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## HOUSE BILL NO. 1337

Offered January 8, 2020

Prefiled January 8, 2020

*A BILL to amend and reenact § 2.2-3115 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; disclosure by members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission.*

Patron—Keam

Referred to Committee on General Laws

**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. In accordance with the requirements set forth in § 2.2-3118.2, 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 required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, 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 required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

*In accordance with the requirements set forth in § 2.2-3118.2, the members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission shall file, as a condition to assuming office, a disclosure of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1.*

In accordance with the requirements set forth in § 2.2-3118.2, 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 required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, 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 required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, 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 required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

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

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests

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59 as required by § 24.2-502.

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

68 G. In addition to any disclosure required by subsections A and B, in each county and city and in  
69 towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals,  
70 real estate assessors, and all county, city and town managers or executive officers shall make annual  
71 disclosures of all their interests in real estate located in the county, city or town in which they are  
72 elected, appointed, or employed. Such disclosure shall include any business in which such persons own  
73 an interest, or from which income is received, if the primary purpose of the business is to own, develop  
74 or derive compensation through the sale, exchange or development of real estate in the county, city or  
75 town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a  
76 condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the  
77 governing body of such county, city, or town on or before February 1. Such disclosures shall be filed  
78 and maintained as public records for five years. Such forms shall be made public no later than six  
79 weeks after the filing deadline. Forms for the filing of such reports shall be made available by the  
80 Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

81 H. An officer or employee of local government who is required to declare his interest pursuant to  
82 subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the  
83 nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a  
84 member of a business, profession, occupation, or group the members of which are affected by the  
85 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public  
86 interest. The officer or employee shall either make his declaration orally to be recorded in written  
87 minutes for his agency or file a signed written declaration with the clerk or administrative head of his  
88 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for  
89 public inspection such declaration for a period of five years from the date of recording or receipt. If  
90 reasonable time is not available to comply with the provisions of this subsection prior to participation in  
91 the transaction, the officer or employee shall prepare and file the required declaration by the end of the  
92 next business day. The officer or employee shall also orally disclose the existence of the interest during  
93 each meeting of the governmental or advisory agency at which the transaction is discussed and such  
94 disclosure shall be recorded in the minutes of the meeting.

95 I. An officer or employee of local government who is required to declare his interest pursuant to  
96 subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a  
97 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
98 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
99 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
100 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
101 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
102 available for public inspection such declaration for a period of five years from the date of recording or  
103 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
104 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
105 the end of the next business day.

106 J. The clerk of the governing body or school board that releases any form to the public pursuant to  
107 this section shall redact from the form any residential address, personal telephone number, or signature  
108 contained on such form; however, any form filed pursuant to subsection G shall not have any residential  
109 addresses redacted.

110 **2. That, notwithstanding the effective date of this act, a member of the Northern Virginia**  
111 **Transportation Authority or the Northern Virginia Transportation Commission shall not be**  
112 **required to file a disclosure form pursuant to § 2.2-3115 of the Code of Virginia, as amended by**  
113 **this act, until February 1, 2021, for the preceding 12-month period complete through the last day**  
114 **of December.**

115 **3. That the clerk of the governing body where the Northern Virginia Transportation Authority**  
116 **and the Northern Virginia Transportation Commission hold their principal office shall distribute,**  
117 **collect, and maintain the disclosure forms filed by their members pursuant to § 2.2-3115 of the**  
118 **Code of Virginia, as amended by this act.**