

Hollow Rock-Bruceton Board of Education

TOPIC: Ethics

CODE: 1.106a

DATE: 4/9/07

Section 1. Definitions

(1) "Special School District means Hollow Rock-Bruceton Special School District, which was duly created by a private act of the General Assembly; and which includes all boards, committees, commissions, authorities, corporations, or other instrumentalities appointed or created by the special school district or an official of the special school district.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee, or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the special school district.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, rescue himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the county clerk. In addition, the official or employee may, to the extent allowed by law, rescue himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

Hollow Rock-Bruceton Board of Education

TOPIC: Board Member Conflict of Interest

CODE: 1.107

DATE: 10-09-01

A board member shall not be directly interested in any contract in which the Board may be interested. "Directly interested" means any contract with the board member or with any business in which the board member is sole proprietor, a partner, or the person having controlling interest. "Controlling interest" shall include the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.

This policy shall not prohibit any board member from voting on the school budget or any budget amendments, unless the vote is on a specific budget amendment in which such board member is directly interested.

A board member shall not be indirectly interested in any contract in which the Board may be interested unless the board member publicly acknowledges such interest. "Indirectly interested" means any contract in which the board member is interested but not directly so, as defined above, including contracts in which the board member may have a direct interest but is the sole supplier of goods or services in the county.

Any board member who is an employee of the special school district and whose employment predates his/her initial election to the Board may vote on matters in which he/she has a conflict of interest if the member informs the Board immediately prior to the vote as follows: "Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens the Board represents." The vote of any board member having a conflict of interest who does not inform the Board of such conflict shall be void if challenged during the same board meeting at which the vote was cast and prior to the transaction of any further business by the Board.

Any board member who is also an employee of the special school district and whose employment began on or after the date on which he/she was initially elected to serve on the Board shall not vote on matters in which he has a conflict of interest.

If a board member has a conflict of interest in a matter to be voted on by the Board, he/she may abstain for cause by announcing such to the chairman. Any board member who abstains from voting for cause on any issue coming to a vote before the Board shall not be counted for the purpose of determining a majority vote.¹

¹TCA 12-4-101; TCA 12-4-102

PENALTY FOR UNLAWFUL INTEREST

If a board member becomes directly or indirectly interested in any such contract, he/she shall forfeit all pay and compensation and shall be dismissed from the Board and be ineligible to serve in the same or similar position for ten (10) years.¹

¹ TCA12-4-101; TCA 12-4-102