



CITY OF READING, PENNSYLVANIA

BOARD OF ETHICS
P.O. Box 1371
READING, PA 19603-1371

EDMOND J. DOHERTY, CHAIR
REV. TONY PEREZ, VICE CHAIR
ELIZABETH M. HAWTHORNE, MEMBER
DELIA F. MCLENDON, MEMBER

ADVISORY OPINION

98-2

A. FACTS

Pursuant to Section 10 of the City of Reading Code of Ethics, the Board of Ethics is authorized, upon the written request of any public official or City employee, to render advisory opinions concerning matters of governmental ethics and to consider questions as to ethical conduct, conflicts of interest and the application of the ethical standards set forth in the Code of Ethics.

The Board of Ethics has received a written request from Russell W. Scianna, Esquire, City Solicitor, to issue an advisory opinion concerning Councilman Vincent Gagliardo.

According to Mr. Scianna's letter, an ordinance dealing with vehicle towing may be brought before City Council. Councilman Gagliardo's father owns a towing business within the City of Reading. Councilman Gagliardo, as his full time occupation, is employed by the business and has managerial responsibilities. Currently, the Gagliardo family towing business is one of several contracted towing firms that do business with the City. It is possible, and even perhaps likely, that the Gagliardo towing business will be a contractor under a new towing ordinance.

The two questions which are posed to the board of Ethics are whether Councilman Gagliardo may vote on a new towing ordinance and whether Councilman Gagliardo may participate in discussions concerning the proposed ordinance. It is understood that Councilman Gagliardo may be able to offer some knowledge and experience regarding the towing business to Council during Council's deliberations on the proposed ordinance.

B. APPLICABLE CHARTER AND CODE PROVISIONS

The Board is of the opinion that Section 209 of the City Charter is applicable. Subsection (g) of Section 209 provides "Any council member who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any



sale of land with the City or in any contract with the City, shall immediately make publicly known their interest and shall refrain from voting upon, or otherwise participating in the sale of such land or making of such contract." The Board of Ethics also believes that Section 1201(a) of the Charter is applicable. Section 1201(a) provides, in part: "No elective official, officer or employee shall (i) act in official capacity on matters in which the employee or official has a private financial interest clearly separate from that of the general public...". Finally, Section 5 of the Code of Ethics provides "Should an official or employee find him/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City, that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale."

C. OPINION

It is the opinion of the Board of Ethics that Councilman Gagliardo may not vote on any ordinance that may come before City Council regarding towing and it is further the opinion of the Board of Ethics that Councilman Gagliardo may not participate in any discussion, whether it be at council meetings or in any other official capacity, concerning any proposed ordinance regarding towing which is planned or which may come before City Council. While the Board of Ethics appreciates the fact that Councilman Gagliardo may be able to offer some knowledge and guidance to Council regarding issues related TO the towing business, the provisions of Sections 209 and 1201 of the Charter and Section 5 of the Code of Ethics, specifically and directly preclude any participation by Councilman Gagliardo in any discussions or votes regarding any towing ordinance, and the interests of open and honest government outweigh the benefits to Council and the City of having Councilman Gagliardo participate in discussions or votes concerning any towing ordinance, which ordinance would obviously directly affect his family's business.

CITY OF READING, BOARD OF ETHICS

By: Edmond J. Doherty
Edmond J. Doherty, Chairman

Dated: February 11, 1998

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