

PURPOSE This document is to help HIV Commission members identify any actual or perceived Conflict of Interest.

POLICY It is the responsibility of the member to complete, sign, and date the “*Conflicts of Interest (COI) Declaration and Agreement to Abide by COI Policy*” form and submit this to the Commission support staff upon appointment and at the beginning of each Priority Setting and Resource Allocation (PSRA) process of each year.

Section 1. Definition and Identification of Conflict of Interest

A Commission member may have a conflict of interest if the member, and/or the member’s relative, is a director, trustee, member, paid employee, or paid consultant of, any entity seeking funding or providing services with funding allocated or recommended by the Commission. For the purposes of this policy, a relative is the spouse, child, grandchild, parent, grandparent, brother or sister of the member, or the member’s spouse. Unmarried domestic partners of Commission members are regarded in the same manner as a spouse. Conflict of interest does not refer to persons living with HIV disease whose sole relationship to a service provider is as a client receiving services. In many cases, conflict of interest does not refer to an uncompensated volunteer.

A. The potential for conflict of interest exists in all Commission activities, including needs assessment; comprehensive planning; priority setting; allocation of funds; and evaluation.

Examples of conflict of interest may include but are not limited to:

- A provider convincing the Commission to overemphasize the input of the provider’s clients in a needs assessment.
- A needs assessment that is limited to soliciting the opinion of Commission members rather than focusing on obtaining community input.
- Failure to use the Commission’s criteria to set priorities.
- Efforts by Commission members affiliated with providers to influence priorities and allocations for their own benefit.

Section 2. Service Providers

Service provider members of the Commission shall state the name of the organization the individual represents at every Commission or committee meeting. Service provider members shall recuse themselves from discussing or voting on items in which they have a conflict of interest. Service provider members may respond to specific questions asked about a service category in which the individual’s organization provides services but the service provider may not initiate such a discussion.

Section 3. Disclosure of Conflict of Interest

A. It is the responsibility of each member to complete, sign, and date the “*Conflicts of Interest (COI) Declaration and Agreement to Abide by COI Policy*” form and submit this to the Commission support staff upon appointment and at the beginning of each PSRA Process of each year.

B. It is the responsibility of each Commission member and their fellow Commission members to determine whether a conflict of interest exists. If a member’s conflicts change, he/she must

announce the change at meetings as soon as the change occurs, and resubmit this form with the changes within thirty (30) days.

Section 4. Ethics Orientation

- A. All members must complete AB 1234 ethics for local government officials training within thirty (30) days of the member's appointment to the Commission. Thereafter, members are required to complete such ethics training every two (2) years.
- B. The Clerk of the Board of Supervisors shall maintain records of each member's ethics training.

Section 5. Member Responsibility

A member with a conflict of interest with an agenda item must so declare before the discussion of the item begins at a meeting, and the declaration must be recorded in the minutes of the meeting. A member with a declared conflict of interest must leave the room during any discussion and/or voting on the issue in which they have a conflict of interest. In the event the responsible member does not abide by this policy, the chair of the Commission is to remind the member of his/her responsibilities and the actions which may be taken if a member is found to be in violation of this policy. Any unresolved complaints will be referred to the Executive Committee for further discussion and resolution.

Each member is individually responsible for compliance with all applicable state and local ethics laws, including Government Code section 1090 and the Political Reform Act.

Section 6. Violations of Conflict of Interest

Commission members found to be in violation of this Conflict of Interest Policy may be subject to disciplinary action. Disciplinary action under this Section may include, but not be limited to, the following:

- A. Removal of the member from the committee membership; and/or
- B. Removal of the member from the Commission membership.