

Policies and Procedures

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- ³ California Government Code 87100. Source: [Law section \(ca.gov\)](#)

ORANGE COUNTY HIV PLANNING COUNCIL

Policies and Procedures

Subject: Conflict of Interest

Number: XIII

Date Effective: October 30, 1996

Revised: 4/8/09, 2/10/16, 4/11/18,
6/10/20, 6/8/22

Reviewed: 6/12/4

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3. **OVERSIGHT RESPONSIBILITY:**

- 3.1. The Council's Executive Committee is authorized to review all concerns and make recommendations to the Council or its committees regarding Conflicts of Interest.
- 3.2. All Council and committee members are encouraged to identify conflicts of interest or to request a review of potential conflicts of interest of another member.

4. **DISCLOSURE:**

- 4.1. All members of the Council and its committees must complete the relevant Conflict of Interest Disclosure Report Form as part of the application process.
- 4.2. The completed Conflict of Interest Disclosure Report Form, which documents any potential conflicts of interest, will be kept on file by HIV Planning and Coordination.
- 4.3. All Council members (public officials) must also complete the Statement of Economic Interest (Form 700) upon appointment, annually, and when leaving office.
- 4.4. At Council and committee meetings where conflicts of interest may occur, a matrix delineating potential conflicts will be available for reference. When meeting in-person, table tents will also be placed in front of each member indicating the individual's affiliation, which indicates potential conflicts.

5. **PARTICIPATION AND VOTING:**

- 5.1. It is the goal of the Council that no more than 30% of its members shall be conflicted at any time. In no case shall a majority of members have a conflict of interest.
- 5.2. On issues where a public official or a committee member who is not a public official, has a conflict, the member may not attempt to influence an action. In compliance with Government Code 87105, the public official must do all of the following:
 - 5.2.1. Publicly identify the financial interest that gives rise to the conflict of interest in detail sufficient to be understood by the public.
 - 5.2.2. Recuse themselves from discussion and voting on the matter.
 - 5.2.3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded.
- 5.3. Compliance with California Government Code 87105 will be duly recorded in the minutes of the meeting.

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- 5.4. The Council, not its committees, has authority to take binding action and make recommendations to the Board of Supervisors. Therefore, members of committees with conflicts who are not public officials may remain in the room during discussion and voting, but are required to avoid the appearance of conflict by doing the following:
- 5.4.1. Publicly identify the financial interest that gives rise to the conflict of interest in detail sufficient to be understood by the public.
 - 5.4.2. Recuse themselves from discussion and voting on the matter, though they may speak on a matter in a response to a specific question posed by a non-conflicted member.
- 5.5. A public official may speak on an issue during the Public Comment section of the agenda.⁴
- 5.6. Non-members wishing to speak to an agenda item can do so in the following ways:
- 5.6.1. During the Public Comment section of the agenda; or
 - 5.6.2. The Chair may recognize members of the public to comment on agenda items during the Public Comment section of the action item.
6. **TERMINATION FOR NON-COMPLIANCE:** A member can be terminated from service on the Council and any of its committees or task forces for refusing to cooperate with the conflict of interest procedures, a conflict of interest review, or when it is determined that they knowingly took actions intended to inappropriately influence the conduct of the Council, or its committees.

⁴ California Government Code 87105 paragraph 4. Source: [Law section \(ca.gov\)](https://leginfo.ca.gov/legislator/legislator.html)