

1 **Browning Public Schools**

2  
3 Policy # 1512

4 Policy Name: *Conflict of Interest*

5 Regulation: -----

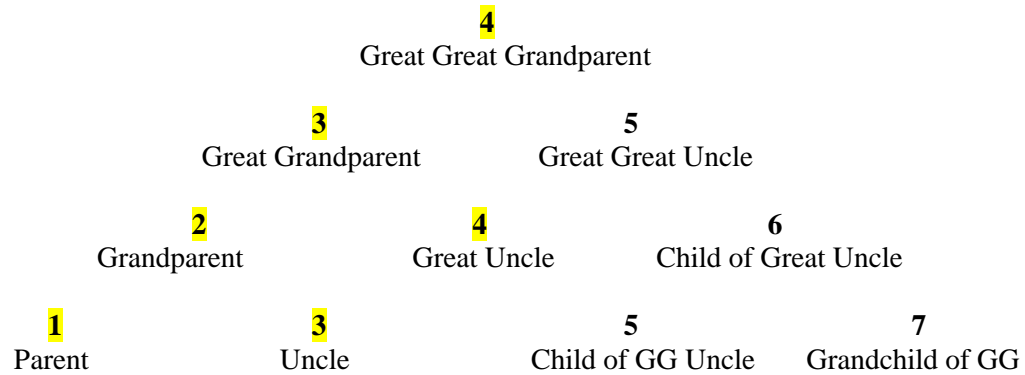
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7 **A trustee may not:**

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- 9 1. engage in a substantial financial transaction for his/her private business purpose with a person  
10 whom he/she supervises in the course of official duties;
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  - 12 2. perform an official act directly and substantially affecting to its economic benefit to a business or  
13 other undertaking in which the trustee either has a substantial financial interest or is engaged as  
14 counsel, consultant, representative or agent;
  - 15
  - 16 3. act as an agent or solicitor in the sale or supply of goods or services to a district;
  - 17
  - 18 4. have a monetary interest, directly or indirectly, in any contract made by the Board of Trustees  
19 when the trustee has more than a ten percent (10%) interest in the corporation. A contract does  
20 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or  
21 deposits in financial institutions which are in the business of loaning or receiving money when  
22 such investments or deposits are made on a rotating or ratable basis among financial institutions  
23 in the community or when there is only one financial institution in the community; or 3)  
24 contracts for professional services other than salaried services or for maintenance or repair  
25 services or supplies when the services or supplies are not reasonably available from other  
26 sources. In order to award a contract under these circumstances a determination of the lack of  
27 availability of the service or product in question must be entered in the minutes of the Board  
28 meeting at which the contract is considered. Further, the name(s) of the specific Board  
29 member(s) involved must be included in the minutes. Board Members negotiating contracts with  
30 the District are prohibited from voting on any aspect of the decision made by the Board.  
31
  - 32 5. be employed in any capacity by the District, with the exception of officiating at athletic  
33 competitions under the auspices of the Montana Officials Association.
  - 34
  - 35 6. **perform an official act directly and substantially affecting a business or other undertaking**  
36 **to its economic detriment when the officer or employee has a substantial personal interest**  
37 **in a competing firm or undertaking.**
  - 38
  - 39 7. **perform an official act directly and substantially affecting to its economic benefit a**  
40 **business or other undertaking in which the officer or employee either has a substantial**  
41 **financial interest or is engaged as counsel, consultant, representative, or agent.**
  - 42
  - 43 8. appoint to a position of trust any person related or connected by consanguinity within the fourth  
44 (4<sup>th</sup>) degree or by affinity within the second degree (2<sup>nd</sup>).  
45
    - 46 a. this prohibition does not apply to the issuance of an employment contract to a person as a  
47 substitute teacher who is not employed as a substitute teacher for more than 30 consecutive  
48 school days.
    - 49 b. this prohibition does not apply to the renewal of an employment contract of person who  
50 was initially hired before the Board member to whom he/she is related assumed the position
    - 51 c. this prohibition does not apply if the trustees comply with the following requirements: 1  
52 All trustees, except the trustee related to the person to be employed or appointed, vote to

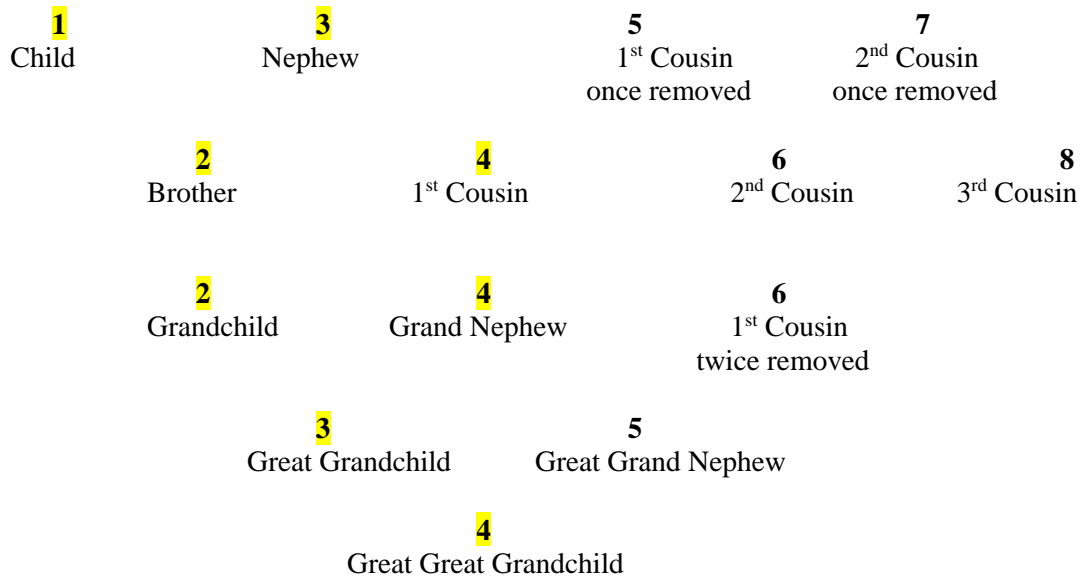
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employ the related person; 2) All trustees related to the person to be employed abstains from voting; and 3) The trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

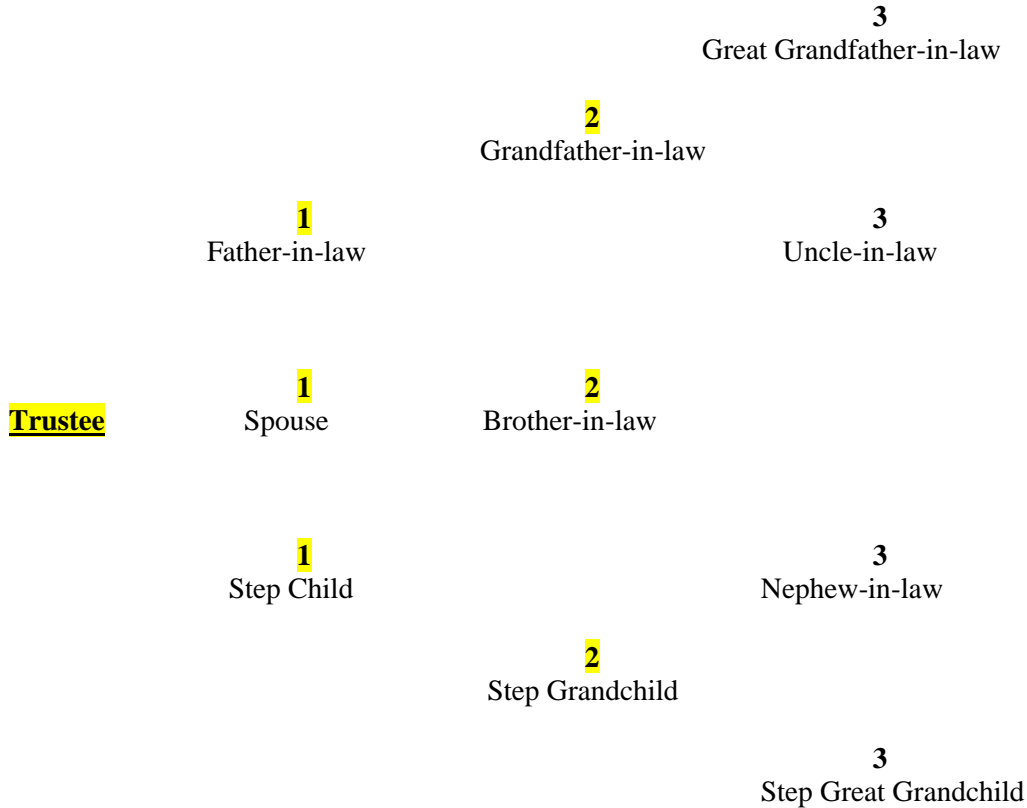
**Degrees of Consanguinity (4<sup>th</sup> degree):** Relationship by blood; from the same ancestor.



**Trustee**



1 **Degrees of Affinity (2<sup>nd</sup> degree):** Affinity is the legal relationship arising as the result of marriage.  
2 Relationship by affinity terminates upon the death of one of the spouses or other dissolution of  
3 marriage, except when the marriage has resulted in issue still living.



36 **Cross Reference:** #1511 Board Member Code of Ethics

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38 **Legal Reference:** 2-2-125 MCA Rules of Conduct for Local Government Officers  
39 2-2-201 MCA Public Officers, Employees of Former Employees Not to Have  
40 Interest in Contracts  
41 2-2-302 MCA Appointment of Relative to Office of Trust - Employment  
42 Unlawful  
43 2-2-303 MCA Agreement to Appoint Relative to Office Unlawful  
44 20-1-201 MCA School Officers Not to Act as Agent  
45 20-9-204 MCA Conflicts of Interest, Letting Contracts and Calling for Bids  
46  
47

48 **Policy History:**

49 Adopted on: 7/29/98

50 Revised on: 1/12/99, 1/12/99, 3/31/04, 4/13/04, 6/9/09, 11/9/10, 3/27/19

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