

March 14, 2001

Re: IO-01-23

You inquired whether a member of the county council may donate a county flag to a non-profit organization that intends to auction the flag as part of a fund raiser. Under §2-118 of the Anne Arundel County Code, the purchasing agent may dispose of supplies that cannot be used by the county, or that have become unsuitable for county use. Subsection (b)(6) allows for the purchasing agent, upon determining that it would be in the best interest of the county, to donate the supplies to an entity that is exempt from taxation under §501(C)(3) or §501(C)(4) of the Internal Revenue Code.

Since the county code specifically permits for the donation of county supplies under the circumstances I described, there is no ethics issue raised by your inquiry. Therefore, I suggest that you call the purchasing agent for further resolution of this matter.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director

c: William W. Schull, Purchasing Agent