

**CONFLICT OF INTEREST OVERVIEW FOR INDEPENDENT CITIZENS' OVERSIGHT
COMMITTEE FOR PROPOSITION "S"**

Conflict of Interest Laws Apply to ICOC [Education Code, section 15828(b)]

- No employee or official of the District may be appointed to the ICOC.
- No vendor, contractor, or consultant of the District may be appointed to the ICOC.

The specific prohibitions above relating to appointees for the ICOC is to avoid conflicts of interest.

Under the provisions of Education Code, Section 35233, ICOC members must abide by state laws and regulations that prohibit public officials from having a financial interest in any contracts made in their official capacity. Specifically, ICOC members "shall abide by the prohibitions contained in Article 4 (commencing with section 1090) and Article 4.7 (commencing with section 1125) of Division 4 of Title 1 of the Government Code." [Education Code, Section 15282(b)]

Government Code, section 1090 states that a member "shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members." Nor shall [ICOC members] be purchasers at any sale or vendors at any purchase made by them in their official capacity"

Government Code, section 1125 *et seq.* prohibits incompatible public offices. Under Government Code, section 1126, ICOC members "shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed." In addition, ICOC members "shall not perform any work, service, or counsel for compensation" outside his or her ICOC membership where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District.

What To Do If a Conflict of Interest Exists

If a perceived or actual conflict of interest exists, the ICOC member should do the following:

1. State the conflict for the record or in writing as part of the District's official record;
2. Withdraw from discussion and participation on the matter at hand;
3. Do not use his or her official position to influence the decision; and
4. Refrain from voting or otherwise participating in a governmental decision.