

COUNTY OF DELAWARE
PENNSYLVANIA

ORDINANCE No. 2020-9

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 6-12 OF THE ADMINISTRATIVE CODE TO INCLUDE THAT COUNTY COUNCIL MEMBERS ARE PROHIBITED FROM DERIVING A FINANCIAL INTEREST FROM COUNTY CONTRACTS.

WHEREAS, pursuant to Section 6-121 of the Administrative Code (the "Code") of the County of Delaware, Commonwealth of Pennsylvania (the "County"), the Code may be amended by ordinances of the County Council; and

WHEREAS, Section 6-12.B(2) of the Code limits elected and appointed officials, the County Executive Director and department heads, and all County employees from having a business interest that would interfere with their official duties; and

WHEREAS, Section 6-12.B(2) includes only a limited restriction of members of Council from having a business interest that would interfere with their official duties; and

WHEREAS, County Council believes that a more expansive limitation to Section 6-12.B(2) will allow Delaware County citizens to be assured that members of Council will not directly or indirectly realize any financial gain through their public office other than any compensation that is provided by law;

IT IS HEREBY, ENACTED AND ORDAINED BY County Council of Delaware County, Commonwealth of Pennsylvania as follows:

SECTION 1. The Code shall be amended to add a new Section 6-12.D to read as set forth below:

§ 6-12.D County Council Members Prohibited From Deriving Financial Gain From County Contracts.

(1). Prohibition Against Deriving Financial Gain and Conflict of Interest. In addition to the limitation imposed by Section 6-12.B(2), no member of Council shall have a financial interest in any entity that is a party to a contract with the County, including subcontractors and subordinate government entities. This prohibition shall extend to, but not be limited to, the following specific circumstances:

- (a) Members of Council are prohibited from serving as an officer or director of any entity, subcontractor, and/or subordinate government entity that is a party to a contract with the County.
- (b) Members of Council are prohibited from using information received through public office for the financial benefit of an immediate family member.
- (c) A member of Council must recuse her or himself from voting on a contract if there is a conflict of interest pursuant to this Section (which is not a financial interest) and shall submit a written statement listing the reasons for such recusal. Said statement

shall be submitted by the member to the Council Chairman and Vice Chairman within seven (7) days of identification of the conflict by the member.

A "financial interest" for purposes of this Section 6-12.D is any financial interest in a legal entity engaged in business for profit or subordinate government entity which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

An "immediate family member" for purposes of this Section 6-12.D is defined as a parent, step-parent, spouse, child(ren), step-child(ren), brother, sister, step-brother, step-sister, grandparent, step-grandparent, grandchild(ren), and step-grandchild(ren).

(2). Penalties. The following penalties shall apply for violations of the limitations in Subsection (1):

- (a) Removal from office by an affirmative vote of four Council members pursuant to Delaware County Home Rule Charter, Section 305.
- (b) Payment of a sum of money equal to three times the amount of the financial gain resulting from a violation of this Section to the Treasurer Office within sixty (60) days of the member receiving a Bill of Particulars from the Council pursuant to Delaware County Home Rule Charter, Section 305(c).
- (c) A member of Council who is found to have violated this Section shall be forever prohibited from holding office as a member of Council following the earlier of removal or expiration of his or her then-current term.

SECTION 2. This Ordinance shall take effect on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this
day of 2020.

COUNTY OF DELAWARE

Brian P. Zidek, Chair

Dr. Monica Taylor, Vice Chair

Kevin M. Madden

Elaine Paul Schaefer

Christine A. Reuther

Attested:

Anne M. Coogan
County Clerk