CITY OF READING, PENNSYLVANIA

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

EDMOND J. DOHERTY, CHAIR
REV. TONY PEREZ, VICE CHAIR
DEAN FOCHT, MEMBER
REV. WAYNE MATTHIAS-LONG, MEMBER
AMY ROBERTSON, MEMBER

CITY OF READING
BOARD OF ETHICS
ADVISORY OPINION 99-1

A. FACTS

The Board of Ethics has received a request from City Clerk, Linda Kelleher, requesting an advisory opinion regarding the appointment of non-city residents to the City's Boards, Authorities, and Commissions. The details of City Clerk Kelleher's request is set forth in her letter dated January 7, 1999.

B. APPLICABLE CHARTER AND CODE PROVISIONS

The Board of Ethics is of the opinion, as set forth in Part C. herein, that appointment to the City's Boards, Authorities, and Commissions is restricted pursuant to Charter Article X entitled "Boards and Commissions," Section 1002 Membership which states as follows:

(c) Qualifications. "As a general rule, members of boards and commissions shall be residents of the City. At the discretion of council, persons not residents of the City, but who have a significant property or business interest in the City may be selected to serve."

C. DECISION

The Board of Ethics recognizes that at times the Administrative Oversight Committee (hereafter "Committee") does experience difficulty receiving names of applicants to fill the positions as members of Boards, Authorities, and Commissions who are both qualified and a resident of the City of Reading. Article X, Boards and Commissions, Section 1002. Membership. states in relevant part:

(c.) Qualifications. As a general rule, members of boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business

interest in the City may be selected to serve. No person may concurrently serve on more than one authority, board, or commission.

When an opening on a board, authority, and/or commission arises, it is the understanding of the Board of Ethics that the Committee initially seeks residents of the City to fill said position. However, if the Committee receives no applications, or applications from unqualified individuals, it has been and continues to be the Committee's procedure to seek applicants who are either employed by a business that is located within the confines of the City, and if no applicant falls within that category, the Committee seeks and reviews applicants who are employed by non-city businesses, however, whose regular course of business is found within the confines of the City. In accordance with Article X, the Committee's goal is to appoint individuals who have demonstrated a significant, or as significant as possible, nexus within the City of Reading.

The process employed by the Committee appears to be in conformity with the overall concept of the City Charter and its purpose to allow the citizens of Reading to exercise powers and perform functions within the City's confines. Therefore, the practice as understood by the Board of Ethics and believed to be currently employed by the Committee in making its appointments to boards, commissions, and so forth appears to be generally appropriate.

The Board of Ethics must point out that there are numerous Boards, Authorities, and Commissions, each of which has its own specific enabling or governing statute or ordinance. Therefore, the Board of Ethics recommends that each individual enabling or governing statute or ordinance must be reviewed for any specific qualifications or limitations when selecting applicants for vacancies for each particular Board, Authority, or Commission prior to filling said vacancy.

The Board of Ethics offers the following procedure as suggestions for additional steps the Committee may wish to pursue to solicit qualified applicants:

1. When a vacancy occurs for which an appointment is necessary, the qualifications of the particular position should be advertised by posting notice of the vacancy in those areas of City Hall and/or other City properties where individuals interested in the particular position are the most likely to observe the notice.

2. Notice of any such vacancy could be published in a local City publication including but not limited to Reading newspapers, organizational publications affiliated with a particular vacancy (such as trade associations, unions, and so forth for electrical, plumbing), and so forth.

3. Prior to reviewing non-city resident applications, the Committee must determine the urgency applicable to filling the particular vacancy. Applicants should be solicited from City residents for at least one month

after initial notice is given or posted, and only after the expiration of one month, and should there be no qualified applicants who are City residents, then should the Committee begin considering applications from non-city residents according to the dictates listed herein.

CITY OF READING, BOARD OF ETHICS

By: _____
Edmond J. Doherty, Chairman

Dated: June 10, 1999