

BCB—Conflict of Interest

Conflict of Interest

“Conflict of interest’ means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, unless the pecuniary benefit arises out of the following:

“(a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;

“(b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;

“(c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation ...”

Contracts

“The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in Idaho Code section 18-1361 or 18-1361A are followed.

“The board of directors of any public charter school shall not enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in sections 18-1361 or 1361A, or 59-704A, Idaho Code.”

Employment Limitations

No dependent or spouse of a Board member may be employed in the School. Exceptions to this policy apply only to current Board Members elected prior to October 31, 2012.

Voting Restrictions

Notwithstanding any other provision of law, a Board member shall be eligible to vote on any budgetary, personnel, or other question that comes before the Board, except that it shall be unlawful for a member to debate and vote on a specific item that concerns the appointment, employment, or remuneration of such member or any person related to such member as a dependent or by consanguinity to the second degree. Further, such Board member shall not be present during any meetings during the hiring process.

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods and services to the School, the Board member shall declare the interest and refrain from debating and voting upon the question of contracting with the company.

Each Board member shall file a Board Member Conflict of Interest form (BCB1) with the Administrator. Such file shall be open for public review.

Unlawful Conduct

“It shall be unlawful ... for any director to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter, or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in (Idaho Code 33-5204(5)a).”

References

Idaho Code § 33-5204(5)