

Missoula County Public Schools
Board of Trustees 1512
Conflict of Interest

Trustees are expected to refrain from any conflict of interest with the District to which they are elected. Therefore, a Trustee is prohibited from the following:

Engaging in a substantial financial transaction for his/her private business purpose with a person whom he/she inspects or supervises in the course of his/her official duties.

Performing an official act directly and substantially affecting to its economic benefit, a business or other undertaking in which he/she either has a substantial financial interest or is engaged as counsel, consultant, representative or agent;

Acting as an agent or solicitor in the sale or supply of goods or services to a district.

Have a pecuniary interest, directly or indirectly, in any contract made by the Board of Trustees when the Trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.

Be employed in any capacity by the District.

Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

- a. This prohibition does not apply to the issuance of an employment contract of a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days.
- b. This prohibition does not apply to the renewal of an employment contract of a person who was initially hired before the Board member to whom he/she is related assumed the position.
- c. This prohibition does not apply if the Trustees comply with the following requirements: 1) All Trustees, except the Trustee related to the person to be employed or appointed, vote unanimously to employ the related person; 2) The Trustee related to the person to be employed abstains from voting; and 3) The Trustees give fifteen days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

Degrees of Affinity

Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the death of one of the spouses or other dissolution or marriage except when the marriage has resulted in issue still living.

Below is a list of the various relationships by affinity that fall within the category prohibited. Any other relationship would be allowed. If the appointing power is a woman instead of a man, substitute the word "husband" where "wife" appears.

Relationship to Appointing Power:

1st Degree

Father-in-law

Mother-in-law

Daughter-in-law

Son-in-law

2nd Degree

Grandparents-in-law

Brother-in-law (wife's brother)

Sister-in-law (wife's sister)

Brother-in-law (sister's husband)

Sister-in-law (brother's wife)

Husband or wife of grandchildren

Degrees of Consanguinity

(Read the chart from left to right, starting with "Appointing Power" designation) When "father" appears, read mother or father"; where "brother" appears, read "brother or sister"; where "uncle" appears, read "uncle or aunt"; where "nephew" appears, read "nephew or niece". The first cousin is the cousin germane.

Legal Reference

2-2-125, MCA	Rules of conduct for local government officers
2-2-201, MCA	Public officers, employees of former employees not to have interest in contracts
2-2-302, MCA	Appointment of relative to office of trust - employment unlawful
2-2-303, MCA	Agreement to appoint relative to office unlawful
20-1-201, MCA	School officers not to act as agent
20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids

Policy History:

Adopted on: November 12, 1996

Revisions adopted on: December 9, 1997

Appointing Power:

1st degree: Parent, Child

2nd degree: Grand Parent, Brother, Grandchild

3rd degree: Great Grand Parent, Uncle, Nephew, Great Grand Child

4th degree: Great G. Grand Parent, Great Uncle, 1st Cousin, Grand Nephew, Great G. Grand Child

5th degree: Great G. Uncle, Child of G. Uncle, 1st Cousin once removed, Great G. Nephew

6th degree: Child of G. Uncle, 2nd Cousin, 1st Cousin once removed

7th degree: Grand Child of GG Uncle, 2nd Cousin once removed

8th degree: 3rd Cousin

Degrees of Affinity:

1st degree: Father-in-law

2nd degree: Grandfather-in-law, Brother-in-law

3rd degree: G. Grandfather-in-law, Uncle-in-law, Nephew-in-law

Spouse of Appointing Power:

1st degree: Step Child

2nd degree: Step G. Child

3rd degree: Step G. G. Child