

## 2017 General Counsel Index

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#">2017-506</a>  Public Advisory Opinion	11/06/17	<p>Advised the City Digital Director on the application of the Charter political activity restrictions to five general uses of private social media accounts while off duty and not using City time or resources. As long as certain restrictions identified in the Opinion are observed, the following three proposed social media uses are permissible: (1) sharing or posting content created by a former candidate; (2) “liking” or otherwise “reacting” to content created by a candidate; and (3) using hashtags identified with, authored by, or currently used by a candidate, political party, or partisan political group. Conversely, the political activity restrictions would prohibit the following two uses that involve linking to content created by a candidate: (1) sharing or retweeting content created by a candidate; and (2) posting a tweet that includes the Twitter handle of a candidate or tagging a candidate in a Facebook post.</p>	<p>POLITICAL ACTIVITY; SOCIAL MEDIA; PERSONAL CAPACITY; OFF DUTY; CITY RESOURCES; CITY TITLE; STATUS AS A CITY EMPLOYEE; POST; CONCERT OR COORDINATION; POLITICAL PARTY; CANDIDATE; PARTISAN POLITICAL GROUP; FUNDRAISE; LINK; SHARE; RETWEET; LIKE; REACT; TWITTER; FACEBOOK; INSTAGRAM; HASHTAG; TAG; TWITTER HANDLE; POLITICAL COMMITTEE; FORMER CANDIDATE; INCUMBENT</p> <p>Charter § 10-107; Board Regulation 8; <i>compare</i> General Counsel Opinion 2017-505</p>
<a href="#">2017-505</a>  Public Advisory Opinion	08/02/17	<p>Advised the City Digital Director on the application of the Charter political activity restrictions to three proposed uses of City social media accounts in an official capacity and as part of City work: (1) retweeting a public policy message from an entity that is not a partisan political group; (2) tweeting a link to an op-ed by a health professional on a public policy issue; and (3) tweeting opposition to an elected official’s appointee to head an agency and linking to a news article criticizing the appointee. The three proposed uses are not prohibited because they would neither constitute the use of a City position for political purposes nor</p>	<p>POLITICAL ACTIVITY; SOCIAL MEDIA; CITY SOCIAL MEDIA ACCOUNT; OFFICIAL CAPACITY; ON DUTY; CITY RESOURCES; CITY POSITION; NON- PARTISAN; POLITICAL PURPOSES; PARTISAN POLITICAL GROUP; PUBLIC POLICY ISSUE; CANDIDATE; TWITTER; FACEBOOK; RETWEET; TWEET; LINK; APPOINT; NON-ELECTIVE OFFICE; POLITICAL PARTY; CANDIDATE; CONCERT OR COORDINATION</p>

		would they constitute political activity as defined by Board Regulation 8 while on duty or while using City resources.	Charter § 10-107; Board Regulation 8; <i>compare</i> General Counsel Opinion 2017-506
<a href="#">2017-504</a>  Non-public Advisory Opinion	06/06/17	Advised former City employee regarding the application of post-employment restrictions to proposed employment with a local, private entity that has a contract and that interacts with the requestor's former City department. The requestor had helped the former City department implement a new service delivery model that involved a rate change uniformly reducing payment amounts to all thirty or more providers in a category of providers that included the potential new employer. The Opinion advised that, based on these specific facts, any financial interest the requestor may acquire in this rate change by virtue of becoming an employee of the new employer would be too attenuated to cause an issue under the Code's two-year post-employment restriction on becoming financially interested in official action the requestor took while employed by the City. Additionally, although the requestor's former City department has a current contract with the new employer, the requestor did not take official action as a City employee with respect to the current contract.	POST-EMPLOYMENT; ACQUIRING FINANCIAL INTEREST IN OFFICIAL ACTION; LARGE CLASS; REMOTE OR ATTENUATED FINANCIAL INTEREST; NOMINAL BENEFIT THAT IS NOT PARTICULARIZED; CITY CONTRACT; IMPLEMENTING RATE CHANGES; TRANSACTION INVOLVING THE CITY; REPRESENTATION  Code §§ 20-603 & 20- 607(c); Board Opinions 2009-003, 2012- 001 & 2016-002; General Counsel Opinion 2015- 501; 65 Pa. C.S. § 1103(g)
<a href="#">2017-503</a>  Non-public Advisory Opinion	03/31/17	Advised City employee regarding the application of the Charter political activity restrictions to employee's proposed participation in the activities of a group called Tuesdays with Toomey in a personal capacity while off duty during the employee's lunch break. The City employee's proposed participation in the group is not prohibited by the Charter's political activity restrictions and would not violate the prohibition on City employees engaging in political activity in	POLITICAL ACTIVITY RESTRICTIONS; TUESDAYS WITH TOOMEY; POLITICAL ACTIVITY; PARTISAN POLITICAL GROUP; PERSONAL CAPACITY; OFF DUTY; ON DUTY; LUNCH BREAK; INCUMBENT GOVERNMENT OFFICIAL; CONSTITUENT CONCERNS; MATTERS OF PUBLIC INTEREST; POLICY ISSUES;

		<p>coordination with a political party, candidate, or partisan political group. The activities of the group are not directed toward the success or failure of a political party or candidate and focus on constituents raising their concerns regarding various social, economic, and policy issues with Senator Toomey in his capacity as their representative and as a government official. Furthermore, Tuesdays with Toomey does not coordinate with or have an affiliation with any political party, candidate, or partisan political group. The Opinion advised that if relevant facts change as the activities, affiliations, or purpose of Tuesdays with Toomey further evolves, the application of the Charter political activity restrictions may also change, and the requestor should seek updated advice.</p>	<p>SOCIAL ISSUES; ECONOMIC ISSUES; ADVOCACY; GRASSROOTS CITIZEN ADVOCACY GROUP; CANDIDATE; POLITICAL CAMPAIGN</p>
			<p>Charter § 10-107; Regulation 8; Board Opinion 2012-002; General Counsel Opinion 2017-501</p>
<p><a href="#">2017-502</a></p> <p>Non-public Advisory Opinion</p>	<p>03/07/17</p>	<p>Advised City employee on the application of the City ethics laws to the employee's proposed participation in an investment opportunity in which the Philadelphia Industrial Development Corporation ("PIDC"), a non-profit with close ties to the City, is one of several other potential co-investors. The employee's participation in the investment opportunity is not prohibited by the Charter prohibition on interests in certain City contracts or other City ethics restrictions. The investment opportunity in which PIDC will be a co-investor does not result in a financial obligation of the City to the employee or cause any money to flow from the City treasury to the employee through City contracts. Rather, the employee, PIDC, and other co-investors would be contributing money into the same investment opportunity.</p>	<p>PROHIBITED INTERESTS IN CERTAIN CITY CONTRACTS; FLOW OF MONEY FROM THE CITY TREASURY; PIDC; INVESTMENT OPPORTUNITY; CO-INVESTOR; CONFLICT OF INTEREST; FINANCIAL INTEREST; CITY-RELATED NON-PROFIT; POTENTIAL OWNERSHIP INTEREST</p>
			<p>Code §§ 20-607, 20-608, 20-609; Charter §§ 10-100, 10-102; Board Opinion 2009-003, 2012-001, 2013-005, 2014-001; General Counsel Opinion 2015-501</p>

<a href="#">2017-501</a>  Non-public Advisory Opinion	02/21/17	<p>Advised City employee on the application of the Charter political activity restrictions to an invitation received from a candidate's political campaign for the employee to communicate with campaign advisors regarding potential policy positions or to otherwise contribute to the formulation of policy positions and the drafting of policy papers of the candidate. The Opinion advised that the Charter political activity restrictions prohibit the employee from assisting the campaign of a candidate because such assistance qualifies as activity directed toward the success of the candidate and for the purpose of obtaining the candidate's election to public elective office. The proposed behavior of volunteering to assist a candidate's campaign constitutes prohibited participation in the candidate's campaign as well as prohibited political activity performed in concert and coordination with a candidate.</p>	<div> POLITICAL ACTIVITY;  VOLUNTEERING; OFF  DUTY; ASSIST CAMPAIGN;  COMMUNICATE WITH  CAMPAIGN ADVISORS;  FORMULATING POLICY  POSITIONS; DRAFTING  POLICY PAPERS; ACTING IN  CONCERT OR  COORDINATION WITH A  CANDIDATE </div> <div> Charter § 10-107;  Regulation 8; Board  Opinion 2009-005, 2016-  001 </div>
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