

**BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL  
DISCLOSURE**

*(Districts Including Any Portion of a First-Class County)*

All directors of the Phelps Co. R-III School District Board of Education shall adhere to the laws regarding conflict of interest and take steps to avoid situations where their decisions or actions in their capacity as Board members conflict with the mission of the district.

As used in this policy, "businesses owned by Board members" includes sole proprietorships, partnerships, joint ventures or corporations where the Board member is the sole proprietor, a partner having more than a ten (10) percent partnership interest, or a coparticipant or owner of more than ten (10) percent of the outstanding shares of any class of stock.

**Sale, Rental, Lease or Provision of Personal Property**

Board members or businesses they own shall not sell, rent, lease or provide personal property to the district.

**Sale, Rental or Lease of Real Property (Real Estate)**

Board members and businesses they own may sell, rent or lease real estate to the district. Public notice of the transaction must be given prior to execution if the payment to the Board member or business exceeds \$500 per transaction or \$5,000 per year.

**Employment**

The district shall not employ Board members for compensation even on a substitute or part-time basis. While a Board member remains on the School Board, the district will not accept an application of employment from a Board member, consider a Board member for employment or decide to employ a Board member. Board members may provide services on a volunteer basis.

**Independent Contractor**

Board members may provide services to the district as independent contractors through businesses they own. If payment for the service exceeds \$500 per transaction or \$5,000 per year, the district must give public notice and competitively bid the service, and the bid or offer of the Board member's business must be the lowest received. Businesses owned by Board members may provide services on a volunteer basis.

**Businesses That Employ Board Members**

Board members may participate in discussions and vote on motions for the district to do business with entities that employ the Board member as long as the business is not owned by the Board member and the Board member will not receive any financial benefit from

the transaction. The Board member may need to submit a statement of interest as described below.

### **Statement of Interest**

If a Board member has a substantial personal or private interest in a decision before the Board, before voting the Board member shall provide a written report of the nature of the interest to the Board secretary. The written statement will be recorded in the minutes. A Board member will have complied with this requirement if the Board member has disclosed the interest in a personal financial disclosure statement that was filed or amended prior to the vote.

A "substantial interest" exists when the Board member, his or her spouse or dependent children, either singularly or collectively, directly or indirectly:

1. Own(s) ten (10) percent or more of any business entity; or
2. Own(s) an interest having a value of \$10,000 or more in any business entity; or
3. Receive(s) a salary, gratuity or other compensation or remuneration of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

### **Self-Dealing**

A Board member shall not favorably act on any matter that is specifically designed to provide a special monetary benefit to the Board member, his or her spouse or dependent children.

A "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

A Board member will not directly or indirectly influence or vote on a decision when the Board member knows the result of the decision may be the acceptance by the district of a service or the sale, rental or lease of property to the district and the Board member, his or her spouse, dependent children in his or her custody or any business with which he or she is associated will benefit financially.

"Business with which a person is associated" means:

1. A sole proprietorship owned by the Board member, his or her spouse or any dependent children in the person's custody.
2. A partnership or joint venture in which the Board member or spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or

limited partnership in which the Board member is an officer or director or of which the Board member, spouse or dependent children in the Board member's custody, whether singularly or collectively, own more than ten (10) percent of the outstanding shares of any class of stock or partnership units.

3. Any trust in which the Board member is the settlor or trustee, or in which the Board member, spouse or dependent children, singularly or collectively, are beneficiaries or holders of a reversionary interest of ten (10) percent or more of the corpus of the trust.

### **Use of Confidential Information**

A Board member shall not use confidential information obtained in the course of his or her official capacity in any manner with the intent to result in financial gain for himself or herself, any other person or any business.

### **Nepotism**

A Board member shall not vote to employ or appoint any person who is related within the fourth degree to such Board member by consanguinity or affinity. In the event that an individual is recommended for employment or appointment and the individual is related within the fourth degree to a Board member, the related Board member shall abstain from voting and shall leave the room during consideration of the question and the vote.

"Fourth degree of consanguinity or affinity" means parents, grandparents, great-grandparents, great-great-grandparents, spouse, children, siblings, grandchildren, great-grandchildren, great-great-grandchildren, nieces or nephews, grand-nieces or grand-nephews, aunts or uncles, great-aunts or great-uncles, and first cousins by virtue of a blood relationship or marriage.

### **Personal Financial Disclosure Statements**

The Phelps Co. R-III School District Board of Education hereby adopts a policy establishing and making public its own method of disclosing financial interests of Board members, candidates and specified administrators, in accordance with law. Personal financial disclosure statements as described below shall be filed with the Missouri Ethics Commission and the Phelps Co. R-III School District Board of Education, on or before May 1 for the preceding calendar year, unless the person filing is a Board candidate. Candidates must file their reports within 14 days after the last day to file for office. The reports will be made available for public inspection and copying during normal business hours.

This portion of the policy dealing with the financial interest statement will be adopted in an open meeting every other year by September 15. A certified copy of this policy/resolution shall be sent to the Missouri Ethics Commission within ten (10) days of adoption.

### ***Board Member Disclosure***

All School Board members and candidates for School Board will disclose in writing the following transactions if they occurred during the calendar year:

1. Each transaction in excess of \$500 per year between the district and the individual, or any person related within the first degree by consanguinity or affinity to the individual. The statement does not need to include compensation received as an employee or payment of any tax, fee or penalty due the district. The statement shall include the dates and identities of the parties in the transaction.

"First degree of consanguinity or affinity" includes parents, spouse or children by virtue of a blood relationship or marriage.

2. Each transaction in excess of \$500 between the district and any business entity in which the individual has a substantial interest. The statement does not need to include any payment of tax, fee or penalty due the district or payment for providing utility service to the district. The statement shall include the dates and identities of the parties in the transactions.

"Substantial interest" is ownership by the individual, his or her spouse or dependent children, either singularly or collectively, directly or indirectly, of ten (10) percent or more of any business entity, or of an interest having a value of \$10,000 or more, or the receipt of a salary, gratuity or other compensation of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

***Superintendent, Chief Purchasing Officer and General Counsel Disclosure***

The superintendent, chief purchasing officer and general counsel, if employed full time, will disclose in writing the information required in 1) and 2) above. In addition, these employees will disclose the following information for themselves, their spouses and dependent children:

1. The name and address of each employer from whom income of \$1,000 or more was received during the year covered by the statement.
2. The name and address of each sole proprietorship the individual owned.
3. The name, address and general nature of business conducted by each general partnership or joint venture in which he or she was a partner or participant.
4. The name and address of each partner or coparticipant in the partnership or joint venture unless the information is already filed with the secretary of state.
5. The name, address and general nature of business of any closely held corporation or limited partnership in which the individual owned ten (10) percent or more of any class of the outstanding stock or limited partners' units.

6. The name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the individual owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests.
7. The names and addresses of each corporation for which the individual served in the capacity of director, officer or receiver.

\* \* \* \* \*

***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Readopted:

Cross Refs: DA, Fiscal Responsibility  
DJF, Purchasing  
FEF, Construction Contracts Bidding and Awards  
GBCA, Staff Conflict of Interest  
GBL, Personnel Records  
GCD, Professional Staff Recruiting and Hiring  
GDC, Support Staff Recruiting and Hiring  
JO, Student Records

Legal Refs: Mo. Const. art. VII, § 6  
§§ 105.450 - .458, .461 - .462, .466 - .467, .472, .476 - .492, 162.261,  
.391, 168.126, 171.181, RSMo.

Phelps Co. R-III School District, Edgar Springs, Missouri

© 2005, Missouri School Boards' Association, Registered in U.S. Copyright Office  
*For Office Use Only: BBFA-C.1K (9/05)*