

AN ORDINANCE AMENDING SECTION, CHAPTER 2, ARTICLE 9, SECTION 2-9.7 ENTITLED, “PROHIBITED CONTRACTS; EXCEPTIONS” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD — FIRST READING

BE IT ORDAINED, by the School Board of the City of Suffolk, Virginia that Chapter 2, Article 9, Section 2-9.7, entitled “Prohibited Contracts; Exceptions” of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

Section 2-9.7. Prohibited Contracts; Exceptions. — A. No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.

B. The above prohibition shall not be applicable to:

- (1) a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board;
- (2) contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
- (3) a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract;
- (4) the sale, lease or exchange of real property between ~~an officer or employee and a governmental agency~~ a School Board member or employee and the School Board, provided the ~~officer~~ Board member or employee does not participate in any way as ~~such officer~~ a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by ~~the governing body of the governmental agency or by the administrative head thereof~~ School Board or superintendent;
- (5) the publication of official notices;

- (6) an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of ~~\$10,000~~ \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
- (7) contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract;
- (8) contracts for the purchase of goods or services when the contract does not exceed \$500;
- (9) grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;
- (10) an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;
- (11) employment contracts and other contracts entered into prior to August 1, 1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect

to the spouse or other relative residing in his household and the annual salary of the subordinate is \$35,000 or more;

- (12) contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Virginia Code Section 2.2-3115.

(Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016)

Legal Authority - Virginia Code §§ 2.2-3103, 2.2-3102, 2.2-3103, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118, 2.2-3119, 2.2-3121, and 2.2-3124, 2.2-3132 and 30-3056 (1950), as amended.

FIRST READING: _____

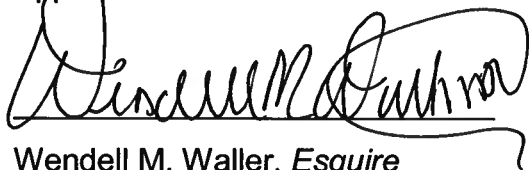
SECOND READING: _____

EFFECTIVE DATE: _____

TESTE: _____

CLERK

Approved as to form and content:



Wendell M. Waller, *Esquire*
School Board Attorney