

QUID PRO NO

School Officials and Conflicts of Interest:
Issues Affecting Lawyers

Christie L. Hobbs
Northwest ISD

John M. Hopkins
Thompson & Horton, LLP

LOCAL GOVERNMENT CODE CHAPTER 176 REPORTING REQUIREMENTS

Requires Local Government Officers and vendors to disclose certain business relationships, gifts, and family relationships

Recusal not required

CHAPTER 176 REPORTING REQUIREMENTS

- Local Government Officer includes
 - Board members
 - Superintendent (chief executive)
 - Agent of district who exercises discretion in planning, recommending, selecting, or contracting of vendor
 - Agent is a third party who transacts business or manages an affair for and under authority of district, includes employee of district

SECTION 176.003: DISCLOSURES BY LOCAL GOVERNMENT OFFICERS

- Disclosures required when a vendor is entering into a contract or considering entering into a contract with a district and one of the following:
 - Taxable (non-investment) income to LGO (or LGO family member) > \$2,500 in preceding 12 months
 - Gifts to LGO (or LGO family member) valued at \$100 or more in preceding 12 months
 - "Family relationship" between vendor and LGO (3rd degree by consanguinity or 2nd by affinity)
- Form CIS - Conflicts Disclosure Statement
- File by 5 p.m. on 7th business day after person becomes aware of facts requiring filing

SECTION 176.003: DISCLOSURES BY LOCAL GOVERNMENT OFFICERS

Disclosures not required for certain gifts

- Political contribution as defined by Election Code
- Food accepted as a guest
 - no longer applies to travel, lodging and entertainment
- Gift offered because of kinship or personal, professional, or business relationship independent of LGO status.

SECTION 176.006: DISCLOSURES BY VENDORS

- Disclosures required by vendor based on the same three triggers in 176.003
 - income, gift or “family relationship”

Form CIQ - Conflicts Disclosure Statement

- File by 7th business day after later of the date the vendor:
 - begins discussions/negotiations to enter contract or submits written response or proposal to the district, OR
 - becomes aware of relationship or gift
- Duty to file updated questionnaire when statement becomes incomplete or inaccurate

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"Quid Pro No: School Officials and Conflicts of Interest "