

SUBJECT: COUNTY COUNCIL MEMBER SERVING ON MUSEUM BOARD OF VISITORS

SUMMARY:

A County Council member would not be prohibited from serving on the Board of Visitors of a City Museum, however, he would be required to follow the procedures of Section 8-13-700(B) on matters affecting the Museum in his capacity as a member of County Council.

QUESTION:

The Director of External Affairs of the Columbia Museum of Arts is questioning whether a member of Richland County Council may serve on the Board of Visitors without violating the Ethics Reform Act. The County Council is a funding source for the Museum.

DISCUSSION:

This opinion is rendered in response to a letter dated January 9, 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.

The State Ethics Commission knows of no reason why a County Council member could not serve on the Board of Visitors of the Columbia Museum of Art. The Commission notes, however, Section 8-13-700(B) which provides in part as follows:

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

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(4) if he is a public official, other than a member of the General Assembly, he shall

furnish a copy of the statement to the presiding officer of the governing body of any agency, commission, board, or of any county municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any voters, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and reasons for it to be noted in the minutes;

In prior advisory opinions, the State Ethics Commission has advised that, when a person serves in more than one official capacity, he should follow the provisions as outlined in Section 8-13-700(B) when required to take action in one position affecting the other. Such action would be mandated when required to vote on appropriations or other action affecting the Museum.