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SENATE BILL NO. 539

Offered January 13, 2016

Prefiled January 13, 2016

A BILL to amend and reenact § 2.2-3115 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; members of local electoral boards and general registrars required to file semiannual disclosure.

Patron—Surovell

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before December 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

The members of every local electoral board appointed pursuant to § 24.2-106 and every general registrar appointed pursuant to § 24.2-110 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years

59 in the office of the clerk of the governing body of the county or city. Such forms shall be made public
60 no later than six weeks after filing.

61 E. Candidates for membership in the governing body or school board of any county, city or town
62 with a population of more than 3,500 persons shall file a disclosure statement of their personal interests
63 as required by § 24.2-502.

64 F. Any officer or employee of local government who has a personal interest in any transaction before
65 the governmental or advisory agency of which he is an officer or employee and who is disqualified
66 from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to
67 disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full
68 name and address of the business and the address or parcel number for the real estate if the interest
69 involves a business or real estate, and his disclosure shall be reflected in the public records of the
70 agency for five years in the office of the administrative head of the officer's or employee's governmental
71 or advisory agency.

72 G. In addition to any disclosure required by subsections A and B, in each county and city and in
73 towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals,
74 real estate assessors, and all county, city and town managers or executive officers shall make annual
75 disclosures of all their interests in real estate located in the county, city or town in which they are
76 elected, appointed, or employed. Such disclosure shall include any business in which such persons own
77 an interest, or from which income is received, if the primary purpose of the business is to own, develop
78 or derive compensation through the sale, exchange or development of real estate in the county, city or
79 town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter
80 shall be filed annually with the clerk of the governing body of such county, city, or town on or before
81 December 15. Such disclosures shall be filed and maintained as public records for five years. Such
82 forms shall be made public no later than six weeks after filing. Forms for the filing of such reports shall
83 be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each
84 governing body.

85 H. An officer or employee of local government who is required to declare his interest pursuant to
86 subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the
87 nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a
88 member of a business, profession, occupation, or group the members of which are affected by the
89 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public
90 interest. The officer or employee shall either make his declaration orally to be recorded in written
91 minutes for his agency or file a signed written declaration with the clerk or administrative head of his
92 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for
93 public inspection such declaration for a period of five years from the date of recording or receipt. If
94 reasonable time is not available to comply with the provisions of this subsection prior to participation in
95 the transaction, the officer or employee shall prepare and file the required declaration by the end of the
96 next business day. The officer or employee shall also orally disclose the existence of the interest during
97 each meeting of the governmental or advisory agency at which the transaction is discussed and such
98 disclosure shall be recorded in the minutes of the meeting.

99 I. An officer or employee of local government who is required to declare his interest pursuant to
100 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a
101 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide
102 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in
103 the public interest. The officer or employee shall either make his declaration orally to be recorded in
104 written minutes for his agency or file a signed written declaration with the clerk or administrative head
105 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make
106 available for public inspection such declaration for a period of five years from the date of recording or
107 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to
108 participation in the transaction, the officer or employee shall prepare and file the required declaration by
109 the end of the next business day.