Article I – Conflict of Interest and Recusal Policy

No member may participate in or influence discussions and/or decisions concerning the award of a grant or other financial benefits to the organization that the member represents or to themselves as individuals. Therefore, any individual participating in or influencing decision making with regards to such decisions must identify actual or perceived conflicts of interest as they arise and comply with the letter and spirit of this policy. Disclosure should occur at the earliest possible time and if possible, prior to the discussion of any such issue.

No member shall engage in any behavior demonstrating an actual conflict of interest or giving the appearance of any such conflict. Individuals with a conflict of interest should abstain from discussion and voting on any issue in which they may have a conflict.

No member shall solicit or accept gifts or gratuities by anyone for their personal benefit in excess of a de minimus value.

Annual written disclosure statements will be provided to each voting member by the last day of January. Voting Members will not be permitted to participate in a discussion or a vote until the statement is on file with the CoC Lead Agency. All voting members shall have the right to recuse themselves from voting on a matter without providing excuse.

Article II – Purpose

1) The purpose of this CoC membership conflict of interest policy is to protect the Yakima County Continuum of Care (Yakima CoC) and to emphasize the Yakima CoC’s commitment to the highest standards of integrity, fairness and conduct so as to ensure the maximum public trust.

2) This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

3) This policy is also intended to identify “independent” members.

The Yakima CoC Member Conflict of Interest Policy applies to all CoC Members (inclusive of Voting Members, CoC Board Members and Committee Members). In their activities on behalf of and in their dealings with the CoC it is the responsibility of each CoC Member to avoid any actual conflict of interest and the appearance of a
conflict of interest. Each person to whom this policy applies must be free of any activity, association or investment which might influence, or give the appearance of interfering with, the independent exercise of his or her judgment in conducting the CoC’s activities or in dealing with the CoC.

Article III – Definitions

1) Interested person – Any CoC Member who has a direct or indirect financial interest, as defined below, is an interested person.

2) Conflict of Interest - A conflict of interest may exist when the interests or activities of any member, director, or officer may be seen as competing with the interest and activities of the CoC, or when the member, director or officer, derives a financial or other material gain as a result of a direct or indirect relationship. Such conflicts are presumed to exist in those circumstances in which a member or director’s actions may have a preferential impact upon the agency or entity employing the member or director. Such actions are presumed to include, but are not limited to, the development of policies in which a self-serving bias may be present as well as in decisions affecting the allocation of resources. Members of the Yakima Continuum of Care (Voting Members, Committee Members, and/or Board Members) may not participate in decisions concerning awards of grants, provisions of financial benefits to such member or the member’s organization, or implementing corrective actions as a result from CoC Collaborative Applicant monitoring activities of CoC and ESG activities. They must excuse themselves from the decision making process.

Further, persons or entities that have provided Letters of Support, or similar supporting or opposing documents with regards to a specific project, program or proposal have a conflict of interest in CoC actions concerning funding of such projects, programs or proposals and must excuse themselves from the decision making process.

3) Financial interest – A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
   a. An ownership or investment interest in any entity with which the CoC has a transaction or arrangement;
   b. A management position in any entity which has a financial interest, such as serving on the Board of an organization with a financial interest in the CoC;
c. A compensation arrangement with the CoC or with any entity or individual with which the CoC has a transaction or arrangement; or
d. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the CoC is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

4) Independent member – A CoC Member shall be considered “independent” for the purposes of this policy if he or she is “independent” as defined in the instructions for the IRS 990 form or, until such definition is available, the member:
   a. Is not, and has not been for a period of at least three years, an employee of the CoC or any entity that has a financial interest with the CoC;
   b. Does not directly or indirectly have a significant business relationship with the CoC, which might affect independence in decision-making;
   c. Is not employed as an executive of another corporation where any of the CoC’s Board members serve on that corporation’s compensation committee; and
   d. Does not have an immediate family member who is an executive officer or employee of the CoC or who holds a position that has a significant financial relationship with the CoC.

Article IV – Procedures

1) Duty to Disclose – In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the conflict and/or financial interest and be given the opportunity to disclose all material facts to the Board.

2) Recusal of Self – Any CoC Member has a duty to recuse himself or herself at any time from involvement in any decision or discussion in which the member believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists. Where there is a conflict of interest, Voting Members of the Yakima Continuum of Care should recuse themselves from any decision, and Committee Members and Board Members should recuse themselves from any discussion and decision. In the event a CoC Member raises a conflict of interest issue of another Member which they believe warrants recusal, the Chair will allow both the Member raising the conflict and the Member defending him or herself from the claim an opportunity to explain why there may or may not be a conflict. Those Members will then be excused from the meeting and the remaining Members present will determine whether or not a recusal is necessary. The Members’ determination will be final.
3) **Determining Whether a Conflict of Interest Exists** – Conflict of Interest Statements shall be completed annually by all CoC Members. The Board may review all Conflict of Interest Annual Statements to determine whether a conflict of interest exists in the event of a challenge under Article IV, Section 2, or upon the request of a Member.

4) **Violations of the Conflicts of Interest Policy**
   a. If the Board has reasonable cause to believe a CoC Member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
   b. If, after hearing the member’s response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

**Article V – Records of Proceedings**

The minutes of the Board shall contain and reflect:

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 decision as to whether a conflict of interest in fact existed.

2) The names of the 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.

**Article VI – Annual Statements**

1) Each CoC Member (inclusive of Voting Members, CoC Board Members and Committee Members) shall annually sign a statement which affirms such person:
   a. Has received a copy of the conflict of interest policy;
   b. Is or is not an Independent Member;
   c. Has read and understands the policy;
   d. Has agreed to comply with the policy; and
   e. Lists other organizations in which they may have an interest.
2) If at any time during the year, the information in the annual statement changes materially, the CoC Member shall disclose such changes and revise the annual disclosure form at the earliest opportunity.

3) The Board shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

VII – Exceptions and Changes to Policy

The CoC reserves the right to make an exception to this policy and procedures based on communication from HUD that impact the CoC’s ability to carry out the policy and procedures as described above. The CoC also reserves the right to amend this policy on an annual basis.