

**CITY OF BETHLEHEM**

**Inter-Office Memorandum**

**SUBJECT:** Proposed Ordinance – Conflict of Interest Ordinance

**TO:** Members of Council

**FROM:** Paige Van Wirt, Member of Council


**DATE:** May 31, 2022

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Attached is a proposed Ordinance to establish requiring mandatory recusal of public officials in matters where they hold a financial interest.

I would appreciate Council's consideration of the proposed Ordinance and that it be put on the June 7, 2022 Council agenda as a Communication.

Thank you.



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Paige Van Wirt, Member of Council

Attachment

CC: Members of Council  
B. Panella, Esq.

BILL NO. \_\_-2022

ORDINANCE NO. \_\_\_\_\_

OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND  
NORTHAMPTON COUNTIES, PENNSYLVANIA, AN ORDINANCE  
REQUIRING THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN  
MATTERS THAT THEY HOLD A FINANCIAL INTEREST

WHEREAS, the proper operation of the Bethlehem's government requires that its public officials act as fiduciaries responsible for the property and resources of the community, and

WHEREAS, public officials must make decisions and create policies in the proper channels of the government structure, free of improper influence, and

WHEREAS, public officials use their positions to act in the best interest of the city rather than for personal interests, and

WHEREAS, the Bethlehem City Council does not and shall continue to not treat anyone preferentially, no matter the circumstances, and

WHEREAS, the Bethlehem City Council recognizes that nothing is more important to the public trust than having public servants disclose every material conflict and withdraw from participation even where they feel they can act impartially.

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Bethlehem City Council, as follows:

**SECTION 1. Citation.** This Ordinance shall be known as the City of Bethlehem Conflicts of Interest Ordinance.

**SECTION 2. Definitions.** The following terms shall have the meanings set forth in this section unless otherwise provided or the context otherwise requires:

**City Council** – Members of the Bethlehem City Council, individually and together.

**City Official** – Any elected or appointed City officeholder, including any City officeholder elected but not yet sworn in; any member of the Bethlehem City Council, individually and together.

**Immediate Family** – anyone related to a city official by direct family lineage, current marriage, adoption, or any person who is a regular member of that City Official’s household.

**Official Action** – a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a City Official or employee of the City, including but in no way limited to such action or inaction as administrative, legislative, quasi-judicial, or advisory decisions.

**Organization** – any business, corporation, partnership, firm, or association whether organized, nonprofit, or any other corporate entity accepted and recognized in Pennsylvania.

### **SECTION 3. Disqualification for Conflict of Interests.**

- a) The Conflict of Interest rule shall apply to members of the Bethlehem City Council and City Officials except as provided for in the Pennsylvania Public Official and Employee Ethics Act, 65 Pa.C.S. §1101 *et seq.*, as amended.
- b) City Council members and City Officials may not vote on or take official action on matters in which they have a financial interest.
- c) In those circumstances where a City Council member or a City Official holds a financial interest, the City Council member or City Official shall recuse themselves from all proceedings concerning the conflicted subject matter. The City Official shall explain the recusal at a public meeting and the explanation for the recusal shall be noted in the public meeting minutes.
- d) This Ordinance does not prevent any City Council member or a City Official from making or participating in the making of an official action to the extent that his or her participation is legally required.
  - 1) In the event a vote ends in a tie, the tie does not permit a recused City Official from casting a vote to break the tie.

**SECTION 4. Application of Financial Interest.**

- a) a financial interest shall include the following:
  - 1) any campaign contributions in the amount of or in excess of two-hundred and fifty dollars (\$250.00) received within the immediate twenty-four month period prior to the date on which official action shall be taken on the subject matter.
  - 2) Any funds subject to Section 4(a) of this section received by a public official's spouse, children, parent, sibling, or agent.
  - 3) A public official's direct or indirect investment or ownership interest in any business, property, intellectual property, personal property, or any other venture whatsoever that is ten percent (10%) or greater.
- b) Financial interests received from organized and registered Unions and Political Action Committees shall be exempted from the rule requiring mandatory recusal.

**SECTION 5. Repealer.**

All Ordinances and parts of Ordinances inconsistent herewith are hereby specifically repealed.

**SECTION 6. Severability.**

The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent of the Bethlehem City Council that this Ordinance would have been enacted as otherwise set forth had such unconstitutional, illegal or invalid provision(s) not been included herein.

**SECTION 7. Effective Date.**

This Ordinance shall become effective on \_\_\_\_\_.

Sponsored by: /s/ \_\_\_\_\_  
/s/ \_\_\_\_\_

PASSED finally in Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

/s/ \_\_\_\_\_  
President of Council

ATTEST:

/s/ \_\_\_\_\_  
City Clerk

This Ordinance approved this this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

/s/ \_\_\_\_\_  
Mayor