

Meeting Agenda
LGBTQ Advisory Committee
January 16, 2018
12 Noon/Room 241
State College Municipal Building

- I. Call to Order**
- II. Roll Call**
- III. Public Hour**
- IV. Approval of Meeting Minutes**
- V. Conversion Ordinance Review**
- VI. 2017 Human Rights Campaign Scorecard**
- VII. 2018 Conflict of Interest Policy Memorandum**
- VIII. 2018 Quarterly Meetings**
- IX. Other Business Matters**
- X. Adjournment**

Documents:

011618 LGBTQ Agenda Complete Packet.pdf

Meeting Agenda
LGBTQ Advisory Committee
January 16, 2018
12 Noon/Room 241
State College Municipal Building

I. Call to Order

II. Roll Call

Greg Brauser
Kirsten Burkhart
Jared DeLoof
Borja Gutierrez
Monica Himes
Susan Marshall

Karen-Elizabeth Moroski
Michele Hamilton
Brian Patchcoski
Alexis Scott
Michael Straw

III. Public Hour

IV. Approve Meeting Minutes from October 3, 2017

V. Conversion Ordinance Review

The Committee will review the administrative changes made to the Conversion Ordinance before it is presented to Borough Council in February.

VI. 2017 Human Rights Campaign Scorecard

The Committee will review the 2017 Human Rights Campaign Scorecard in greater detail. The Committee hopes to improve the overall score for the State College Borough in 2018.

VII. 2018 Conflict of Interest Policy Memorandum

VIII. 2018 Quarterly Meetings

The Committee previously determined they would meet on the third Tuesday of every third month at noon. The meeting schedule for 2018 is as follows:

April 17
July 17
October 16

IX. Other Business Matters

X. Adjournment

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Meeting Minutes
Borough of State College
LGBTQ Advisory Committee
October 3, 2017

Mr. Kassab called the first meeting of the LGBTQ Advisory Committee to order at 12:00 p.m., on Tuesday, October 3, 2017, in the State College Borough Municipal Building, 243 South Allen Street.

Members Present

Greg Brauser
Kirsten Burkhart
Borja Gutierrez
Monica Himes
Susan Marshall
Karen Elizabeth Moroski
Michele Hamilton
Brian Patchcoski
Alexis Scott
Michael Straw

Absent

Jared DeLoof

Other Attendees

Thomas J. Fountaine, II, Borough Manager; Kevin Kassab, Community Engagement Manager; Thomas R. King, Assistant Borough Manager; and Judy Altieri, Recording Secretary

Organization of the 2017-2018 Committee

Election of a President and Vice President

The committee was asked to nominate and elect a Chair, Vice-Chair and Secretary.

Ms. Marshall nominated Ms. Moroski (who accepted) for Chair; Ms. Himes seconded the motion, which was unanimously approved.

Mr. Straw volunteered himself for Vice Chair, Ms. Marshall seconded the motion, which was also unanimously approved.

Ms. Marshall volunteered herself for Secretary, Ms. Himes seconded the motion, which was also unanimously approved.

Mr. Fountaine indicated that Borough staff would assist the committee by publishing legal notices, agendas and minutes, etc. He also noted that the committee would need to produce an annual report for Borough Council review.

Public Hour

No public comments were taken during the public hour.

Overview of the Committee's Charge

Mr. Kassab reviewed the committee's charge. Mr. Fontaine noted that as the committee's work progressed, Borough Council could consider changes to their charge, etc.

Establish Regular Meeting Schedule

The committee was asked to determine their regular quarterly meeting schedule. After some discussion, the committee determined their meetings would be scheduled for the third Tuesday of every third month, starting in January 2018.

Mr. Straw made a motion that the committee planned to meet again on Tuesday, January 16, 2018 at 12:00 p.m.; Ms. Himes seconded the motion, which was unanimously approved. Mr. Kassab noted that lunch would continue to be provided at the noon meetings.

Introduction of Conversion Ordinance

Mr. Fontaine indicated that a resident had brought information forward that led to the introduction of the draft conversion ordinance. He noted that the committee was being asked to review the ordinance and make a recommendation to Council regarding its adoption. He added that the Borough's Solicitor had helped to prepare the document.

Mr. Fontaine continued, noting that a mental health professional could be cited and fines could range from \$300 to \$1000. He noted that the range of fines was covered under state law and could not go higher than \$1000. He also noted that a fine could be cited for each violation. Currently, it was assumed that Borough ordinance enforcement staff would assist in investigations and any perceived criminal activity would be referred to the Police Department.

Mr. Gutierrez asked if there would be reporting mechanisms available to the public. Mr. Fontaine noted the ordinance would only be enforceable within the Borough and information could be published on the Borough's website and via other community organizations.

Ms. Moroski wondered about the procedures and protocol for gathering evidence. Mr. Fontaine noted that procedures are not written into the ordinances, but generally most investigations would be initiated from a complaint. He also noted the Borough would not have any role in state licensing, etc.

Mr. Gutierrez asked about the rights of minors. Mr. Fontaine noted the ordinance had been modeled after other PA municipalities and perhaps some further research on that issue needed to be done. Ms. Marshall noted any mandated reporting would still be a priority in any investigation.

The committee continued discussion on support mechanisms for minors and suggested some type of anonymous reporting system.

Mr. Fontaine suggested the committee vote to move the ordinance forward to Council, for possible enactment on October 16, 2017. Mr. King noted that it was important to get the law on the books. Once that was done, more time could be spent talking about procedures, enforcement, etc.

Mr. Straw motioned to send the draft ordinance forward to Council for consideration; Ms. Himes seconded the motion, which was unanimously approved.

Mr. Fontaine suggested that perhaps it was important to do some further exploration and research on some of the issues raised during the committee's discussion prior to pushing the ordinance forward to Council. Mr. Kassab noted he would look into the issues raised.

Any Other Matters

Mr. Fontaine distributed the Borough's Equity Index Score from the Human Rights Foundation (HRF). He noted the information had not yet been distributed to the public. He also stated that the LGBTQ Advisory Committee could be instrumental in providing input to increase the score in the future.

Mr. Gutierrez suggested that some of the scores could be argued. Mr. Fontaine noted the scores for 2017 were final.

Mr. Patchcoski noted the HRF looked for direct defined services. The committee should be able to help the Borough outline items that meet their standards.

Mr. Fontaine stated that staff did not have time to devote to this survey and that there was obviously some room for improvement.

Mr. Patchcoski indicated that next week was coming out week on campus. He encouraged committee members to attend the rally on October 11.

Adjournment

As there was no further business to discuss, Mr. Kassab made a motion to adjourn the meeting at 12:49 p.m.

Respectfully submitted,

Judith Altieri
Office Manager

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Borough of State College MEMORANDUM

to: ABC Secretaries and Administrative Assistants
from: Ed LeClear
re: Conflict of Interest Policy and Code of Conduct with Regards to HUD Programs
date: December 11, 2017

A Conflict of Interest Policy and Code of Conduct with regards to HUD Programs was adopted by the State College Borough Council in 2005. Elected and appointed officials are to receive a copy of the policy at a regular meeting of their respective council, authority, board or commission annually. Members who are absent should receive a copy by mail.

A copy of the policy is attached. Please include it as an agenda item or as an attachment to the agenda at the first meeting of the ABC in 2018. Also, please be sure to note distribution of the policy in the meeting minutes.

**from the desk of... Ed
LeClear**
Planning Director Borough of
State College 243 South Allen
Street State College, PA 16801
eleclear@statecollegepa.us
(814) 234-7109 Fax: (.814) 234-7197

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BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct With Regards to HUD Programs

SECTION 1 NON-PROCUREMENT CONFLICTS OF INTEREST

A. COVERED INDIVIDUALS:

Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds, or who is in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a real or apparent financial interest or financial benefit from a HOME, CDBG, or other HUD-assisted activity, or has a real or apparent financial interest in any contract, subcontract, or agreement with respect to HOME, CDBG, or other HUD-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

EXCEPTIONS:

Threshold Requirements – Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of the CONFLICTS PROHIBITED of section 1 on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure* of the conflict and a description of how the public disclosure was made; and
2. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions – In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative effect of the following factors, where applicable:

1. 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;
2. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;
 3. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;
 4. Whether the interest or benefit was present before the affected person was in a position as described in the COVERED PERSONS Paragraph of this section
 5. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 6. Any other relevant considerations.

B. OWNERS AND DEVELOPERS:

Any owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor)

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 2.A of section 2 may occupy, or appear to occupy, a HOME, CDBG or other HUD-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or another HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

1. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class:
2. Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question;
3. Whether the tenant protection requirements of Sec. 92.253 are being observed;
4. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
5. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

SECTION 2 PROCUREMENT CONFLICT OF INTEREST

COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).

CONFLICTS PROHIBITED:

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2 may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- employee, agents, or officer of the Borough of State College;
- any member of an employee's, agent's or officer's immediate family;
- an employee's, agent's or officer's partner; or
- an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or subrecipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.

EXCEPTIONS:

There are no exceptions for real or apparent procurement conflicts of interest.

A request for a regulatory waiver can be submitted pursuant to 24 C.F.R. § 5.110

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

SECTION 3 CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is, or might, be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

SECTION 4 SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 200.318, 24 CFR 570.611 and 24 CFR 92.356. Each subrecipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development
243 S. Allen Street
State College, PA 16801
814-234-7109

Summary of Revisions:

Adopted by the State College Borough Council on April 18, 2005.

Revised by staff on April 30, 2015.

Revised policy adopted by the State College Borough Council on November 6, 2017.