

<b>DESCRIPTOR TERM:</b> <b>School District Organization and Governance</b>	<b>Millard District Policy</b> <b>File Code: 1080</b> <b>Approved: 10-10-24</b>
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## **BOARD MEMBER'S CONFLICT OF INTEREST**

### **A. Private, Controlled, or Protected Information**

Board members may not:

1. Accept employment or engage in any business or professional activity that the member might reasonably expect would require or induce the member to improperly disclose controlled information gained by reason of being a member of the Board.
2. Disclose or improperly use controlled, private or protected information acquired by reason of membership on the Board or in the course of official duties for the member's or another's private gain or benefit.
3. Use or attempt to use the member's position on the Board to substantially further the member's economic interest or to secure special privileges or exemptions for the member or others.
4. Accept other employment that the member might expect would impair the member's independence of judgment in performing the member's public duties.
5. Accept other employment that the member might expect would interfere with the ethical performance of the member's duties.

[Utah Code § 67-16-4 \(2018\)](#)

### **B. Accepting Gifts, Compensation or Loan**

No Board member shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation, or loan for the member or another if:

1. It would tend to influence someone in the member's position in the discharge of official duties;
2. The member knows or someone in the member's position should know it is a reward for the member's action; or
3. The member recently has been, or is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided below captioned "Receiving Compensation for Assistance in Transaction Involving a Government Agency."

This section does not apply to the following:

1. An occasional non-pecuniary gift having a value of not in excess of \$50.00;
2. An award publicly presented in recognition of public services;
3. Any bona fide loan made in the ordinary course of business by an institution authorized by the laws of this state or any other state to engage in making such loans.
4. A political campaign contribution if the contribution is actually used in a political campaign of the recipient Board member.

[Utah Code § 67-16-5 \(2014\)](#)

**C. Receiving Compensation for Assistance in Transaction Involving a Government Agency**

1. A “government agency” is any department, division, agency, commission, board, council, committee, authority or any other institution of the state or any of its political subdivisions, including the District and Board of Education. No Board member shall receive or agree to receive compensation for assisting any person or business entity in any transaction involving a government agency unless the member files with the Board president, the superintendent, the state attorney general’s office, and the head of the agency with which the transaction is being conducted a sworn written statement containing the following information:
  - a. The name and address of the Board member.
  - b. The name of the District.
  - c. The name and address of the person or business entity being or to be assisted.
  - d. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
2. The sworn statement shall be filed on or before the earlier of 10 days after the date of any agreement between the Board member and the person or business entity being assisted or 10 days after the receipt of compensation.
3. The superintendent shall post the sworn statement on the District’s website and ensure that it remains on the website while the Board member remains in office.

[Utah Code § 67-16-3\(1\) \(2024\)](#)

[Utah Code § 67-16-6 \(2024\)](#)

**D. Annual Conflict of Interest Disclosure**

1. Unless the Board member is required to file a conflict of interest disclosure statement because of holding another position, each Board member shall prepare and submit to the superintendent a written conflict of interest disclosure statement between January 1 and January 31 of each year the Board member is in office.

[Utah Code § 67-16-16\(1\) \(2024\)](#)

2. The written conflict of interest statement shall include each item of information required by Utah Code § 20A-11-1604(4).

[Utah Code § 20A-11-1604\(4\) \(2022\)](#)

[Utah Code § 67-16-16\(1\)\(a\) \(2024\)](#)

3. The superintendent shall post an electronic copy of the conflict of interest disclosure statement on the District's website within 10 business days of receipt from the superintendent and provide the lieutenant governor with a link to the posting. The superintendent shall ensure that the disclosure remains posted on the District's website while the Board member remains in office. If the Board member is not required to submit the disclosure statement to the superintendent because the Board member is required to file a conflict of interest disclosure statement because of holding another position, the superintendent shall post a link to the Board member's disclosure on the District website and shall provide the lieutenant governor with a copy of the link.

[Utah Code § 67-16-16\(2\), \(7\) \(2024\)](#)

4. If the superintendent determines that a Board member has not timely submitted a conflict of interest disclosure statement or that the statement does not meet the statutory requirement, the superintendent shall notify the Board member within five days and direct the Board member to submit a statement or an amended statement correcting the problem. If the statement or corrected statement is not submitted within seven days after the superintendent's notice, the superintendent shall report the violation to the Utah Attorney General and shall impose a civil fine of \$100 against the Board member. Any such fine shall be deposited into the District's general fund as a dedicated credit to pay for the costs of administering the disclosure requirement.

[Utah Code § 67-16-16\(3\)-\(6\) \(2024\)](#)