

## *Memorandum*

**To:** The Independent Science Board  
**From:** Dr. Johnnie Moore, Lead Scientist, CBDA Science Program  
**Date:** August 24, 2004  
**Subject:** Conflict of Interest and Open Meeting Guidelines

The hard work that the Independent Science Board (ISB) has done on conflict of interest has finally come to fruition! Using the ideas developed at the last Independent Science Board (ISB) meeting, I have worked with Science Program Staff and consultants, Dr. Denise Reed (Vice-Chair of ISB) and the State Attorney General's Office to finalize the "Conflict of Interest and Open Meeting Guidelines" for the California Bay-Delta Authority Independent Science Board. This has been a very arduous effort, involving many levels of discussion and numerous exchanges of versions of the guidelines to the various parties for final approval by the State's attorneys. The attached guidelines meets all the requirements set by California State law and will allow us to function within those laws to meet our goals. With the help of staff, consultants and the attorneys, we have outlined the basics of the requirements below.

There are three particular areas that form the legal framework for the attached Guidelines. The California Political Reform Act pertains to financial interest within the government decision making process. Common Law Conflict of Interest Rules apply to both financial and non-financial personal interests. Lastly, the California Government Code Section 1090 describes issues related to contracts and proposal selection processes within decision-making boards. The main points discussed in the guidelines include direction on expert opinions and analysis, participation in workshops, avoidance of conflicts, peer review process, proposal processes, and directed actions. Members of the Independent Science Board will be asked to publicly disclose potential Conflict of Interest activities such as related consulting and volunteer duties. The Bagley-Keene Open Meeting Act is applicable to the ISB and we have added wording to detail how the ISB will conform to that Act. The objectives of the Bagley-Keene Open Meeting Act include appropriate public noticing and posting of agenda items whenever three or more committee members convene.

I think that these are good guidelines, they are what we need to do legally and, I think, will set the framework for developing similar policy for other scientific boards across CALFED program elements. We will present the guidelines "officially" at the September ISB meeting and staff, consultants, and attorneys from the State of California will be there to answer questions you may have about the guidelines. I look forward to seeing you at the September 21-22 meeting.