

October 5, 2001
Re: IO-01-149

You inquired whether you may continue your membership and activity on a Small Area Planning Committee, now that you have been hired by the county as an assistant auditor. I am enclosing for your information, AO-99-17. In that opinion, the ethics commission concluded that a newly appointed member of the Planning Advisory Board could not continue serving on a small area committee. Section 3-105(c)(1) prohibits an employee from assisting or representing any entity that may have interests that are adversarial to the interests of the county. As the commission said in its opinion, "The duties of a member of a small area committee are to assist that entity in the consideration and recommendation of matters in which the county is very much involved. And while these committees are a creation of the county government and are fulfilling a goal established by the county government, the interests of the small area planning committees and the county may ultimately become adversarial and contentious". Since you are an employee of the legislative branch, and since it is the county council that will be reviewing, debating, and voting on the plan offered by the committee on which you serve, the possibility of a conflict of interests between your county position and your membership on the committee is considerable.

For this reason, the ethics commission advises that you resign from your position with the Small Area Planning Committee.

Thank you for your inquiry. If you have any additional questions, please contact me.

Sincerely,

Betsy K. Dawson
Executive Director