

ADVISORY OPINION 95-08 - A

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON APRIL 6, 1995

GOVERNMENTAL BODY SEEKING OPINION

A County Commission and a County Planning Commission

OPINION SOUGHT

Is it a violation of the Ethics Act for a County Planning Commission employee to review and approve storm water management plans for the Planning Commission when he also prepared the computations for another county agency?

FACTS RELIED UPON BY THE COMMISSION

The County Planning Commission retains an engineer as a full-time county employee. As part of his public employment responsibilities, the employee prepared engineering computations related to storm water management for a project of the County Parks and Recreation Commission. He did not receive any additional compensation for this work. Later, as the County Planning Commission's Engineer he will be required to review and approve these computations which he formulated for the Parks and Recreation Commission.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

In its evaluation of this request the Ethics Commission reviewed the code of conduct established pursuant to WV Code §6B-2-5 in its entirety.

ADVISORY OPINION

In considering whether a Planning Commission employee may provide professional services to another county agency, the Ethics Commission has analyzed the facts presented in light of the statutory violations contained in the Ethics Act. The Commission has determined that there is no provision of the Ethics Act which would prohibit the Planning Commission employee from providing these engineering services to the County Parks and Recreation Commission since the employee is expected to provide such services as part of his official job responsibilities and he receives no additional private compensation for the work.

The opinion is not changed by the fact that the employee will be called upon to review and recommend approval of his work to the County Planning Commission.

While this arrangement is not a violation of the Ethics Act and is clearly endorsed by the County Planning Commission since providing engineering services to other county agencies is considered part of the employee's official job responsibilities, this opinion should not be viewed as an endorsement of such a practice.


Chairman