

ADVISORY OPINION NO. 2004-01

Issued On February 5, 2004 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County Commission** asks if it may appoint an employee of the County Health Department to serve on the County Solid Waste Authority.

FACTS RELIED UPON BY THE COMMISSION


The County Commission is in the process of filling a vacancy on the board of the Solid Waste Authority. One of the candidates for the position is presently employed by the County Health Department as a Sanitarian and Office Manager.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

WV Code 6B-2-5(b) *Use of public office for private gain*, provides in 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 Ethics Act does not contain any provision prohibiting a county employee from being appointed to the board of another agency in the same county. It should be noted that this opinion does not permit a County Health Department employee to perform duties for the Solid Waste Authority on county time. Appointed members of County Solid Waste Authorities serve without compensation, although they may be reimbursed for their expenses.


Chairman