

CITY OF READING
BOARD OF ETHICS
ADVISORY OPINION 00-1

A. FACTS

Pursuant to Section 10 of the City of Reading Code of Ethics, the Board of Ethics is authorized, upon 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 Memorandum from Mr. Charles J. Knoll, City Council Vice President, dated January 20, 2000, regarding Section 603(b) of the Home Rule Charter specifically the required "Notice of Termination of Department Directors".

B. APPLICABLE CHARTER AND CODE PROVISIONS

The Board of Ethics is of the opinion, as set forth in Part C. herein, that the issue presented by Vice President Knoll's January 20, 2000 Memorandum does not fall within the specific authority and/or jurisdiction granted to the Board of Ethics as per Article XII, Section 1201.(c) of the Home Rule Charter.

C. DECISION

The Memorandum from Council Vice President Knoll states “there has been a violation of Article VI, Section 603(b) of the Home Rule Charter. Article XII, Section 1201(c) authorizes the Board of Ethics to impose administrative fines or sanctions for violations of this nature.”

Article XII, Section 1201(c) of the Home Rule Charter states that a Board of Ethics shall be established “to administer and enforce the conflict of interest provision 1201 of this charter and the prohibition sections of this charter.”

Furthermore, Section 9 of the Code of Ethics provides for the possibility of penalties being imposed for “violations of any provision of this Code of Ethics”.

Article VI, Section 603(b) of the Home Rule Charter is not a prohibition section of the Charter. If the alleged violation of Article VI, Section 603(b) were proven, it would nonetheless not be a violation of the Code of Ethics.

Therefore, the Board of Ethics has determined that it does not have the requisite authority to address the alleged violation of Article VI, Section 603(b) of the Home Rule Charter.

It is the hope of the Board of Ethics that disagreements between City Council and the Mayor of the City of Reading concerning the Home Rule Charter can be avoided or resolved by effective communication so that government can focus on its purpose of serving the citizens of the city. In

the absence of satisfactory resolution of disagreements about the Home Rule Charter concerned parties can pursue the matter through the Courts of the Commonwealth.

CITY OF READING, BOARD OF ETHICS

By: Wayne Matthias Long
Reverend Wayne Matthias-Long, Chairman

Dated: February 22, 2000