

ADVISORY OPINION NO. 96-50

Issued on November 7, 1996 by the

WEST VIRGINIA ETHICS COMMISSION

PUBLIC SERVANT SEEKING OPINION

City Auditor

OPINION SOUGHT

Is it a violation of the Ethics Act for a City to use general revenues to cater a Christmas luncheon for all City employees?

FACTS RELIED UPON BY THE COMMISSION

A City would like to have a Christmas luncheon for all City employees. The approximate cost of the luncheon would be five thousand dollars (\$5,000) which would be paid from the General Fund. The City Auditor is concerned to establish whether such an expenditure would violate the Ethics Act.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

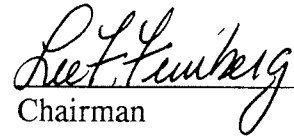
West Virginia Code 6B-2-5(b)(1) states in pertinent part that...a public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

ADVISORY OPINION

West Virginia Code 6B-2-5(b)(1) provides that public servants may not use their position or its resulting prestige for personal private gain or for the private gain of another. In this request a City wants to use its general revenue funds to pay for a Christmas luncheon for all municipal employees.

The Commission recognizes that many private workplaces hold holiday luncheons or dinners for employees and that such events are often paid for with company funds. However, governmental bodies do not have "private" funds to use for such purposes. General revenues are actually the tax dollars collected from citizens to fund the costs of government.

The Commission finds that a social function for employees, such as a holiday luncheon, is not a function of government. While such an event may be a means of maintaining morale, the greater benefit of such an expenditure of public funds would accrue to the public servants personally. Therefore it would be a violation of the Ethics Act's prohibition against use of office for private gain for the City to use general revenue funds to cater a Christmas luncheon for its employees.


Chairman