



CONSOLIDATED PLAN ADVISORY BOARD (CPAB) AGENDA

WEDNESDAY, JANUARY 12, 2022

10:00 A.M. – 11:30 A.M.

ONLINE VIRTUAL MEETING

YOUTUBE PUBLIC LINK BELOW

[CLICK HERE](#)

1. **Call to Order**
2. **Approval of CPAB Virtual Meeting Minutes: November 10, 2021**
3. **Board Member Announcements**
4. **Staff Announcements**
5. **Non-Agenda & Agenda Public Comments:** Public comments can be received live, using the “attendee” link, which can be found [here](#). Public comments can also be submitted using the Office of Boards and Commission form, which can be found [here](#). All public comments will need to be submitted by January 11, 2022 by 4:00 p.m. Public comments received will be read aloud by City staff during the virtual meeting. Comments should be able to be read in three (3) minutes.
6. **Discussion Item(s):**
 - a. **Conflict of Interest Policies**

The City Attorney’s Office will give a brief presentation on the City’s conflict of interest policies pertaining to CPAB members and staff.
 - b. **CPAB Scoring Evaluation Handbook for Fiscal Year (FY) 2023 Request for Proposals (RFP)**

CDD staff will review key elements in the CPAB Scoring Evaluation Handbook to be used when evaluating FY 2023 CDBG RFP submittals.

THIS INFORMATION IS AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.

To request an alternative format, or to request a sign language or oral interpreter for the meeting, please contact the Meeting Coordinator in the Economic Development Department at least five (5) working days before the meeting at (619) 236-6700 to ensure availability. Assistive Listening Devices (ALDs) are available for the meeting upon request.

7. Other Items

This Item will be open for CPAB to comment or request future agenda items.

8. Adjournment

Unfinished business shall be tabled and placed on the agenda of the following meeting.

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Tentative Future Meeting Dates/Times

*Subject to change. CPAB meetings are usually scheduled the second Wednesday of the month.
Check CDBG website at <http://www.sandiego.gov/cdbg>
for latest information, locations, and special meetings.*

Please note, all CPAB meetings will be held virtually for the near future.

- Wednesday, January 12, 2022 at 10 a.m.
- Wednesday, February 09, 2022 at 10 a.m.
- Wednesday, **March 16, 2022 at 10 a.m.** (*please note date change*)
- Wednesday, April 13, 2022 at 10 a.m.
- Wednesday, May 11, 2022 at 10 a.m.
- Wednesday, June 08, 2022 at 10 a.m. (*possible adjournment*)
- Wednesday, July 13, 2022 at 10 a.m.
- Wednesday, August 10, 2022 at 10 a.m.
- Wednesday, September 14, 2022 at 10 a.m.
- Wednesday, October 12, 2022 at 10 a.m.
- Wednesday, November 09, 2022 at 10 a.m.
- Wednesday, December 14, 2022 at 10 a.m. (*possible adjournment*)

CONSOLIDATED PLAN ADVISORY BOARD (CPAB)

MINUTES

Wednesday, November 10, 2021

VIRTUAL CPAB MEETING

[\(LINK\)](#)

BOARD MEMBERS PRESENT	BOARD MEMBERS ABSENT
<ul style="list-style-type: none"> • Brenda Campbell, Council District 4 • Patrick Batten, Council District 5 • Rich Thesing, Council District 7 • Victoria Barba, Council District 8 • Peter Dennehy, Council District 9 	<ul style="list-style-type: none"> • Eileen Gonzales, Council District 3 • VACANT, Council District 1 • VACANT, Council District 2 • VACANT, Council District 6

STAFF PRESENT	ATTENDANCE
<ul style="list-style-type: none"> • Monica Hardman, Deputy Director • Angela Nazareno Clark, Program Manager • Michele Marano, Community Development Coordinator • Krissy Maier, Community Development Coordinator • Alicia Martinez-Higgs, Community Development Project Specialist • Leonardo Alarcón, Community Development Project Specialist • Nadine Hassoun, Community Development Project Manager 	<p><i>(Public had access to meeting via Zoom Webinar and youtube link)</i></p>

Call to Order

1. Mr. Peter Dennehy called the meeting to order at 10:02 a.m. Mr. Dennehy took role call; five board members were present. Quorum was achieved at the same time.

Board Member Announcements

2. *No board member announcements were made*

Staff Announcements

3. Mr. Leonardo Alarcón gave an update on the Request for Qualifications (RFQ) process. The deadline for RFQ submissions was November 5, 2021, and sixty-six applications were received. Staff is currently reviewing submissions to determine whether organizations will be eligible to

submit a proposal. Organizations will be notified by November 30, 2021, whether they are deemed eligible or not, and will also be notified of their funding threshold. The Request for Proposal (RFP) will be released on December 1, 2021.

Mr. Alarcón reminded meeting participants of the upcoming Mandatory Fair Housing Training for FY 2022 CDBG Subrecipients. According to the terms of the FY22 CDBG Subrecipient Agreement, all organizations awarded CDBG funds are required to complete a mandatory Fair Housing training. The Legal Aid Society of San Diego, and the City of San Diego are offering this year's Training for HUD Grant Subrecipients through an on-demand webinar. Subrecipients will receive an email from our Fair Housing team soon with webinar details and the deadline for completion.

Mr. Alarcón announced a staff addition to the Community Development division (CDD). Robert Ashton will be part of the compliance section, and managing Capital Improvement Projects as a CDBG project manager. Robert was part of the fiscal division prior to joining CDD.

Finally, Mr. Alarcón announced that at the [October 27, 2021 Rules Council Committee](#) meeting, staff from Council President Campbell's office presented a reopening plan for meetings for City Council and the City's various boards and commissions. This presentation (please click [here](#) to view presentation) was in reference to the Governor's original executive order, N-08-21, which suspended provisions to the Brown's Act and allowed meetings to take place virtually, and AB361 which amended the Brown Act to allow local virtual meetings to continue to take place after October 1, 2021, under certain conditions. The City of San Diego is currently meeting the requirements of AB361 to allow for continued virtual meetings. The presentation also outlined a three-phased approach to allow meeting in person. Staff will share additional details with the board as they become available.

Approval of Minutes

4. Mr. Rich Thesing made the motion to approve the October 21, 2021, meeting minutes. Mr. Patrick Batten seconded the motion. The minutes were approved unanimously, 5-0.

Non-agenda Public Comment

5. *No non-agenda public comments were received.*

Discussion Items

6. a. Nonprofit Construction Projects Overview

Community Development Division (CDD) staff provided an overview of previous construction projects and provide recommendations for the CPAB to consider during the application process.

Please see attached presentation for more information.

Mr. Rich Thesing asked staff what percentage of NCIP subrecipients fail to complete projects due to a lack of funds. Staff responded that approximately 5% of projects are not completed.

Mr. Thesing asked how Nonprofit Capital Improvement Projects (NCIP) projects secure additional funding if needed. Staff responded that according to data, organizations that bid too

low for their projects often utilize additional funding from their organization to supplement project costs.

b. Capital Improvements Program Review and Advisory Committee (CIPRAC) Overview

CDD staff provided an overview of the CIPRAC process and how CDBG-funded City projects are identified for possible allocations during the Annual Action Plan.

Please see attached presentation for more information.

Mr. Thesing asked staff whether applicants can re-apply for funding if they currently have open projects. Staff responded that yes, applicants would be eligible to re-apply. Oftentimes, if a project is delayed and not completed within 24 months it is usually due to extenuating circumstances.

Other Items

7. a. This item was open for CPAB to comment or request future agenda items.

Adjournment

8. Mr. Dennehy adjourned the meeting at 10:33 a.m.



Overview of Financial Conflicts of Interest

Consolidated Plan Advisory Board

Presented by the Office of the City Attorney


January 12, 2022



Regulating Conflicts of Interest


Purpose & Intent

- Ensure the actions of government officials serve all citizens equally, without regard to status or wealth.
- Ensure government officials perform their duties without bias or personal gain.
- Ensure and maintain public trust in government



Federal, State and Local Laws Regulating Conflict of Interest

- Federal CDBG Regulations, 24 C.F.R. § 570.611
- California Political Reform Act (PRA)
- California Government Code 1090
- San Diego Municipal Code §§ 26.2108-26.2109
- CPAB Conflict of Interest Code



Federal Conflict of Interest Regulations Applicable to CDBG

24 C.F.R. § 570.611

No persons having any responsibility with respect to CDBG activities or who participate in any CDBG related decisionmaking process or have inside information with respect to CDBG activities may obtain a financial interest or benefit from the activity or have an interest in any contract, subcontract or agreement or in any of its proceeds, either for themselves or those with who they have immediate family or business ties, during their tenure and for one year after.

California

Political Reform Act (PRA)

California Government Code §§ 87100-87500

- A public official has a financial interest in a decision ***if it is reasonably foreseeable that the decision will have a foreseeable and material financial effect*** on the official or one or more of his or her economic interests.
- Economic interests that might cause a financial conflict of interest must be disclosed:
 - upon taking office,
 - annually, and
 - upon leaving office

Economic Interests

- **Income** (including loans) aggregating \$500 or more within the 12 months prior to the decision.
- **Gifts** from a single source aggregating to \$500 or more within the 12 months prior to the decision.
- **Personal Finances.** A measurable financial benefit or loss to your personal finances or an immediate family member's personal finances that would result from the decision.
- **Business Entity** in which you have an investment of \$2,000 or more and in which you are a *director, officer, partner, trustee, employee, or manager*
- **Real property** in which you have an interest of \$2,000 or more including leaseholds (not month to month leases)

Economic Interests

Indirect Investments

investments or interests owned by:

- Your spouse
- Your dependent child
- Your agent
- A business entity or trust in which you, your spouse, your dependent child or your agent holds a 10% or greater interest

Criminal Penalties

- A knowing and willful violation of the PRA is a misdemeanor
- Fine equal to the greater of \$10,000 for each violation or three times the amount improperly reported
- Ineligible to hold an elected office or act as a lobbyist for four years after conviction
- City attorney may bring criminal or civil actions for violations within the City of San Diego

Civil & Administrative Penalties

- Civil Fines & Liability

- Order to:
 - (1) cease and desist violation of the PRA;
 - (2) file any required reports or statements; and
 - (3) pay a fine of up to \$5,000 per violation

- Administrative Fine of \$10 per day for late filing of statements or reports may be imposed

California Government Code 1090

- Applies to financial conflicts related to contracts
- Prohibits a public official from participating in the making of a contract when the official has a disqualifying conflict of interest
- Exceptions: Remote interest or Non-interest

Penalties for Violating Section 1090

- Contract is void and unenforceable

- Willful violation is a crime
 - Potential fine
 - Imprisonment
 - Forever disqualified from holding office in California

Local Regulations of Conflict of Interest

- All members of CPAB must complete and file Form 700 statements of economic interests in accordance with the CPAB conflict of interest code and comply with all applicable ethics laws. SDMC § 26.2108
- Recusal Requirement – no member of CPAB shall participate in any decision in which they have any personal or financial interest. SDMC § 26.2109

CPAB Conflict of Interest Code

Disclosure Categories (Category 1)

- Investments and business positions in any business entity located in or doing business with the City of San Diego.
- Income and gifts from sources located in or doing business with the City of San Diego.
- Interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.



Summary

- Remember to annually disclose all required economic interests
- Recuse yourself from decisions in which you have financial interests
- When in doubt, ask for advice

Resources

- **Fair Political Practices Commission (FPPC),**
<http://fppc.ca.gov>
- **City's Ethics Commission,**
<http://www.sandiego.gov/ethics/about/help.shtml>
- **Providing Conflict of Interest Advice (2016)**
League of California Cities,
<https://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/Providing-Conflict-of-Interest-Advice>

Questions?

