

Ethics News

For WV Counties and Cities

Volume 8

January 2021

Happy New Year!

Financial Disclosures due February 1

All elected state and county officials, including members of county boards of education and superintendents, are required to file Financial Disclosure Statements with the Ethics Commission by February 1, 2021. The Disclosures cover the preceding calendar year.

In addition, candidates and elected officials in Charleston, Fairmont, and Morgantown municipal elections must file Disclosures, although candidates and officials in other towns and cities are not required to file.

Filers who are no longer in a public position or

Online Filing

To file a Financial Disclosure Statement online, click [here](#). If you have filed online previously, you may use the username and password that you used earlier. If your password has expired, you will be prompted to create a new one. If you have forgotten your password, you may use the “forgot password” feature to receive a temporary password via email.

If you have forgotten your username or are unable to reset your password, call West Virginia Interactive at (304) 414-0265.

elected office are no longer required to file a Disclosure and should notify the Ethics Commission to stop receiving notifications.

Filing may be done online on the Commission’s website or through submission of a paper form.

All questions on the Disclosures must be answered and will not be considered “filed” until they are complete.

For more information, click [here](#).

Why are Financial Disclosure Statements filed with the Ethics Commission?

The disclosures are intended to reveal any potential conflicts of interest that public servants and candidates may have, as they are in, or may assume positions in which they have decision-making power, with far reaching effects on matters directly affecting the public. One purpose of the requirements is to give reassurances to the public that no improper conflicts exist . [A.O. 2014-13](#)

Lobbyist Q & A

The Ethics Commission is responsible for overseeing the registration and reporting requirements for lobbyists. [Lobbyist info](#) The Ethics Commission frequently gets questions from city and county officials and employees about whether they must register as lobbyists. Some questions which arise, and the answers, are:

Question: If city council members, county commissioners, or their employees travel to the Capitol to speak with Legislators on issues of interest to the city or county, do they have to register as lobbyists?

Answer: No -- city and county officials and employees do not have to register as lobbyists to speak with Legislators or legislative staff or to attend receptions.

Advisory Opinions [1990-159](#) and [1993-25](#). But if city or county officials or employees spend more than \$150 on Legislators or legislative staff, for example, buy them breakfast, then the city or county must either have one of its officials or employees register as a lobbyist and report the expenditures or retain a lobbyist to do so.

Question: Does it violate the Ethics Act for a city or county to hire a lobbyist to represent its interests at the Legislature and/or to report expenditures made, if any, on its behalf?

Answer: No provision in the Ethics Act prohibits a government agency from hiring a lobbyist. Advisory Opinion [2011-19](#).

Advisory Opinions and Contract Exemptions

Advisory Opinion [2020-05](#): A part-time member of a state board may work for a professional association comprised of individuals regulated by the state board, overruling AO 2013-60.

Advisory Opinion [2020-14](#): A sheriff's office may use public funds to install a fence at a K-9 handler's private residence to use while the K-9 and the handler live there.

Contract Exemption [2020-05](#): A county commission appoints the members of the county development authority, therefore, it must get a contract exemption—based on hardship—from the Ethics Commission before a county commissioner may lease space in a business park owned by the authority. The Exemption was granted because without the lease in place, the county would be ineligible for grant funds.

Contract Exemption [2020-07](#): The Commission granted an exemption to a solid waste authority to purchase property from a county commissioner. The authority had been searching for office space for 15 years, could not find other affordable office space, and its current space posed a health risk.

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