

Regional Center of Orange County

Board Member Application Information

Dear Prospective Board Member:

Thank you for considering service to persons with developmental disabilities in Orange County. The Regional Center of Orange County (RCOC) is one of 21 private, non-profit regional centers serving those with developmental disabilities in the State of California.

The RCOC's Board of Directors is made up of volunteers from all sectors of the community. Board members play a vital role in providing policy leadership and oversight for our organization. Our regional center's Board of Directors not only helps keep RCOC connected to the community, but responsive to its needs as well.

Please review the enclosed materials, especially the Board Service Roles and Responsibilities document and then fill out the attached Board Member Application *completely* (full disclosure of information is requested for consideration).

Return completed applications to:

**Executive Office
Regional Center of Orange County
P.O. Box 22010
Santa Ana, CA 92702-2010**

Thank you for your interest in serving on the RCOC Board of Directors.

Sincerely,



Tresa Oliveri, Board Chairperson

Regional Center of Orange County

P.O. Box 22010

Santa Ana, CA 92702-2010

Board Member Application

Date: _____

Name: _____ Home Phone: _____

Home Address: _____ City: _____ Zip: _____

Occupation: _____ Employer: _____

Work Phone: _____ Email Address: _____

How did you develop your interest in or knowledge of developmental disabilities? Describe your employment, education or other activities which demonstrate your interest or knowledge.

Please describe your current or past membership in community and/or professional organizations.

Please describe your current or past membership and offices (if any) held on other boards.

Please describe your hobbies and interests.

Do you have any of the following special skills? If so, please check and describe more fully below.

- Business/Management Financial Analysis Legal
 Marketing/Public Relations Political Activism Other: _____

Are you currently employed by an organization providing services to people with developmental disabilities? Yes No If yes, please explain: _____

Are you a member of the governing board of any organization providing service to people with developmental disabilities? Yes No If yes, please explain: _____

Are you a: (Please check one)

- Person with a developmental disability
 Parent or family member of a person with a developmental disability
 Representative of the general public

Ethnic Background (optional): African-America Asian/Pacific Islander Caucasian
 Hispanic Native American/Indian Other

If you are a person with a developmental disability or the parent or family member of a person with a developmental disability, please indicate the type of disability (e.g., mental retardation, autism, cerebral palsy, epilepsy or other). _____

Please provide the following information for two people who know you well and can provide a personal and/or professional reference.

Name: _____ Relationship: _____

Complete Address: _____

Phone Number: _____ Best Time to Call: _____

Name: _____ Relationship: _____

Complete Address: _____

Phone Number: _____ Best Time to Call: _____

- After reviewing the RCOC Conflict of Interest Governance Policy, I verify that I do not have any of the conflicts of interest stated.**

- After reviewing the Board Service Roles and Responsibilities Sheet, I understand what my duties would be as an RCOC Board Member.**

- I am willing to serve and have attached a statement saying why I wish to serve on the RCOC Board of Directors and why I believe I am qualified.**

Signature: _____ Date: _____

Please return completed form to: Executive Office
 Regional Center of Orange County
 P.O. Box 22010
 Santa Ana, CA 92702-2010

If you have questions, please call: 714-796-5206

REGIONAL CENTER OF ORANGE COUNTY

CONFLICT OF INTEREST POLICY

BACKGROUND

The purposes of this conflict of interest policy is to protect the interests of Regional Center of Orange County, Inc. (“Corporation”) in a transaction or arrangement that might benefit the private interest of one or more of its officers or directors or their relatives, avoid excess benefit transactions under section 4958 of the Internal Revenue Code and comply with the California Nonprofit Integrity Act. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to the Corporation. This policy is intended to include all aspects of the Conflict of Interest provisions in Title 17, Section 54520 of the California Code of Regulations, which sets forth Conflict of Interest Standards for Regional Center Governing Board Members.

POLICY

A. Definitions

1. Interested Person. Any director, officer or member of a committee with board delegated powers of the Corporation who has a direct or indirect financial interest, as defined below, is an interested person.
2. Financial Interest. A person has a financial interest if he or she or a relative directly or indirectly, has
 - a. an ownership or investment interest in an entity with which the Corporation engages in a transaction or arrangement,
 - b. a compensation arrangement with the Corporation or with an entity or individual with which the Corporation engages in a transaction or other arrangement, or
 - c. a potential ownership or investment interest in, or compensation arrangement with, an entity or individual with which the Corporation is negotiating a transaction or other arrangement.

For this purpose, a “relative” includes the spouse of a director or officer and any ancestor, descendant, brother, sister, spouse, mother-in-law, father-in-law, brother-in-law, sister-in-law and spouses of such individuals. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. A person who has a financial interest will have a conflict of interest only if the Board of Directors of the Corporation decides that a conflict of interest exists.

3. Identified Conflicts

Per California Code of Regulations, Title 17, Division 2, Chapter 3, SubChapter 3, Article 1, Section 54520, the following constitute conflicts of interest for regional center governing board members:

- a. A conflict of interest exists when a member of the governing board or a family member of such person is a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, holds any position of management in any business entity or provider, or has decision or policy-making authority in such an entity or provider, except to the extent permitted by Welfare and Institutions Code, Section 4626(a)(3) and (b). These conflict of interest provisions are in addition to those stated in Welfare and Institutions Code, Sections 4622(a)(9) and 4626.
- b. A conflict of interest exists when the advisory committee board member, appointed pursuant to Welfare and Institutions Code, Section 4622(a)(7), is an employee or member of the governing board of a provider from which the regional center purchases client services and engages in the activities prescribed in Welfare and Institutions Code Section 4622(a)(9). Such member is therefore prohibited from serving as an officer of the regional center governing board and from voting on the matters or issues described in Section 4622(a)(9). Furthermore, the member is subject to disclosure under Section 54522 of these regulations in addition to providing a list of his or her financial interests, as defined in Government Code Section 87103. Fiscal matters, as used in Welfare and Institutions Code Section 4622(a)(9) include, but are not limited to, setting purchase of service priorities, transferring funds to the purchase of service budget, and establishing policies and procedures with respect to payment for services.
- c. A conflict of interest exists when a governing board member is any individual described in Welfare and Institutions Code Section 4626. A financial interest in regional center operations, as used in Welfare and Institutions Code Section 4626(a)(4), exists if it is reasonably foreseeable that the member's interest, or the member's decision regarding that interest, will have a material financial effect, on the board member's interest in, or relationship with, the business entity or provider pursuant to Government Code, Section 87103. The financial effect is material if the decision will result in a benefit, detriment, gain, loss or profit to the member, entity or provider.

B. Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of any financial interest and be given the opportunity to disclose all material facts to the directors and/or members of committees to which the board of directors has delegated powers concerning the proposed transaction or arrangement.

In addition, the board shall comply with California Code of Regulations, Title 17, Division 2, Chapter 3, SubChapter 3, Article 1, Section 54522, Conflict of Interest Disclosure – Content of Statements, Procedures and Actions Required for Resolution.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts and after any discussion with the board or committee the interested person shall leave the board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the board or committee shall determine whether the Corporation can obtain with reasonable efforts a more advantageous transaction or arrangement.
- d. If a more advantageous transaction or arrangement is not reasonably possible under the circumstances, the board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with this determination it shall make its decision as to whether the Corporation should enter into the transaction or arrangement.
- e. The regional center governing board shall not enter or authorize the regional center to enter into any contract or any other type of agreement for pecuniary gain with any entity or provider in which a member has a conflict of interest as set forth in section A(3)(a) and (c) above, nor shall the board or board member allow the regional center to refer a client or prospective client to such an entity or provider.
- f. No regional center governing board member who has a conflict of interest shall continue to serve as a board member in violation of these provisions unless the board member has eliminated the conflict of interest or obtained a waiver pursuant to these regulations. This prohibition does not apply to the extent it is precluded by Welfare and Institutions Code, Sections 4626(a)(3) and (b).

4. Violations of the Conflicts of Interest Policy

- a. If the board or committee has reasonable cause to believe an interested person has failed to disclose an actual or possible conflict or interest, it shall inform the interested person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the interested person's response and after making further investigation as warranted by the circumstances, the board or committee determines the interested person has failed to disclose an actual or possible conflict of interest, it shall take appropriate action after consulting with counsel for the Corporation.

C. Records of Proceedings

The minutes of the board and all committees with board delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board's or committee's decision as to whether a conflict of interest in fact existed.
2. The names of persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

D. Compensation

1. A voting member of the board of directors who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to his or her compensation, if any.
2. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.
3. No voting member of the board of directors or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation is prohibited from providing information to any committee regarding compensation.

E. Annual Statements

Each director, principal officer and member of a committee with board delegated powers shall annually complete and execute the attached Declaration which affirms that such person:

1. has received a copy of this Conflict of Interest Policy,
2. has read and understands the Policy,
3. has agreed to comply with the Policy, and
4. understands that the Corporation is charitable and that, in order to maintain its Federal and California tax-exempt status, it must engage primarily in activities which accomplish one or more purposes which qualify it for tax exemption.

F. Periodic Reviews

To ensure the Corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, determine whether compensation arrangements and benefits are reasonable, based on competent survey or other information, and the result of arm's length bargaining. The Corporation shall review the total compensation of its Executive Director and its Chief Financial Officer to determine that it is just and reasonable at the time of hiring, whenever an employment contract is reviewed or extended, and when compensation is modified. If employment of such an officer is at will, such a review shall be made at least every twelve months.

G. Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Corporation may, but does not need to, engage consultants. If consultants are used, their use shall not relieve the board or committee of its responsibility for ensuring that periodic reviews are conducted.

GUIDING PRINCIPLES

- The public funds that support the service system are expended in a fashion that is cost-effective, consumer-directed, consistent with good business practices, and that reflect careful stewardship.
- The governing Board of the Regional Center of Orange County is representative of and accountable to the community served by RCOC.
- RCOC Board of Directors will be actively involved in the organization (i.e., attendance and participation). The Board provides appropriate support to maximize effective participation by all its members.

Last Policy Review Date: September 20, 2010

No Revisions Recommended.

Date of Next Review: on or before September 20, 2011

Subchapter 3 - Regional Center Administration Practices and Procedures

Article 1 - Regional Center Conflict of Interest Standards and Procedures

§54500. Authority and Scope.

These regulations prescribe conflict of interest standards and procedures for all members of the regional center governing boards and employees of the regional center to ensure that such persons make decisions relative to the regional center which are in the best interests of the center's clients and families pursuant to authority provided in Section 4627 of the Welfare and Institutions Code. Members serving on the governing board of a regional center on January 1, 1982 are subject to these regulations to the extent not prohibited by Welfare and Institutions Code, Section 4626.

NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4626 and 4627, Welfare and Institutions Code.

HISTORY

1. Editorial re-designation and renumbering of former Chapter 3 (Articles 1-3, Sections 50301-50327, not consecutive) to Chapter 3 (Subchapter 2, Article 1, Sections 54500-54529, not consecutive) filed 9-28-83 (Register 83, No. 40). For prior history, see Register 76, No. 51.
2. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54505. Definitions.

As used in this subchapter, the following words and phrases have the specified meanings:

(a) "Area Board" means the organization of individuals established and constituted according to Welfare and Institutions Code, Section 4570 et seq.

(b) "Board Member" or "Member of the Governing Board" means an individual serving on a governing board of a regional center.

(c) "Business Entity, Entity or Provider" means any individual or business venture from whom or from which the regional center purchases/obtains goods or services to conduct its operations. These entities or providers include, but are not limited to, residential facilities, intermediate care facilities, skilled nursing facilities, hospitals, medical groups, activity centers, independent living facilities, infant programs, clinics, laboratories, pharmacies, drug stores, ambulance services, furniture stores, equipment and supply stores, physicians, psychologists, nurses, therapists, teachers, social workers, and contract case managers.

(d) "Client" means the individual described in Section 56551(e), Chapter 3, Subchapter 4, Article 1, Title 17, California Administrative Code.

(e) "Decision or Policy-Making Authority" means the authority an individual possesses whenever the individual:

- (1) makes a final decision; or

- (2) may compel a decision or may prevent a decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may or may not be overridden; or

- (3) makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another person or entity or provider; or

- (4) votes on matters, appoints or hires people, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency.

This authority does not include actions of the individuals which are solely secretarial or clerical.

(f) "Department" means the Department of Developmental Services.

(g) "Governing Board" means the board of directors of a private nonprofit corporation which contracts with the State for the purpose of establishing and operating a regional center and which is constituted in accordance with Section 4622 of the Welfare and Institutions Code.

(h) "Potential Conflict of Interest" means a situation which, based upon circumstances reasonably expected to occur at a point in the future, may result in a conflict of interest, as specified in Sections 54520 or 54521 of these regulations, at that time.

(i) "Present Conflict of Interest" means a conflict of interest, as specified in Sections 54520 or 54521 of these regulations, which currently exists.

(j) "Prospective Client" means any person who has presented himself or herself, at the regional center, as requiring services for the developmentally disabled but who has not yet gone through the initial intake and assessment process.

(k) "Regional Center" means a diagnostic, counseling, and service coordination center for persons with developmental disabilities and their families which is established and operated pursuant to Chapter 5 of Division 4.5 of the Welfare and Institutions Code by a private nonprofit corporation acting as a contracting agency.

(l) "Regional Center Employee" means any person who performs services for wages, salary or a fee under a contract of employment, express or implied, with the regional center. For purposes of these regulations, a business entity, entity or provider as defined in Section 54505 (c) herein, is not a regional center employee.

(m) "Regional Center Operations" means those activities or services which regional centers are required by law, regulation, or contract with the State to provide, obtain, or purchase. Such activities include, but are not limited to: case finding, outreach, prevention, intake and assessment, individual program planning, case management, community programs, program development, and client advocacy and protection.

(n) "State Council" means the organization of individuals established and constituted pursuant to Welfare and Institutions Code, Section 4520 et seq.

NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4512, 4520 et seq., 4570 et seq., 4620, 4621, 4626, 4627, 4641, 4642, 4643, 4644, 4646, 4647 and 4648, Welfare and Institutions Code.

HISTORY

1. New section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54510. Regional Center.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54511. Contracting Agency.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54512. Regional Center Employee.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54520. Conflict of Interest Standards for Regional Center Governing Board Members.

(a) The following constitute conflicts of interest for regional center governing board members:

(1) A conflict of interest exists when a member of the governing board or a family member of such person is a director, officer, owner, partner, shareholder, trustee or employee of any business entity or provider, holds any position of management in any business entity or provider, or has decision or policy-making authority in such an entity or provider, except to the extent permitted by Welfare and Institutions Code, Section 4626(a)(3) and (b). These conflict of interest provisions are in addition to those stated in Welfare and Institutions Code, Sections 4622(a)(9) and 4626.

(2) A conflict of interest exists when the advisory committee board member, appointed pursuant to Welfare and Institutions Code, Section 4622(a)(7), is an employee or member of the governing board of a provider from which the regional center purchases client services and engages in the activities prescribed in Welfare and Institutions Code Section 4622(a)(9). Such member is therefore prohibited from serving as an officer of the regional center governing board and from voting on the matters or issues described in Section 4622(a)(9). Furthermore, the member is subject to disclosure under Section 54522 of these regulations in addition to providing a list of his or her financial interests, as defined in Government Code Section 87103. Fiscal matters, as used in Welfare and Institutions Code Section 4622(a)(9) include, but are not limited to, setting purchase of service priorities, transferring funds to the purchase of service budget, and establishing policies and procedures with respect to payment for services.

(3) A conflict of interest exists when a governing board member is any individual described in Welfare and Institutions Code Section 4626. A financial interest in regional center operations, as used in Welfare and Institutions Code Section 4626(a)(4), exists if it is

reasonably foreseeable that the member's interest, or the member's decision regarding that interest, will have a material financial effect, on the board member's interest in, or relationship with, the business entity or provider pursuant to Government Code, Section 87103. The financial effect is material if the decision will result in a benefit, detriment, gain, loss or profit to the member, entity or provider.

(b) The regional center governing board shall not enter or authorize the regional center to enter into any contract or any other type of agreement for pecuniary gain with any entity or provider in which a member has a conflict of interest as set forth in subsection (a)(1) and (a)(3) above, nor shall the board or board member allow the regional center to refer a client or prospective client to such an entity or provider.

(c) No regional center governing board member who has a conflict of interest shall continue to serve as a board member in violation of these provisions unless the board member has eliminated the conflict of interest or obtained a waiver pursuant to these regulations. This prohibition does not apply to the extent it is precluded by Welfare and Institutions Code, Sections 4626(a)(3) and (b).

NOTE: Authority cited: Chapter 722, Statutes of 1992, Section 147; Sections 4622, 4626, 4627 and 4791(i), Welfare and Institutions Code. Reference: Sections 4622, 4626, 4627 and 4791, Welfare and Institutions Code and Section 87103, Government Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).
2. Amendment of section filed as an emergency 6-17-93; operative 6-17-93. Submitted to OAL for printing only pursuant to SB484 (Chapter 722, Statutes of 1992) Section 147(a) (Register 93, No. 26).
3. Certificate of Compliance as to 6-17-93 order transmitted to OAL 6-20-94 and filed 8-2-94 (Register 94, No. 31).

§54521. Conflict of Interest Standards for Regional Center Employees.

(a) The following constitute conflicts of interest for regional center employees:

(1) A conflict of interest exists when a regional center employee or a family member of such person is a governing board member, director, officer, owner, partner, shareholder, trustee, or employee of any business entity or provider, holds any position of management in any business entity or provider, or has decision or policy-making authority in such an entity or provider, or makes a decision regarding regional center operations involving a business entity or provider in which he or she has a financial interest.

For the purpose of this section, an employee has a financial interest in regional center operations if it is reasonably foreseeable that the employee's interest or the employee's decision regarding that interest will have a material financial effect, as distinguished from its effect on the regional center's clients and/or their families generally, on:

(A) Any business entity or provider in which the employee has a direct or indirect investment worth more than one thousand dollars (\$1000).

(B) Any real property in which the employee has a direct or indirect interest worth more than one thousand dollars (\$1000).

(C) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to employee status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the employee within 12 months prior to the time when the decision is made.

For purposes of this section, "indirect investment" or "interest" means any investment or interest owned by the spouse or dependent child of an employee, by an agent on behalf of an employee, or by a business entity or provider or trust in which the employee, the employee's agent, spouse, or dependent children own directly, indirectly, or beneficially a ten percent interest or greater.

The financial effect is material if it will result in a benefit, detriment, gain, loss, or profit to the employee, entity, or provider.

(2) A conflict of interest exists when a regional center employee devotes less than his or her full-time attention and effort to his or her regional center employment for that period for which he or she is being reimbursed.

(3) A conflict of interest exists when a regional center employee provides services for salary, honorarium, or compensation of any kind in such fashion that the employee is receiving dual compensation for the same period of time. This subsection does not apply to regional center employees while officially off duty.

(4) A conflict of interest exists when a regional center employee participates in the evaluation of an application for employment at the regional center when the applicant is a member of the employee's family, or when an employee acts as a supervisor of another regional center employee who is a member of the supervisor's family.

(A) For the purpose of this subsection, supervisors shall include those individuals who serve as reviewing officer for reports of performance.

(B) For the purpose of this subsection, family members shall include: spouse, children, stepchildren, parents, stepparents, brothers, sisters, grandchildren, grandparents, or in-laws.

(b) No regional center employee shall continue employment with the regional center where the employee has a conflict of interest in violation of those provisions, unless the employee eliminates the conflict of interest or obtains a waiver pursuant to these regulations.

NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Section 4627, Welfare and Institutions Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54522. Conflict of Interest Disclosure--Content of Statements, Procedures and Actions Required for Resolution.

(a) Within 60 calendar days of the effective date of this Article, each regional center employee who has decision or

policy-making authority, as defined in Section 54505(e) herein, and each member of the governing board, including the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall prepare and file an initial conflict of interest statement pursuant to these regulations. Employees shall file their statements with their respective regional center and governing board members shall file their statements with their regional center governing board. Subsequent statements shall be filed thereafter whenever a change in status would create a present or potential conflict of interest situation as defined in these regulations. Individuals serving in any capacity under a waiver granted pursuant to Section 54523 of these regulations shall be required to file a conflict of interest statement with each waiver renewal as required pursuant to Section 54524(b)(3) of these regulations. The regional center and governing board shall designate the individual who is responsible for receiving, processing, and maintaining the initial and subsequent annual statements for their own respective agency. Such individual, however, may not review his or her own filed statement. The initial conflict of interest statement and all subsequent annual statements shall be dated, signed, and contain a declaration, under penalty of perjury, that the governing board member or employee has:

(1) No present or potential conflict of interest;

(2) A present conflict of interest; or

(3) A potential conflict of interest pursuant to these regulations.

The individual shall specify the factual basis for that determination and provide full and complete disclosure relative to any present or potential conflict of interest, including a description of the nature of the conflict of interest. For the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), the disclosure shall include, to the extent not otherwise disclosed, a list of the member's financial interest as required by Welfare and Institutions Code, Section 4622(a)(9)(C).

(b) If a present or potential conflict of interest exists, the statements of regional center employees and governing board members, including the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall if desired by the governing board member or regional center employee, also contain a request for waiver of the prohibitions of any present or potential conflict of interest, and a suggested plan of action for resolution of the present or potential conflict of interest, including limitations on the governing board member or regional center employee which will enable him or her to avoid actions involving the conflict of interest during the period the waiver request is being reviewed pursuant to Section 54523 of these regulations.

(c) The regional center or regional center governing board shall review, respectively, the waiver requests of all regional center employees and governing board members, and determine, in its discretion, whether to submit the request pursuant to the regulations, or require the individual to eliminate the conflict of interest or resign his or her position as stated therein.

(d) If a present or potential conflict of interest exists and no waiver is requested, or if the regional center or regional center governing board elects not to submit such a request in accordance with these regulations, the regional center employee or governing board member, and the board member designated by the regional center provider advisory committee pursuant to Welfare and Institutions Code, Section 4622(a)(7), shall have thirty (30) calendar days from the date of filing the conflict of interest statement or the date of notification by the regional center or its governing board in which to either take whatever action is necessary to eliminate the conflict of interest, or resign his or her position as a regional center employee or governing board member. During the thirty (30) calendar day period, the employee or board member shall avoid all involvement with or participation in regional center activities involving the conflict of interest in question.

(e) If no conflict of interest is declared at the time of filing the initial statement or subsequent statements, no further action is required by the governing board member or regional center employee unless or until such time as that individual's status changes, so that he or she is in a present or potential conflict of interest situation. Upon such a change in status, a new statement shall be filed immediately with the member's governing board or the employee's regional center, specifying the factual basis for that determination and providing full and complete disclosure relative to the present or potential conflict of interest in accordance with provisions of subsection (a) above.

NOTE: Authority cited: Chapter 722, Statutes of 1992, Section 147; and Sections 4627 and 4791(i), Welfare and Institutions Code. Reference: Sections 4622, 4626, 4627 and 4791, Welfare and Institutions Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).
2. Amendment of section filed as an emergency 6-17-93; operative 6-17-93. Submitted to OAL for printing only pursuant to SB485 (Chapter 722, Statutes of 1992) Section 147(a) (Register 93, No. 26).
3. Certificate of Compliance as to 6-17-93 order transmitted to OAL 6-20-94 and filed 8-2-94 (Register 94, No. 31).

§54523. Requests for Waiver.

(a) If the conflict of interest statement filed by the regional center governing board member or the regional center employee indicates that a present or potential conflict of interest exists and a waiver is being requested, then within thirty (30) calendar days of receipt of such a statement, the governing board or regional center shall, unless it has elected to do otherwise pursuant to Section 54522 (c), submit the request for waiver packet in accordance with the procedures set forth in this section.

(b) All requests for waiver packets must be submitted to the Department. In addition, copies of requests for waiver packets involving governing board members must also be sent to the area board in the area and to the State Council.

(c) Requests for waiver packets shall include:

- (1) A copy of the board member's or employee's conflict of interest statements;
- (2) The request for waiver;

(3) The plan of action for resolution of his or her conflict of interest and the time frames for doing so; and

(4) Any limitations proposed by the governing board or regional center to be applied to the board member or employee during the term of the waiver. Limitations may include, but are not limited to:

(A) Abstention by the person from voting on the conflict of interest situations;

(B) Nonparticipation by the person, individually or as part of a group, in the preparation, presentation, formulation or approval of reports, plans, policies, analyses, opinions or recommendations regarding the conflict of interest situation, when the exercise of judgement is required and the purpose is to influence the decision;

(C) Noninvolvement of the person in the negotiation, obligation, or commitment of the regional center to a course of action involving the conflict of interest situation;

(D) Reassignment of the person to duties or responsibilities where no conflict of interest exists; and

(E) Establishment of an independent review and prior approval procedure by supervisors or administrative staff regarding purchase of service and other decisions made by the person with respect to the conflict of interest situation.

(5) The individual(s) responsible for ensuring that the above plan of action or limitations are applied and monitored;

(6) Any other information which the employee or board member feels is pertinent to his or her request.

NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4628, Welfare and Institutions Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54524. Response to Requests for Waiver.

(a) Within twenty (20) calendar days after the area board in the area and the State Council receive copies of a request for waiver packet regarding a regional center governing board member, the area board in the area and the State Council, respectively, shall provide to the Department their written approval or disapproval of such request. The Department may not approve the request for waiver of a regional center governing board member without the approval of both the area board in the area and the State Council.

(b) Within sixty (60) calendar days after the Department receives a request for waiver packet the Department will respond to the request for waiver in writing:

(1) Explaining the outcome of its review including approval or denial of the request, where appropriate, and the rationale for the decision;

(2) Specifying the actions, if any, by the governing board or regional center which the Department deems necessary in order to resolve the conflict of interest; and

(3) Stating the duration of the waiver, if approved, according to the following:

(A) For the members of the governing boards who are subject to those regulations, the duration of the waiver may not exceed one year;

(B) For the regional center employee, the duration of the waiver will be determined by the Department.

(c) If the request for waiver is denied by the Department and/or the State Council or area board in the area pursuant to subsections (a) and (b) herein, the governing board member or regional center employee shall have thirty (30) calendar days from the date of receipt of the denial in which to either take whatever action is necessary to eliminate the conflict of interest or resign his or her position as a governing board member or regional center employee. During this thirty (30) calendar day period, the board member or employee shall avoid all involvement with and participation in the conflict of interest in question. NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4628, Welfare and Institutions Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54525. Sanctions.

(a) If the Department finds a governing board, a board member, a regional center or a center employee, in violation of any of the sections set forth in this Article, the Department shall:

(1) Immediately inform the party or parties in writing of such violation, including the supporting facts or information upon which determination of violation was made; and

(2) Require that the party or parties take appropriate action, within thirty (30) calendar days of the notice of violation, to resolve the conflict of interest or otherwise eliminate the violation. The Department may extend this thirty-day period only once and for a period not to exceed thirty (30) calendar days.

(b) If the violation is not resolved or eliminated within the thirty (30) calendar days as herein provided, and no

extension of time has been granted by the Department, the Department may take immediate action to:

(1) Withhold part of the funding for that regional center; or

(2) Commence procedures for termination or nonrenewal of the regional center contract pursuant to Welfare and Institutions Code, Section 4635.

The area board in the area and the State Council shall be notified of the above action.

NOTE: Authority cited: Section 4627, Welfare and Institutions Code. Reference: Sections 4627 and 4635, Welfare and Institutions Code.

HISTORY

1. Repealer and new section filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54526. Purchases.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54527. Records.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54528. Board Meetings.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

§54529. Sanctions.

HISTORY

1. Repealer filed 12-29-86; effective thirtieth day thereafter (Register 87, No. 1).

Regional Center of Orange County

Board Member Roles and Responsibilities Information Sheet

Roles

The primary role of an RCOC Board Member is to (1) contribute to the defining of the organization's mission and governing the fulfillment of that mission, and (2) to carry out the functions of the office of board member and/or officer as stated in the bylaws.

The RCOC Board of Directors has adopted the Carver Model of governance. Therefore, the role of an RCOC Board member is to focus on the development of broad policies that govern the implementation of institutional plans and purposes. This role is separate and distinct from the role of the Executive Director, who determines the means of implementation. A document explaining the underlying principles of the Carver Model will be sent to Board applicants upon receipt of their application.

Responsibilities

1. Attend all meetings of the board and committees on which the member serves.
2. Be prepared to discuss the issues and business to be addressed at scheduled meetings, having read the agenda and all background information.
3. Work with and respect the opinions of others who serve on the board, and to leave personal prejudices out of all board discussions.
4. Act for the good of the RCOC and represent the interests of the people served by RCOC.
5. Represent the RCOC in a positive and supportive manner at all times.
6. Observe the parliamentary procedures and display courteous conduct in all board, committee and task force meetings.
7. Refrain from intruding on administrative and/or operational issues that are the responsibility of management except to monitor results.
8. Avoid conflicts of interest between the board member position and one's personal life. This includes using the board member position for the advantage of family, friends and business associates. If such a conflict does arise, declare that conflict before the board and refrain from voting on matters in which there is a conflict.
9. Support in a positive manner all actions taken by the board of directors even when in a minority position on such actions.
10. Participate in (1) any scheduled strategic planning or other retreats, (2) board self-evaluation processes, and (3) board development activities that enhance board member skills.
11. Keep confidential information confidential.
12. Never exercise authority as a board member except when acting in a meeting with the full board or as delegated by the board.

Personal Statement

**Please describe why you wish to serve on the RCOC Board of Directors
and why you believe you are qualified**

Signature

Date