

ADVISORY OPINION NO. 2001-04

Issued On February 1, 2001 By The

WEST VIRGINIA ETHICS COMMISSION

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OPINION SOUGHT

A **County Commissioner** asks if the County Commission or its subordinate agencies may use public funds to sponsor parties for agency personnel and their families, dignitaries, vendors and contractors?

FACTS RELIED UPON BY THE COMMISSION

The Commissioner asks whether public funds may be used to pay the cost of commemorative parties, including cocktails and formal dinners, held by the Commission or one of its subordinate agencies for its personnel, their families, dignitaries, contractors and vendors. This would include annual dinners or Christmas parties.

The Commissioner also asks if public funds may be used to provide meals and beverages for the members of a subordinate agency's board at the regular meetings of those boards.

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code § 6B-2-5 (b) 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

In Advisory Opinion 96-50 the Ethics Commission ruled that a City could not use general revenue funds to cater a Christmas luncheon for its employees. The Commission held that providing social events for agency personnel is not a governmental function and that the diversion of public funds from the general public benefit to the personal benefit of agency personnel would violate the Ethics Act's prohibition against the use of office for private gain.

In Advisory Opinion 2000-15 the Ethics Commission ruled that a County Commission could use public funds to pay a County Commission's Chamber of Commerce membership dues, but not to buy meal tickets for the Commissioners and their staff members to attend Chamber luncheons and its annual award dinner. The Ethics Commission held that such an expenditure would be a violation of the prohibition against the use of office for private financial gain.

In this case the Ethics Commission rules that it would be a violation for the County Commission, or its subordinate agencies, to use public funds to pay for commemorative social events such as Christmas parties or annual dinners. The addition of dignitaries, contractors, vendors or select members of the public to the guest list does not legitimize the expenditure.

It would not be a violation for public funds to be used to provide meals and beverages for the members of an agency's board at the regular meetings of the board, if the agency's enabling legislation authorizes it to provide meals to its board members, or to reimburse them for meal expenditures incurred while carrying out agency business.


Chairman