

R 1-8-6 Personal Liability of Board Members Who Participate in Unlawful Expenditures

Persons who in their official capacity, negligently participates in an illegal expenditure may face legal action for the recovery of the amount illegally expended. The school district, a taxpayer of the school district, the State Tax Commissioner, or a person prejudiced may bring the proceedings.

If any person, in official capacity, participates in an illegal expenditure and, in so doing, acts in accordance with and upon the advice of an attorney, which advice was asked for, received, and given in good faith, such person shall not be deemed guilty of gross negligence. However, that person may ultimately be found to have acted in a negligent manner and an action may be brought for the recovery of the amount illegally or improperly expended, both personally and upon his/her official bond.
(WVC §11-8-29 through 31a)