

CONFLICT OF INTEREST

It shall be unlawful for any member of the board to have or own any direct or indirect interest individually or as agent or employee of any person, partnership, firm or corporation, in any contract made or let by the board for the construction, repair, or improvement of any school facility, the furnishing of any supplies, materials, or other articles, the doing of any public work or the transportation of children, or in any sub-contract indirectly connected with the above-stated activities.

No member of the board shall participate in the selection, the award, or administration of a contract supported by federal funds if a conflict of interest, **real** or **apparent**, would be involved. Such a conflict would arise when any board member, any member of his or her immediate family, or organization which employs, or is about to employ, anyone in those categories, has a financial or other interest in the firm selected for award. Board members cannot solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

ACTIONS, ACTIVITIES, AND BUSINESS RELATIONSHIPS

1. No public servant shall use his official position to obtain or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated.
2. No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.
3. No public servant shall:
 - a. Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.
 - b. Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.
 - c. Be a purchaser, direct or indirect, of any claim, certificate, warrant or other security issued by or to be paid out of the treasury of the governmental entity of which he is an officer or employee.

- d. Perform any service for any compensation during his term of office or employment by which he attempts to influence a decision of the authority of the governmental entity of which he is a member.
 - e. Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.
4. Notwithstanding the provisions of subsection (3) of this section, a public servant or his relative:
- a. May be an officer or stockholder of banks or savings and loan associations or other financial institutions bidding for bonds, notes or other evidences of debt or for the privilege of keeping as depositories the public funds of a governmental entity thereof or the editor or employee of any newspaper in which legal notices are required to be published in respect to the publication of said legal notices.
 - b. May be a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee, or agent or have a material financial interest in a business which is a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee, or agent where such contract is let to the lowest and best bidder after competitive bidding and three (3) or more legitimate bids are received or where the goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.
 - c. May be a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee, or agent or have a material financial interest in a business which is a subcontractor with any authority of the governmental entity of which he is a member, officer, employee, or agent where the primary contract is let to the lowest and best bidder after competitive bidding or where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.
 - d. May be a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee, or agent or have a material financial interest in a business which is a contractor,

subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee, or agent: (1) where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws; or (ii) where the contractual relationship involves the further research, development, teaching, promotion or merchandising of an intellectual property created by the public servant.

- e. May purchase securities issued by the governmental entity of which he is an officer or employee if such securities are offered to the general public and are purchased at the same price as such securities are offered to the general public.
 - f. May have an interest less than a material financial interest in a business which is a contractor, subcontractor or vendor with any governmental entity.
 - g. May contract with the Mississippi Veteran's Home Purchase Board, Mississippi Housing Finance Corporation, or any other state loan program, for the purpose of securing a loan; however, public servants shall not receive favored treatment.
 - h. May be employed by or receive compensation from an authority of the governmental entity other than the authority of the governmental entity of which the public servant is an officer or employee.
 - i. If a member of the legislature or other public servant employed on less than a full-time basis, may represent a person or organization for compensation before an authority of the governmental entity other than an authority of the governmental entity of which he is an officer or employee.
 - j. If a constable, may be employed and receive compensation as a deputy sheriff or other employee of the county for which he serves as constable.
5. No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.
6. Any contract made in violation of this section may be declared void by the governing body of the contracting or selling authority of the governmental subdivision or a court of competent jurisdiction and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided.

7. Any person violating the provisions of this section shall be punished as provided for in sections 25-4-109 and 25-4-111.

No board member shall have interest, either directly or indirectly, in the proceeds or profits of the sale or rental of any book, furniture, equipment or other property to be used in the public schools.

On or before May 1 of each year to cover the preceding calendar year members of local school boards whether elected or appointed shall file a statement of economic interest with the Mississippi Ethics Commission containing such information as is required for the current calendar year as of the time of filing.

SOURCE: Jackson Public School District, Jackson, Mississippi
Mississippi School Boards Association

LEGAL REF.: Sections 25-4-29; 25-4-105; 37-11-25; 37-11-27; Mississippi Code of 1972;

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