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SENATE BILL NO. 1525

Offered January 23, 2009

A BILL to amend and reenact § 2.2-3109 of the Code of Virginia, relating to State and Local Conflict of Interests Act; prohibited contracts.

Patron—Martin

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3109 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3109. 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. *However, for purposes of this subsection, a personal interest shall not include a contract awarded to an immediate family member of the officer or employee as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301 or awarded as a result of a procedure embodying competitive principles as authorized by subdivisions A 10 or A 11 of § 2.2-4343, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract.*

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 that 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 § 2.2-4301 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivisions 10 or 11 of § 2.2-4343 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 apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that 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 that 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;

4. Members of local governing bodies who are subject to § 2.2-3107;

5. Members of local school boards who are subject to § 2.2-3108; or

6. (Effective until July 1, 2009) Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

INTRODUCED

SB1525