

RULE

**Department of Civil Service
Board of Ethics for Elected Officials**

Purchases by Small Municipalities

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Ethics for Elected Officials, at its August 20, 1996 meeting, adopted rules, as required by R.S. 42:1123(22), which affect municipalities having a population of 1,500 or less.

Rule

A mayor or a member of a governing authority (the "elected official") of a municipality with a population of 1,500 or less (according to the most recently published decennial census), or a legal entity in which the elected official has a controlling interest, may enter into transactions under the supervision or jurisdiction of the municipality only if a plan is developed by the municipality in accordance with the rules set out below. The plan must be approved by the Board of Ethics for Elected Officials (the "board") prior to its implementation.

1. The elected official involved must immediately recuse himself or herself from acting in his or her governmental capacity in matters affecting the transaction and file quarterly affidavits concerning that recusal with the clerk of the municipality and the board. The affidavits must set out the name and address of the elected official, the name and population of the municipality, and a description of the transactions that occurred during the preceding quarter. The plan of the municipality should set out the due dates of the quarterly affidavits.

2. The plan developed by the municipality must address how the transaction must be supervised after an elected official is recused.

3. Individual transactions of \$250 or less are not required to be subject to the following rules. However, if such transactions involving a single elected official exceed \$2,500 in the aggregate within the calendar year, the guidelines contained in Rule Number 4, below, do apply.

4. For transactions in excess of \$250 but less than \$2,500, telephone quotations with written confirmation or facsimile quotations must be solicited from at least three vendors within the municipality, the parish, or within a 50 mile radius of the municipality. However, in the case of an "emergency" no quotations shall be required so long as the elected official recuses himself or herself from the transaction and files an affidavit as required in Rule Number 1, above, within three days of the occurrence of the transaction. *Emergency* shall be defined in the plan adopted by the municipality and subject to board approval.

5. In the case of a transaction in excess of \$250 but less than \$2,500, if the quotation submitted by the elected official or legal entity in which the elected official has a controlling interest is the lowest received by the municipality the transaction is allowed. The plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official or his or her legal entity may be accepted

even if it was not the lowest received by the municipality.

6. An elected official or legal entity in which the elected official has a controlling interest may enter into transactions with the municipality in excess of \$2,500 only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official or his legal entity, and upon specific advance approval by the board. Any such request for approval must include the details of the proposed transaction, a copy of the written invitation, copies of the bids received in response to the invitation, and the method of recusal developed by the municipality. The plan developed by the municipality shall set out the details of the bid process.

R. Gray Sexton
Executive Secretary

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