



CITY OF READING, PENNSYLVANIA

BOARD OF ETHICS
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READING, PA 19603-1371

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CITY OF READING BOARD OF ETHICS ADVISORY OPINION 99-2

A. FACTS

The Board of Ethics received a request from Council President, Paul J. Hoh, addressing the potential for conflict of interest regarding "at will" employees and others once they leave service and/or employment with the City of Reading. The details of President Hoh's request are set forth in his memorandum dated April 1, 1999.

B. APPLICABLE CHARTER AND CODE PROVISIONS

The Charter for the City of Reading specifically prohibits members of City Council (Article II), the Mayor (Article III), and the Auditor (Article V) from holding any compensated appointive City office or City employment until one year after the expiration of the term for which the individual was elected.

The Charter further states that the aforementioned officials shall not serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the individual was elected or appointed.

The Code of Ethics, Section 8, Prohibitive Behaviors, (a)(2) states as follows:

OUTSIDE EMPLOYMENT. City employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

The City Charter is silent as far as imposing any post-employment restrictions on a City employee, such as Solicitor, or to other "at will" positions. However, the Code of Ethics, Section 8, recited above, would apply while any individual remains an employee of the City of Reading. Furthermore, the State Ethics law in s403(g) provides that "no



former public official or public employee shall represent a person, with promised or actual compensation, on any matter before a governmental body with which he has been associated for one year after he leaves that body.”

C. DECISION

It is clear that the City Charter does impose certain employment prohibitions upon members of City Council, the Mayor, and Auditor for a period of one year after the expiration of their respective terms. The applicable sections are as follows:

ARTICLE II - CITY COUNCIL

SECTION 209. PROHIBITIONS

- (c) No Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which the Member was elected to the Council.

- (f) No Council Member shall serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the Member was elected to Council.

ARTICLE III - EXECUTIVE BRANCH

SECTION 306. PROHIBITIONS

- (c) The Mayor shall not hold any compensated appointed City office or City employment until one year after the expiration of the term for which the Mayor was elected.

- (d) The Mayor shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the Mayor was elected.

ARTICLE V - CITY AUDITOR

SECTION 506. PROHIBITIONS

- (c) The City Auditor shall not hold any compensated appointed City office or City employment until one year after the expiration of the term for which the City Auditor was elected.

- (d) The City Auditor shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the City Auditor was elected.

The question is whether there are any similar one year prohibitions imposed against other City officials and/or employees after the expiration of their term and/or employment.

A review of the City Charter reveals there are no other such impositions in the Charter imposed against any City official or employee but for the members of City Council, the Mayor, and the Auditor. The Charter is silent regarding any such prohibitions imposed upon the Managing Director (Article IV), Administration, including Heads of Departments, Office and Agencies (Article VI), or the City Solicitor (Article VIII). Attention, however, is called to the aforementioned provision of the State Ethics law. The State Ethics law, 65 P.S. s401 et. seq. applies concurrently with the City Charter and imposes certain restrictions on current and past public officials or public employees, as defined in the law. Questions regarding the State Ethics law should be directed to the State Ethics Commission in Harrisburg.

CITY OF READING, BOARD OF ETHICS

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

Dated: June 2, 1999

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