

ADVISORY OPINION NO. 90-04

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON JANUARY 19, 1990

GOVERNMENTAL BODY SEEKING OPINION

A member of a City Council

OPINION SOUGHT

Whether it is a violation of the Act for a member of a City Council to also serve as a State Board member of a non-profit organization?

OTHER FACTS RELIED UPON BY THE COMMISSION

A member of a City Council is also serving as a member on a State Board of a non-profit organization.

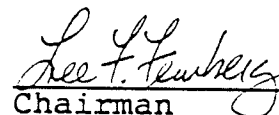
PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-1-2(c) states in pertinent part that... the Legislature finds that the state government and its many public bodies and local governments have many part-time public officials and public employees serving in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service and do not, in every instance, disqualify an official or public employee from the responsibility of voting or deciding a matter; however, when such conflict becomes personal to a particular public official or public employee, such person should seek to be excused from voting, recused from deciding, or otherwise relieved from the obligation of acting as a public representative charged with deciding or acting on a matter.

ADVISORY OPINION

The Act does not prohibit an elected public official from being a State Board member of a non-profit organization.

However, the Council Member should be mindful of West Virginia Code 6B-1-2(c) which provides that a part-time public official or employee should recuse himself or herself from voting on a matter that has become personal.


Chairman