

CalMHSA

CONFLICT OF INTEREST POLICY

SECTION 1: PURPOSE

The purpose of this policy is to define a conflict of interest and to establish a procedure for recognizing and reporting conflict of interest issues.

SECTION 2: POLICY

CalMHSA promotes business practices that comply with conflict of interest and disclosure requirements, including but not limited to, the California Political Reform Act of 1974 and California Government Code sections 1090-1097 and 1125-1129. When a Board member, staff member, contractor or agent in a position to influence a decision or who has decision making power identifies a conflict of interest, that person must not participate in or give consideration to the matter from that point forward.

SECTION 3: DEFINITIONS

1. “Conflict of interest.” A person has a conflict of interest if the person, the person’s spouse, the person’s dependent child, or the person’s resident relative has an “economic interest” in or “disqualifying relationship” with a Provider; and
 - a. It is foreseeable that the decision will have a material effect on the “economic interest” of the person (or the person’s spouse or dependent child or resident relative) which is distinguishable from its effect on the public generally, or
 - b. It is foreseeable that the decision will have a material effect on the economic interest of a Proposer with whom the person (or the person’s spouse or dependent child or resident relative) has a significant relationship.
2. “Disqualifying relationship” means the position of officer, director, employee or volunteer, regardless of whether the position is compensated.
3. “Economic interest” means any fee, money, or financial gain, or other valuable benefit received directly or indirectly from or by reason of any dealings with or service for CalMHSA. “Economic interest” includes, but is not limited to, investments, business positions, interests in real property, services, and reportable sources of income.
4. “Influence or decision making power.” A person has decision making power when the person is a board member, committee member or review panelist for CalMHSA and has the power to recommend or approve a proposal, bid or contract with a Provider. A person has influence when he or she discusses, advises, or makes recommendations to a person with decision making power either directly or indirectly, that is, without significant intervening substantive review.

5. “Provider” means a person or organization that provides goods or services to CalMHSA, and includes but is not limited to Proposers and Sub-Contractors.
6. “Proposer” means a person or organization responding to a Request for Proposals or Invitation to Bid.
7. “Sub-Contractor” means a current sub-contractor of the Proposer, or a sub-contractor under a proposed agreement with the Proposer.

Government salaries, per diem expenses and reimbursement for travel from a nonprofit entity, are all specifically excluded from the definition of income under the Fair Political Practices Act. Salaries from a nonprofit agency are considered an “economic interest”.

A Government salary also does not constitute an interest in a contract (under Government Code section 1090) unless the contract directly involves the department of the entity that employs a person in a decision making position, in which case, the person discloses the interest on the record and does not participate in the decision.

SECTION 4: PROHIBITIONS

A person with influence or decision making power at CalMHSA is prohibited from:

1. Serving on a board, committee or review panel that evaluates a proposal or application by a Provider as to whom the person has a conflict of interest.
2. Deliberating or voting on a proposal or application by a Provider as to whom the person has a conflict of interest.
3. Negotiating on behalf of CalMHSA with a Provider as to whom the person has a conflict of interest.
4. Attempting to influence, directly or indirectly, a decision or selection by CalMHSA with regard to a Provider as to whom the person has a conflict of interest.

SECTION 5: REPORTING A CONFLICT OF INTEREST

When a person with influence or decision making power first becomes aware of a conflict of interest or potential conflict of interest regarding a matter before CalMHSA or a committee or panel thereof, he or she must notify CalMHSA’s Executive Director in writing. This notification shall include a description of the material facts relating to the conflict of interest. The Executive Director will determine if a conflict of interest or potential conflict of interest exists and the appropriate action to take.

When a Board Member has a conflict regarding a matter before the Board or Committee, as the issue is called, the Board Member must state on the record that he or she has or may have an interest in the matter, that he or she has not participated in any discussions, and he or she will not be participating in the matter. The Board Member should then leave the room while the matter is considered.

The fact of the disclosure and the Board Member's abstention from the matter will be recorded in the minutes of the Board or Committee meeting.

Each Board Member is personally responsible for his or her conduct and can be prosecuted civilly and criminally for violations under the California Political Reform Act of 1974, among other laws. Board Members may contact the Fair Political Practices Commission, the State enforcement agency, directly to discuss their individual issues. Resources available from the Fair Political Practices Commission include www.fppc.ca.gov and 1-866-ASK-FPPC.

Staff members, contractors, consultants, or agents of CalMHSA who identify a conflict of interest or potential conflict of interest, must notify the Executive Director in writing immediately.

SECTION 6: ANNUAL REPORTING REQUIREMENTS

All persons identified in the Appendix to CalMHSA's Conflict of Interest Code must file a Form 700, Statement of Economic Interest, in accordance with the California Political Reform Act of 1976.

To assist in the early identification of possible conflicts, Board Members must file an annual statement listing all organizations which they are affiliated with as an employee, director or officer. The statement should be updated when any changes occur.

SECTION 7: COUNTIES AS SERVICE PROVIDERS: ELIGIBILITY REQUIREMENTS

Member Counties or Cities are eligible enter into contracts with CalMHSA as Providers if the following requirements are adhered to: The County's or City's representative on CalMHSA's Board must to recuse himself or herself from any participation or consideration of the contract before the Board, Committee or Review Panel considering the matter; and the Board member may not participate in any way in the preparation of the RFP, presentation of the proposal in response to the RFP, discussion of the proposal with other Board Members, or participation in the deliberation and vote on the proposal. The recusal requirement applies to Committee meetings as well as Board meetings.