

## **School Board Member Conflict of Interest**

The members of the Board of Education (the “Board”) for Mapleton Public Schools (the “District”) are dedicated to serving the interests of the general public. As a small, close-knit community, it is important that policies are in place to prevent any perception to the contrary. This policy is intended to provide those safeguards to protect the reputation and integrity of the District, Board members, and the community.

Public office is a trust created in the interest of the common good and for the benefit of the people. A conflict of interest can arise when a public officer, such as a Board member, is unable to devote him or herself with complete loyalty and singleness of purpose to the general public interest. A conflict of interest is a personal pecuniary interest that is immediate, definite, and demonstrable, and which is (or may be) in conflict with the public interest.

A Board member who has a personal or private interest in a matter proposed or pending before the Board shall disclose such interest to the Board, shall abstain from voting on the matter, and shall not attempt to influence the decisions of other Board members in voting on the matter.

Additionally, to maintain public confidence and to prevent the use of public office for private gain, Board members shall disclose potential conflicts of interest in connection with Board contracts, purchases, payments or other pecuniary transactions, in writing to the Board of Education and to the Secretary of State at least 72 hours prior to a transaction with reference to which he is about to act in his official capacity. The written disclosure shall list, as applicable, the amount of the member's financial interest, the purpose and duration of any services rendered, compensation received for services, or such other information necessary to describe the interest. This written disclosure will be attached to the minutes of the meeting in which the Board action occurred relating to the matter disclosed. If a Board member has complied with these statutory disclosure requirements of an interest in the matter, the Board member may vote if participation is necessary to obtain a quorum or to otherwise enable the Board to act. If a member votes under these circumstances, that member shall state for the record the fact and summary nature of the potential conflict of interest.

The Board considers it a conflict of interest for a Board member to be simultaneously employed by the District. Therefore, the Board shall not hire any of its members as an employee of the District, nor shall the Board approve any compensation for a Board member for services rendered to the District as an employee, except for services rendered to the Board as provided by law. Therefore, an employee elected to the Board shall be required to relinquish employment with the District prior to taking office. Employees are encouraged to consider this prior to running for the Board.

Board members may be reimbursed for authorized expenses in carrying out Board duties, as provided by law.

The Board shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:

1. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures;
2. The merchandise is sold to the highest bidder at a public auction;
3. The transaction involves investing or depositing money in a financial institution, which is in the business of loaning money or receiving money;
4. If, because of geographic restrictions, the District could not otherwise reasonably afford the contract because the additional cost to the District would be greater than ten percent of the contract with the interested member, or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services; or,
5. If the contract is one in which the Board member has disclosed a personal interest and is one in which the member has not voted, or has voted as allowed in State law following disclosure to the Secretary of State and to the Board.

For the purposes of this policy, “financial interest” does not include holding a minority interest in a corporation.

Except as described above, a Board member shall not be a purchaser at any sale or a vendor for any District purchase made with non-federal funds.

### **Conflict of Interest – Federally Funded Transactions**

Separate from State law and the Board’s policies concerning the Board’s standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of Board members whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

Under the UGG, a Board member shall not participate in the selection, award or administration of a contract supported by a federal award if the Board member has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the Board member, any member of his or her immediate family, his or her business partner, or an organization which employs or is

about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract.

In addition, the UGG prohibits Board members from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

For purposes of this policy section only, “immediate family” means the Board member’s spouse, partner in a civil union, children, and parents. In determining whether a financial or other interest is “substantial,” or whether anything solicited or accepted for private benefit is of “nominal value,” the Board shall follow the standards of conduct and corresponding definitions applicable to local public officials under State law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

A Board member who violates the standards of conduct set forth in this policy’s section may be subject to censure or other disciplinary action, in accordance with the Board’s authority and State law.

The secretary for the Board shall ensure that the most current version of this policy is filed with the Department of Education to protect Board members from criminal liability, as provided by law.

*Adopted December 10, 2013, by the Board of Education for Mapleton Public Schools.  
Revised June 27, 2017.*

**LEGAL REFERENCES:**

2 C.F.R. 200.318 (c) (*Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds*)

Colorado Constitution, Article X, § 13 (*it is a felony for a public officer to profit, directly or indirectly, out of school district money*)

C.R.S. § 22-32-109(1)(y) (*school board duty to adopt written bylaws relating to conflicts of interest*)

C.R.S. §§ 24-18-109 through 110 (*rules of conduct for local government officials and employees*)

C.R.S. § 24-18-201 (*standards of conduct – interests in contracts*)

C.R.S. § 24-18-202 (*standards of conduct – interests in sales*)

**CROSS REFERENCES:**

BC: School Board Member Conduct

BCA-E1: Code of Ethics for School Board Members

BEDF: Voting Method

BID/BIE: School Board Member Compensation/Insurance/Expenses/Liability

DJE: Bidding Procedures

DKC: Expense Authorization/Reimbursement (Mileage and Travel)