

SUBJECT: COUNTY EMS EMPLOYEES SERVING ON REGIONAL EMS COUNCIL

SUMMARY:

A Director of County Emergency Medical Services would not be prohibited from serving on the board of a regional emergency medical council, however, he is advised to follow the provisions of Section 8-13-700(B) on actions affecting his personal training and employment.

QUESTION:

The Executive Director of the Lowcountry Regional EMS Council has requested an opinion concerning service on that body's Board. The Council is a nonprofit agency established to develop an EMS system for the region by providing training and technical assistance. Funding comes from DHEC in the form of block grants and State appropriations as well as tuition charges. Each of the twelve member counties appoints two members who are either residents of the county or employed by an EMS agency within the county. Five at-large members are appointed by the Board. Currently sixteen of the members are employed by either county or municipal governments.

The Director questions:

- (1) Can employees of government bodies serve on this Board of Directors? The Board, through its budget process, sets tuition for programs which county employees participate. Most of the agencies(counties) pay the tuition for their employees. Does this apply to only full-time employees or to anyone with an employment relationship with county or local government?
- (2) The By-Laws of the Council require that the twenty four county representatives be appointed by county government. One county attorney has advised that no one appointed by county government, neither employee nor county resident, can serve on any Board.
- (3) The Board of Directors meets six times per year, in the evening. The Council has always provided a meal to all members of the Board present at these meetings. Is this practice permitted? If not, must it be discontinued or could it continue if all members paid for their meal?

DISCUSSION:

This opinion is rendered in response to a letter dated February 19, 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.

As to the first and second questions, the Ethics Reform Act does not prohibit a public employee or public member from serving on a regional council. However, such employee or official is advised of the provisions of 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;

* * *

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

Thus, a public employee or member is advised to follow the above procedure on matters affecting his personal training or employment.

Based upon the facts as submitted, the State Ethics Commission knows of no reason why a public employee or public member cannot continue to serve as a member of the Lowcountry Regional Medical Council, Inc. consistent with the provisions of Section 8-13-700(B).

As to the third question, the State Ethics Commission advises that the provision of meals to Board members by the Council would not violate any provisions of the Ethics Reform Act.