

SUBJECT: COUNTY COUNCILMAN CHAIRING SCHOOL BOND REFERENDUM  
EFFORT

SUMMARY:

A County Councilman would not be prohibited from leading a community effort to pass a school bond referendum, since he has no economic interest related to the referendum.

QUESTION:

A member of the House of Representatives requests an opinion on behalf of a Clarendon County Councilman. The Councilman has been selected by the School Board to chair and lead efforts to pass a school bond referendum to build new school facilities in his school district. He would not be required to appear before the County Council on this issue but would be the community leader to lead efforts to pass the referendum. He would not be paid for leading the effort. He questions whether there is any conflict in this situation.

DISCUSSION:

This opinion is rendered in response to a letter dated December 6, 1991 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.

Economic interest is defined in Section 8-13-100(11) as:

(a) "Economic interest" means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more.

(b) This definition does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the public official, public member, or public employee is incidental to the public official's, public member's, or public employee's position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

The State Ethics Commission knows of no reason why the County Councilman could not lead the

school bond referendum effort and deliberate and vote on matters pertaining to the referendum since he has no economic interest relating thereto.