

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 9, SECTION 2-9.8 ENTITLED, "PERSONAL INTEREST IN TRANSACTION REQUIRES DISQUALIFICATION; DISQUALIFICATION RECORDED IN MINUTES; WHEN PARTICIPATION ALLOWED; REPRESENTING AN IMMEDIATE FAMILY MEMBER ALLOWED; REMAINING MEMBERS CONSTITUTE QUORUM; WHEN DEFENDANT IN LEGAL PROCEEDING" 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 2-9.8, entitled "Personal Interest in Transaction Requires Disqualification; Disqualification Recorded in Minutes; When Participation Allowed; Representing an Immediate Family Member Allowed; Remaining Members Constitute Quorum; When Defendant in Legal Proceeding" of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

Section 2-9.8. Personal Interest in Transaction Requires Disqualification; Disqualification Recorded in Minutes; When Participation Allowed; Representing an Immediate Family Member Allowed; Remaining Members Constitute Quorum; When Defendant in Legal Proceeding — A. Each School Board member and School Board employee who has a personal interest in a transaction shall disqualify himself from participating in the transaction if:

- (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest; or
- (ii) he is unable to participate pursuant to subsections C.a., C.b., or C.c. of this policy.

B. Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115.E F and shall not vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not:

- (i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or
- (ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.

C. A School Board Member or School Board employee may participate in the transaction when —

- a. ~~the is~~ the Board member is a member of a business, profession, occupation or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.G;
- b. the Board member is a party to the transaction is a client of his firm and he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.H; or
- c. the transaction affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

D. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.

E. If disqualifications under subsection A. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

F. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction. (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: _____

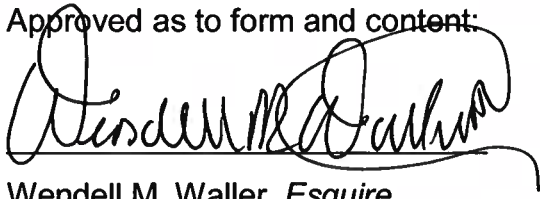
SECOND READING: _____

EFFECTIVE DATE: _____

TESTE: _____

CLERK

Approved as to form and content:

A handwritten signature in black ink, appearing to read "Wendell M. Waller". The signature is written in a cursive style with a large initial "W" and a long, sweeping underline that extends to the right.

Wendell M. Waller, *Esquire*
School Board Attorney