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SENATE BILL NO. 325

Offered January 19, 1996

A BILL to amend and reenact § 2.1-639.14 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; disclosure forms filed by school board members.

Patrons—Houck, Norment, Reasor, Trumbo and Whipple; Delegates: Behm, Cooper, Davies and Hull

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-639.14 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-639.14. 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, and persons occupying such positions of trust appointed by such bodies as may be designated to file by ordinance of the governing body, and persons occupying such positions of employment 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 § 2.1-639.15 and thereafter shall file such a statement annually on or before January 15.

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 § 2.1-639.15:1 and thereafter shall file such form annually on or before January 15.

C. The disclosure forms required by subsections A and B of this section shall be provided by the Secretary of the Commonwealth to the clerks of the governing bodies *and school boards* not later than November 30 of each year, and the ~~clerk~~clerks of the governing body *and school board* shall distribute the forms to designated individuals no later than December 10 of each year. 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*.

D. 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 as required by § 24.2-502.

E. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to § 2.1-639.11 A 1, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

F. In addition to any disclosure required by subsections A and B of this section, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city or town on or before January 15. Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of such reports shall be prepared and distributed by the Secretary of the Commonwealth to the clerk of each governing body.

G. An officer or employee of local government who is required to declare his interest pursuant to § 2.1-639.11 A 2 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes of his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not

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60 available to comply with the provisions of this subsection prior to participation in the transaction, the
61 officer or employee shall prepare and file the required declaration by the end of the next business day.