

ADVISORY OPINION NO. 2002-01

Issued On February 7, 2002 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County Commission** asks if it may approve the private use of a county vehicle, if the user reimburses the county for mileage.

FACTS RELIED UPON BY THE COMMISSION

The County Commission purchased a new vehicle for use by the County Economic Development Authority. The vehicle carries county license plates and is insured by the County. The Commission asks if it may authorize the Authority's Executive Director to make limited personal use of the vehicle, if the County is reimbursed at a rate of 37.5 cents per mile for such use.

CODE PROVISIONS RELIED UPON BY COMMISSION

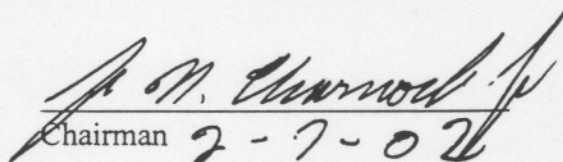
WV Code § 6B-2-5 (b) provides that a "public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person."

ADVISORY OPINION

WV Code § 7-7-16a. "Public carriage." provides in part that county personnel may, "in the discretion of the county commission, be furnished with the use of publicly provided carriage to travel from his residence to his workplace and return: Provided, that such usage is subject to the supervision of said ... commission and is directly connected with and required by the nature and in the performance of such ... county official or employee's duties and responsibilities."

This statute establishes the extent to which county vehicles may be used by county personnel for private travel. It clearly limits the personal use of county vehicles by county personnel to travel to and from work - and then only when "... directly connected with and required by the nature and in the performance of ..." the person's public duties.

In the face of this statutory limitation, a vote to approve further personal use of county vehicles could constitute a prohibited use of office for the private gain of the Executive Director and be a violation of the Ethics Act.


Chairman 2-7-02