

1 **CJI Public 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 records of  
8 each trustee present. As a general rule trustees should vote on all issues, unless casting a vote would be a  
9 violation of law. Under Montana law, instances in which it would be unlawful or inappropriate for a  
10 trustee to cast a vote on a particular issue include but are not necessarily limited to the following:  
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- 12 1. When hiring the relative of a trustee;
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14 2. When casting a vote would directly and substantially affect, to its economic benefit, a business or  
15 other undertaking in which the trustee either has a substantial financial interest or in which the  
16 trustee is engaged as counsel, consultant, representative, or agent;
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18 3. When casting a vote would directly and substantially affect a business or other undertaking to its  
19 economic detriment, where a trustee has a substantial personal interest in a competing firm or  
20 undertaking;
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22 4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or  
23 indirectly, in a contract made by the trustee (while acting in the trustee's official capacity) or by  
24 the Board; and
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26 5. When casting a vote would put the trustee in the position of an agent or solicitor in the sale or  
27 supply of goods or services to the District.
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29 In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the  
30 appearance of a perceived conflict. If a trustee abstains from voting, the abstention should be recorded in  
31 the minutes and may include an explanation of the reasons for the abstention. The Board discourages  
32 abstentions, unless the reasons are substantiated as provided herein.  
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| 36 Legal References: | § 2-2-105, MCA  | Ethical requirements for public officers and public employees   |
|                      | § 2-2-121, MCA  | Rules of conduct for public officers and public employees   |
|                      | § 2-2-302, MCA  | Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice |
|                      | § 20-1-201, MCA | School officers not to act as agents  |
|                      | § 20-3-323, MCA | District policy and record of acts  |
|                      | § 20-9-204, MCA | Conflicts of interests, letting contracts, and calling for bids                                       |

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47 Policy History:

48 Adopted on: 2/2005  
49 Reviewed on: 03/11/14  
50 Revised on: