

2015 General Counsel Index

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<u>2015-504</u> Non-public Advisory Opinion	10/05/15	Advised an attorney with a private law practice involving the City that City ethics laws do not prohibit service as uncompensated member of a City board. Advised that volunteer City board service and concurrent employment by the Philadelphia judicial system is not prohibited. Court employees are not considered City officers or employees such that the City Ethics Code applies to them. An individual with significant experience involving the City may represent important interests that are valuable for the City board to have among its membership.	OUTSIDE EMPLOYMENT; CONFLICT OF INTEREST; UNCOMPENSATED CITY BOARD MEMBER; VOLUNTEER; ATTORNEY; PRIVATE LAW PRACTICE INVOLVING THE CITY; JUDICIARY; JUDICIAL EMPLOYEE; COURT EMPLOYEE; ADVISORY BOARD OR COMMISSION; REPRESENTATION RESTRICTION; GAINING FINANCIAL INTEREST IN OFFICIAL ACTION
			Code §§ 20-602(2)&(5); 20-607(a)&(c); 20-608; 20-609; Charter §10-102; Board Regulation 6, ¶ 6.1; Solicitor Opinion issued to Board General Counsel Meyer, Nov. 3, 2008; <i>Billotte</i> , State Ethics Commission Opinion 00-005
<u>2015-503</u> Non-public Advisory Opinion	06/16/15	Advised former City official regarding application of post-employment restrictions to the official's potential uncompensated service on non-profit board of directors that intersects with former City work. The requestor would be prohibited at any time from assisting any person, including the non-profit board, in a transaction involving the City in which the requestor participated during his or her City service. For example, the requestor is prohibited from assisting the non-profit board with actions the board may take	POST-EMPLOYMENT RESTRICTIONS; UNCOMPENSATED NON- PROFIT BOARD MEMBER; TRANSACTIONS INVOLVING THE CITY; REPRESENTATION RESTRICTION; CITY CONTRACT; BYLAWS; FORMER CITY OFFICIAL; FAMILIARITY WITH CITY PROCESSES
			Code §§ 20-603; 20-

		with respect to a contract between the board and the City that the requestor was involved in drafting while a City official.	601(27); 20-607(c)
2015-502 Non-public Advisory Opinion, subsequently made public by agreement of requestor	4/24/15	Advised Councilmember that conflict of interest provision prohibited taking official action with respect to spouse's application to purchase vacant City property. Councilmember should comply with specific procedures to publicly disclose the conflict of interest and disqualify Councilmember from taking any official action related to the spouse's application. Different disclosure and disqualification procedures are required depending on whether a conflict is related to legislation. The disclosure and disqualification process that was detailed related to the legislative aspects of the vacant property acquisition process in which the Councilmember would normally participate – namely, a resolution to transfer City property.	CONFLICT OF INTEREST; SPOUSE; PURCHASING CITY PROPERTY; DISCLOSURE AND DISQUALIFICATION PROCEDURE FOR LEGISLATION; COUNCILMEMBER; OFFICIAL ACTION; CONFIDENTIAL INFORMATION; OPEN AND PUBLIC PROCESS FOR CONTRACT; VACANT PROPERTY REVIEW COMMITTEE
			Code §§20-601, 20-607, 20-608, 20-609; 65 Pa. C.S. §§1102, 1103; SEC Advice of Counsel 05-544
2015-501	1/28/15	Advised prospective member of uncompensated City board (Water Rate Board) whose private business has contracts with various City departments and engages in consulting work for the City. City ethics laws do not prohibit the requestor from maintaining employment and other financial interests outside City government, but the requestor would be required to abide by certain ethics restrictions while engaged in outside work, including those prohibiting conflicts of interest and representation in a transaction involving the City in which the individual participated as a City official or that is pending before the Water Rate Board while the official serves. A conflict of interest would not arise because the individual is a Philadelphia resident water rate payer, as this financial interest in a possible nominal benefit as	UNCOMPENSATED CITY BOARD MEMBER; WATER RATE BOARD; INTEREST IN CITY CONTRACT; SALARY; EMPLOYER WITH CITY CONTRACT; PAID CONSULTANT; OUTSIDE EMPLOYMENT; CONFLICT OF INTEREST; LARGE CLASS/LARGE GROUP EXCEPTION; NOMINAL BENEFIT; MEMBER OF FOR PROFIT BUSINESS; PROHIBITED REPRESENTATION; CONFIDENTIAL INFORMATION

		<p>the result of water rate changes was shared by a large class of individuals and was not particularized. If the individual's employer were hired by the Water Rate Board without the individual's participation, a conflict of interest would still exist with respect to potential actions taken as a board member that impact the employer's financial interests, including as a paid consultant. The Home Rule Charter's prohibition on interests in certain City contracts would not apply because the individual would not receive a salary or compensation for service on the City board.</p>	
--	--	---	--