

# Conflict of Interest and Recusal Policy

**Approval Date:** October 26, 2013

**Authority and Responsibilities:** Potential conflicts of interest may arise when a Board member participates in Board decisions or actions on a matter for which that Board member has a financial, professional, or personal interest that may interfere with objectivity and the best interests of the Council. It is the responsibility of each Board member to 1) disclose to the Board if a potential conflict of interest may exist on a pending Board action, and 2) that the Board member with the actual or apparent conflict of interest is to abstain from voting on that matter. The responsibility of recusal does not deny that Board member the opportunity to express his/her opinion, provide relevant information, or knowledgeably discuss that matter with other Board members.

**Bylaws, Article IV, Section 4** (in part). Members of the Board may recuse themselves from any deliberation or vote on decisions regarding individual issues or actions under consideration by the Board or the Council. The names of individuals who have recused themselves shall be recorded in the meeting minutes.

**Operating Procedures:** Given that Board members often are affiliated with permitting agencies or work for project proponents, an actual or potential conflict of interest, whether financial, professional, or personal, may exist regarding decisions and actions taken by the Board (particularly on environmental issues). Such voting typically occurs during regularly scheduled business meetings, the annual business meeting, conference calls, or through electronic media such as emails. Guidelines for implementing this policy follow.

- Any Board member with a potential conflict of interest in a matter considered by the Board has a duty to disclose that potential conflict of interest to the Board as soon as the potential conflict of interest is recognized.
- As Board members may be actively involved in the study and survey for desert tortoises, the site-specific knowledge of tortoise distribution and abundance is considered as professional experience and is generally not deemed to be proprietary though the data may be treated as confidential.
- Conflicts of interest may occur when a Board member has access to privileged or proprietary information acquired as part of or in relation to that project that is not reasonably available to the public, is not generally known, or otherwise is not made available to others. These restrictions do not apply to information once it has entered the public domain.
- Conflict of interest may occur when the subject matter includes an evaluation of the individual's own work, or that of his\her employer.
- Conflicts of interest may occur when there is a past, present, or potential future relationship with a program or project under consideration through a person's employment, either as a direct or contract employee of the program or project, or as an agency employee with responsibility for permitting or oversight of the program or project.
- A Board member may recuse himself/herself from all subsequent involvement in discussions on that matter for which there may be a conflict of interest, or that Board member may, after disclosing the potential conflict of interest, provide information to the Board for their consideration in determining what action, if any, will be taken on the matter.

- That Board member shall not participate in decisions, motions, or voting on any matter of potential conflict of interest.
- Depending on the nature of the potential conflict of interest, and with the concurrence of the Chairperson of the Board (or Chairperson-elect, as appropriate), when a vote is taken on the matter, rather than registering a “yes” or “no” vote, that Board member may state “I recuse myself from the vote.” Alternately, that Board member may voluntarily or upon request from the Chairperson of the Board (or Chairperson-elect, as appropriate) leave the room while the Board continues discussion and/or conducts a vote on that matter.
- For each official recusal, it is the responsibility of the Recording Secretary or appropriate committee chairperson (e.g., Ecosystems Advisory Committee Chairperson) to record the motion, the name of the Board member recusing himself/herself, and the date on which the recusal was made in the minutes recorded for that particular vote.
- If it is unclear whether a conflict of interest exists, recusal from voting would be the appropriate action.