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HOUSE BILL NO. 749

Offered January 22, 1996

A BILL to amend and reenact § 2.1-639.8 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.1-639.7:1, relating to prohibited contracts by members of school boards and local governmental agencies.

Patron—DeBoer

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-639.8 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.1-639.7:1 as follows:

§ 2.1-639.7.1. Prohibited contracts by members of school boards.

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract with any governmental agency which is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not be applicable to:

1. A 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 public; or

3. A contract awarded to a member of a 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.

§ 2.1-639.8. Prohibited contracts by other officers and employees of local governmental agencies.

A. No other officer or employee of any governmental agency of local government shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government shall have a personal interest in a contract with any other governmental agency which is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 11-37 or is awarded as a result of a procedure embodying competitive principles as authorized by subsection D of § 11-35, or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not be applicable to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency which accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. An officer's or employee's personal interest in a contract of employment with any other governmental agency which is a component part of the government of his county, city or town;

3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public; or

4. Members of local governing bodies who are subject to § 2.1-639.7; or

5. Members of local school boards who are subject to § 2.1-639.7:1.

INTRODUCED

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