

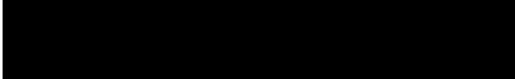


OHIO ETHICS COMMISSION

THE ATLAS BUILDING
8 EAST LONG STREET, SUITE 1200
COLUMBUS, OHIO 43215-2940
(614) 466-7090

August 28, 1991 - Informal Opinion 1991-INF-0828

James J. Rounsley
Lordstown Village Solicitor



Dear Mr. Rounsley:

You have asked whether the Ohio Ethics Law and related statutes would prohibit the four members of the Lordstown Village Council who are employed by General Motors at the Lordstown Plant from participating in General Motors' request to Council for a tax abatement for the Lordstown Plant.

In Advisory Opinion No. 89-008, the Ethics Commission held that, "Division (A)(1) of Section 2921.42 of the Revised Code and Division (D) of Section 102.03 of the Revised Code prohibit a city council member from voting, deliberating, participating in discussions, or otherwise authorizing or using the official authority or influence of his position with regard to an application for a property tax abatement submitted by a company with which he is employed." (Syllabus, paragraph three.) A copy of Advisory Opinion No. 89-008 is enclosed.

Applying the reasoning and conclusion of Advisory Opinion No. 89-008 to the instant situation, R.C. 2921.42 (A)(1) and R.C. 102.03(D) would prohibit a member of the Lordstown Village Council who is employed by General Motors from voting, deliberating, participating in discussions, or otherwise authorizing or using the official authority or influence of his position, formally or informally, with regard to an application for a tax abatement submitted by General Motors.

You have stated in your letter that four of the six Council members are employees of General Motors. The Ethics Commission is authorized to render opinions interpreting only Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code. See R.C. 102.08. These provisions include restrictions on the conduct of public officials, but do not address the "quorum" issue raised in this situation whether the remaining two Council members who are not employed by General Motors may act on the tax abatement. Therefore, the Commission has no authority to render an opinion on this issue, but is limited to addressing the issue whether the Council members who are employed by General Motors may participate

James J. Rounsley
August 28, 1991
Page 2

in the consideration and award of the tax abatement.

The response provided in this informal opinion was approved by the Ethics Commission at its meeting on August 21, 1991. It is based on the facts presented and is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code, and does not purport to interpret other laws or rules. Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, reading "Melissa A. Warheit". The signature is written in dark ink and is positioned centrally below the word "Sincerely,".

Melissa A. Warheit
Executive Director