

A Board member serves in a position of public trust. A Board member shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefit or pursue private interests. A Board member shall not have any direct or indirect pecuniary interest in a contract with the School District, nor shall a Board member furnish directly any labor, equipment, or supplies to the District unless permitted by the New Mexico Procurement Code and expressly approved by the Board in accordance with this Policy.

A Board member shall not, directly or indirectly, solicit, sell or be a party to a transaction to solicit or sell a product or service to the school or district with which they are associated. This does not apply to a person making a sale in the regular course of business while complying with the procurement laws and rules of the State of New Mexico. A Board member must make full disclosure to the Board of real or potential conflicts of interest in the membership on the Board. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office while serving as a member of the Board.

It shall be unlawful for a Board member to participate directly or indirectly in a procurement when the Board member knows that the Board member or any member of the Board member's immediate family has a financial interest in the business seeking or obtaining a contract.

Each Board member shall annually complete a Conflict of Interest Statement for filing with the District which reports the Board member's family relationships and business relationships which may constitute a conflict of interest (see exhibit 121A).

Voting Restriction

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods and services to the District, the Board member shall make full disclosure of the interest and refrain from engaging in discussion of and/or voting upon the question of contracting with the company.

Nepotism

The Superintendent shall not initially employ or approve the initial employment of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of a member of the Board, the Superintendent, or any current District employee with supervisory capacity over the prohibited relative. The Board may, by majority vote, waive the nepotism rule for family members of the Superintendent.

Prohibited Acts

It is unlawful for a public officer or licensed employee to take an official act for the primary purpose of directly enhancing a personal financial interest or position.

Waiver of Conflicts of Interest

The Board may waive any conflict of interest in procurement prohibited by New Mexico Procurement Code 13-1-190 upon making a determination that:

- A. the contemporaneous employment or financial interest of the Board member has been publicly disclosed;
- B. the Board member will be able to perform his procurement functions without actual or apparent bias or favoritism; and
- C. the Board member's participation is in the best interests of the District.

LEGAL REF.: 10-16-3 NMSA
10-16-4 NMSA
13-1-190 NMSA
22-5-6 NMSA

CROSS REF.: 107 Board Member Qualifications
150 Nepotism