

CONFLICT OF INTEREST.

(a) General Provisions. Future potential conflicts do not prohibit the appointment of a commission member. Conflict of interest issues arise when a commission member acts on a particular item in which that commissioner has a personal interest. The law provides that no public official may make, participate in making, or attempt to use his/her official position to influence a government decision in which he/she knows, or has reason to know he/she has a financial interest. An official has a financial interest in an action or decision of his/her commission if it is reasonably foreseeable that such decision or action will have a material financial effect on some financial interest of the official. This rule applies not only to financial interests of the official himself but also to those of the official's spouse, dependents and/or businesses owned by either of them. Exempted from the foregoing requirements are those cases where the ordinance, statute, resolution, etc., creating a commission provides for the inclusion thereon of members of a particular group, trade, industry or profession. Such persons may act on matters which affect their personal interests if their actions would simply affect them in the same ways as other members of such groups, trades, industries or professions; if, however, a commission's action would affect a member's interests in a manner different from those of others in his/her group, trade, etc., then he/she must not make, participate or attempt to influence the decision or action but must publicly disclose the interest.

A different and more stringent rule applies where contract relationships are involved. Except in very limited circumstances, authorized by law, all public officials, including commission members, are flatly prohibited from being a party to or financially interested in contracts, agreements, leases, etc., made by the commission of which they are a member. This prohibition cannot be avoided or cured by a commissioner's non-participation in or abstaining from the use of his/her influence in the making of the agreement or by disclosure of the financial interest. In any case where a commissioner suspects he/she might become subject to a conflict of interest, legal advice should be sought from the County Counsel, or, at the commissioner's option and own cost, from counsel of his/her own choosing.

(b) Policy: State law requires that members of some commissions submit conflict of interest statements. That requirement is stated in those commissions' individual ordinances, resolutions or orders. Where state law does not apply to a commission, the chairperson of said commission shall make commission members aware of the conflict of interest definition stated in (a) above.