



## COUNTY OF SAN MATEO

### ACKNOWLEDGMENT OF FINANCIAL CONFLICT OF INTEREST LAWS

Advisory Board and Commission Members:

All members of boards and commissions are bound by Government Code §87100 which provides: “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”<sup>1</sup> In general, a public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally.” Govt Code §87103. These financial interests can be from various sources: income, investments, real property interests, or positions held in businesses. These financial interests are either of the member, spouse, or domestic partner. Public officials with a financial conflict of interest are required, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of a matter, to: (1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public; (2) recuse himself or herself from discussing and voting on the matter; and (3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. Govt Code §87105.

All members of boards and commissions are also subject to Government Code § 1090 which prohibits public officers from being “financially interested” in any contract made by them in their official capacity, or by any body or board of which they are members. It also prohibits members from being purchasers at any sale, or vendors at any purchase, made by them in their official capacity. Courts have interpreted §1090’s “financially interested” element broadly as meaning any contract that could possibly result in a financial benefit to the member. *People v. Honig*, 48 Cal.App.4th 289 (1996).

Each board and commission member is urged to carefully consider the possibility of a conflict of interest before participating in a decision and to always err on the side of caution. If you need advice regarding a potential financial conflict of interest, call the County Counsel’s Office at (650) 363-4250.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Board and Commission

\_\_\_\_\_  
Print Name

<sup>1</sup> “Public Official” is defined broadly to include member, officer, employee or consultant of the County of San Mateo. Govt Code § 82048.