

Ethics Commission  
Advisory Opinion 98-2

By request of the City Manager via public letter, the Ethics Commission was asked if allowing City Council members to obtain cellular phones via the state contract would violate the City's Ethics Code. The request also pointed out that the phone might be used for both City business and personal use but that council members would be responsible for all costs regardless of whether the call is business or personal.

After determining that obtaining a copy of the contract would be extremely difficult, (over 1000 pages), Joe Nagro determined via a series of phone calls to the State that it did not appear that use by City Council members was prohibited.. However, the Ethics Counsel found an opinion at the state level regarding use of the contract by state legislators which did place some restrictions on use of the phones by those state legislators. Additionally, it was pointed out that all records regarding use of the phone are in the public record and would be available to anyone who requests the information.

Based upon the information provided to the Ethics Commission, the following Advisory Opinion is given.

Members of the City Council may use the State contract to obtain cellular phones provided the following conditions are met.

1. The City Council specifically authorizes it for themselves.
2. The Councilperson determines that the cellular phone is necessary to allow timely completion of city-related work.
2. The cellular phones shall be used "primarily" for City rather than personal business.
3. All bills shall be paid by the Councilperson by the due date given the City.
4. Use of the contract shall terminate when the Councilperson leaves office.
5. If the cost of personal phone calls made with the phone during the year exceeds \$25.00, the Councilperson must declare the value of all such personal calls as a gift on the annual conflict of interest form.