales, purchases, transfers, leasing arrangements, guarantees, or other transactions involving the use of federal funds. The disclosures are required to be submitted to any auditing firm upon request from the Leech Lake Housing Authority.

III. Conflict of Interest and Program Services

300.1 Application for Assistance Any and all persons may apply for program assistance regardless of their professional association with the Leech Lake Band of Ojibwe Housing Authority or their relationship with LLBOHA employees or representatives.

300.2 Determination of Eligibility Applications for assistance submitted by persons with a perceived conflict of interest will be reviewed for eligibility using the same standards, criteria and point systems as all other applications. Personal or professional relationships will not be considered in the determination of eligibility.

300.3 Conflict of Interest Exception The conflict of interest provision does not apply in instances where a person who might otherwise be included under a conflict of interest provision is low-income and is selected for assistance in accordance with the LLBOHA's written policies for eligibility, admission and occupancy for families for housing assistance with IHBG funds, provided that there is no conflict of interest under applicable tribal or state law.

300.4 Public Notice The LLBOHA shall make public disclosure of the nature of the assistance to be provided and the specific basis for the selection of that person. The disclosure shall be in the form of a *Notice of Potential Conflict of Interest* (Appendix B) to be posted in a location available to the public. Specifically, the LLBOHA shall post the notice in the LLBOHA administration building in a place available for review to any interested person for 30 days.

300.5 HUD Notification A copy of all Notice of Potential Conflict of Interest forms shall be provided to the HUD Eastern Woodlands Office of Native American Programs before assistance is provided.

300.6 Public Comment Period Public comments must be received at the LLBOHA administration building within 30 calendar days of the initial date of the posting of the notice. When calculating a specific number of days, the day of the beginning action (initial date of posting), and the day of the ending action (final posting day), shall be counted. If a conflict of interest exists, please fill out our *Conflict of Interest Comment* form (Appendix C).

300.7 Public Comment Review All conflict of interest comments must be in a sealed envelope, addressed as follows: "Leech Lake Housing Authority Conflict of Interest Comment". Comments that are received will be reviewed at the next business meeting. Business is heard on the 2nd Thursday of each month. The Board of Commissioners will not consider any comments received after the end of this 30 day comment period.

IV. Conflict of Interest and Procurement Activities

400.1 General Statement of Compliance Conflicts of Interest in procurement activities are subject to all federal procurement guidelines, specifically, **24 CFR Part 85.36** (Appendix D) which states "No employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- The employee, officer or agent
- Any member of his immediate family,
- His or her partner, or
- An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award."

400.2 Recusal From Contracting Process Any employee, officer or agent of LLHA Should voluntarily recuse himself or herself from the bidding and contract award process if they know a conflict of interest exists. If an apparent conflict of interest exists, LLHA management or Board of Commissioners has the right to request recusal of the conflicted party.

400.3 Gratuities, Kickbacks and Use of Confidential Information LLHA officers, employees or agents shall not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, parties to subcontracts or vendors and shall not knowingly use confidential information for actual or anticipated personal gain. Unsolicited gifts shall become the property of the Leech Lake Housing Authority.

V. Conflict of Interest and Employment

500.1 Hiring Process Employees and officers shall not participate in the hiring process of immediate family members in any way including recruitment, interviewing or the hiring decision itself. The conflicted party will recuse themselves at all steps of the process.

500.2 Nepotism No individual in a management or supervisory position will have direct supervisory authority over any immediate family member.

500.3 Progressive Discipline No employee, officer or agent of the LLHA shall be involved in the progressive disciplinary process up to and including the decision to terminate or the grievance processes of an employee who is a member of their immediate family.

VI. Policy Enforcement

500.1 Statement of Enforcement Violations of adopted conflict of interest conduct code guidelines and standards by officers, employees, agents or by contractors or their agents will result in penalties, sanctions or other disciplinary action as provided for to the extent allowable by Tribal or State law and Board of Commissioner adopted policies.

Appendix Listing

- Appendix A 24 CFR 1000.30 (3 pages)
- Appendix B Notice of Potential Conflict of Interest form (1 page)
- Appendix C Conflict of Interest Comment form (1 page)
- Appendix D 24 CFR 85.36 (1 page)

Certification

I hereby certify that the Leech Lake Band of Ojibwe Housing Authority Conflict of Interest Policy was duly presented and adopted at a Leech Lake Housing Authority Board of Commissioners meeting by a vote of ____ for, ____ against, ____ silent, held on October 27, 2015 at Walker, Minnesota, a quorum being present.

Marlene Mitchell, Chairperson

Rosanne Wilson, Secretary/Treasurer