

SUBJECT: USE OF PUBLIC AGENCY FACILITIES FOR PRIVATE ASSOCIATION MEETINGS

SUMMARY:

The State Ethics Commission does not believe that a public agency is prohibited from making its meeting room available to a private organization when such facilities are made available on similar terms to other organizations. The Division of General Services should be contacted concerning this matter.

QUESTION:

The Executive Director of the Public Service Commission questions whether the Commission's hearing room may be utilized by non-employees after office hours. A staff member has requested use of the room to conduct classroom meetings for the Columbia Football Officials Association. That Association requires all officials to attend classroom training meetings. The Association has requested and received permission from the Commission in the past to use the facility. The Director questions whether the Association is prohibited from utilizing the hearing room.

DISCUSSION:

This opinion is rendered in response to a letter dated March 11, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-700 provides:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

In addition, Section 8-13-765 provides in part as follows:

(A) No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

(B) A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees, as defined in Section 8-13-1300(6).

The State Ethics Commission notes that numerous public facilities are made available to civic, religious, and sports organizations for meetings and programs. The Commission knows of no reason why organizations could not contract with a public agency to make such facilities available on similar terms.

The Commission further advises that the Budget and Control Board's Division of General Services be contacted concerning this same issue.