ADVISORY OPINION NO. 2000-28 COP

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WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County Economic Development Authority** asks whether it can share office space and personnel with a local Chamber of Commerce engaged in related activities.

FACTS RELIED UPON BY THE COMMISSION

The County Economic Development Authority and the local Chamber of Commerce are both involved in encouraging, assisting and promoting industrial, economic, commercial, recreational and educational development within the county. The two organizations propose to share office space, equipment and personnel with the Chamber moving into the Authority's current office. The Chamber will provide its own phone, stationery, and postage while reimbursing the Authority for at least one-half of all equipment maintenance expenses, such as copier and computer repair. In addition, the Chamber will pay for half of any office equipment the parties may agree to purchase in the future. The Authority's Administrator will provide limited clerical support to the Chamber, and the Chamber will reimburse the Authority a pro-rated portion of the Administrator's salary.
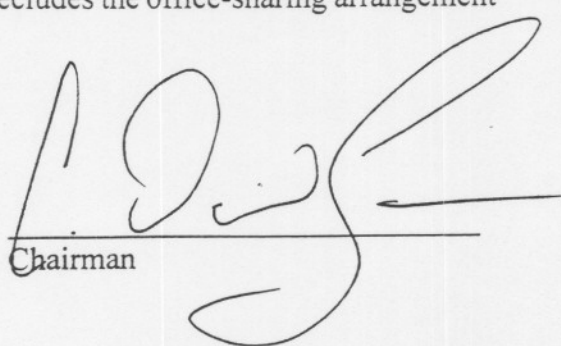
CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) states in pertinent part that . . . a public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

ADVISORY OPINION

The County Development Authority proposes to enter into a cost-sharing arrangement with a private organization. The information provided by the requester suggests that this arrangement will save limited resources for both parties, and will improve the Authority's ability to serve the community. The agency does not regulate the private organization and, to a substantial degree, the two entities share a common mission.

The Commission finds that no provision in the Ethics Act precludes the office-sharing arrangement proposed in this particular request.

Chairman