

1 **Bainville K-12 Schools**

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3 **THE BOARD OF TRUSTEES**

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5 Abstentions From Voting

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7 Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting
8 records of each trustee present. As a general rule trustees should vote on all issues, unless
9 casting a vote would be a violation of law. Under Montana law, instances in which it would be
10 unlawful or inappropriate for a trustee to cast a vote on a particular issue include but are not
11 necessarily limited to the following:

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- 13 1. When hiring the relative of a trustee;
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- 15 2. When casting a vote would directly and substantially affect, to its economic benefit, a
16 business or other undertaking in which the trustee either has a substantial financial
17 interest or in which the trustee is engaged as counsel, consultant, representative, or agent;
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- 19 3. When casting a vote would directly and substantially affect a business or other
20 undertaking to its economic detriment, where a trustee has a substantial personal interest
21 in a competing firm or undertaking;
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- 23 4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or
24 indirectly, in a contract made by the trustee (while acting in the trustee’s official
25 capacity) or by the Board; and
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- 27 5. When casting a vote would put the trustee in the position of an agent or solicitor in the
28 sale or supply of goods or services to the District.
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30 In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of
31 impropriety or the appearance of a perceived conflict. If a trustee abstains from voting, the
32 abstention should be recorded in the minutes and may include an explanation of the reasons for
33 the abstention. The Board discourages abstentions, unless the reasons are substantiated as
34 provided herein.

35	Legal References:	§ 2-2-105, MCA	Ethical requirements for public officers and public employees
36		§ 2-2-121, MCA	Rules of conduct for public officers and public employees
37		§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
38		§ 20-1-201, MCA	School officers not to act as agents
39		§ 20-3-323, MCA	District policy and record of acts
40		§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
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48 Policy History:

49 Adopted on:

50 Reviewed on: 2/25/08

51 Revised on: Fall 2003