

EXHIBIT B

COUNTY OF ALAMEDA ADVISORY COMMITTEE ON IN-HOME SUPPORTIVE SERVICES

CONFLICT OF INTEREST CODE

1. “Member” refers to a member of the County of Alameda Advisory Commission on In-Home Supportive Services (“Advisory Commission”, unless otherwise specified). “Immediate Family” refers to the spouse and dependent children of a Member including children for whom the Member is a legal guardian. Government Code Sec. 87100 et seq.
2. In addition to any Federal or State conflict of interest requirements which may apply, no Member of the Advisory Committee shall make, participate in making, or in any way attempt to use their position to influence a decision in which he or she knows or has reason to know that he or she or their Immediate Family has a financial interest. In all such cases, the affected Member shall disclose their interest in the records of the Advisory Committee and shall refrain from participating in all discussions and votes concerning the matter in which they or their Immediate Family has a financial interest.
3. The purpose of this policy is not only to avoid actual improprieties, but also the appearance of possible improprieties. Therefore, it is the policy of the Board that any doubts as to whether a Member shall refrain from participating in a particular matter should be resolved in favor of non-participation.
4. Each Member and Employee shall comply with the California Political Reform Act of 1974, Government Code Section 81000 et seq. This Conflict of Interest Code incorporates by reference Government Code Section 87100 et seq. and Title 2, California Code of Regulations, Section 18700 et seq. and Section 18730 et seq., and any amendments to these regulations which are duly adopted by the California Fair Political Practices Commission (FPPC). Pursuant to Government Code Section 87100 et seq., no Member shall make, participate in making, or in any way attempt to use his/her official position to influence a decision of the Board in which s/he knows or has reason to know s/he has a financial interest. A Member has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Member, a Member’s Immediate Family, or on his/her interests in a business entity, real property, a source of income, or a donor of a gift, each of which interests is defined more specifically in Government Code Section 87103. Whether a Member has a financial interest shall be determined pursuant to Title 2 CCR Section 18700 et seq. For purposes of compliance with Government Code Section 87100 et seq., salary received from a federal, state or government entity is not income. Government Code Section 82030(b)(2); Title 2 C.C.R. Sec. 18705(c)(1).
5. Each Member is required to disqualify him/herself from participation in a decision which may foreseeably have a material financial impact on his/her financial interests. Government Code Section 87302(a) et seq; 2 CCR Section 18730.

6. In addition to the disclosure requirements set forth above, Members must disclose in writing any conflict of interest that might arise as a result of their membership and affiliations with outside organizations, individuals, and affected parties. The disclosure document must include the Member's place of employment and membership on any boards, commissions, or affiliations with public agencies, community-based organizations, or nonprofit organizations. This declaration must be submitted to the Public Authority Executive Director within 30 days after appointment (or within 30 days after adoption of this Code) and updated as changes in employment and other circumstances warrant.
7. When a Member determines that s/he should not make a governmental decision because s/he has a disqualifying interest in that decision, the Member shall disclose his/her determination and disqualifying interest, and this disclosure shall be made part of the official record of the Advisory Committee. Title 2 CCR Section 18730(b)(10). A Member must publicly declare that a possible conflict of interest exists before the agenda item in question is introduced. The person chairing the meeting will then acknowledge the declaration. Members involved in an acknowledged conflict of interest must refrain from all discussion and abstain from all voting relative to the affected agenda item.
8. Any Member who believes a conflict of interest exists with respect to another Member can declare so during the appropriate meeting. If the issue is challenged or disputed by the affected Member, the chairperson of the meeting will refer the matter to County Counsel for final determination, and the agenda item will be tabled pending final opinion from counsel.
9. All instances of nonparticipation due to declared conflicts of interest shall be duly recorded in the minutes of the appropriate Advisory Committee meeting, and shall serve as documentation of compliance with this Code. Instances in which a Member has chosen not to be present at a meeting where a conflict of interest might arise shall likewise be recorded in the minutes.
10. All Members shall strive to avoid conflicts of interest, which may arise while they engage in the discharge of their responsibilities.
11. No Member shall continue to serve if he/she is diagnosed with a major neurocognitive disorder that prevents the Member from capably discharging his/her duties, which is an inherent conflict to serving the best interests of the Advisory Committee.

Approved as to form:
Donna Ziegler, County Counsel

By _____
Victoria Wu
Assistant County Counsel