

**RESOLUTION of the CITY OF PHILADELPHIA  
BOARD of ETHICS**

Declaring that the Board of Ethics will not exercise its authority to enforce Philadelphia Code Chapter 20-1200, the City's Lobbying Law, until the Board has a lobbying regulation in effect.

WHEREAS, the Board of Ethics notes the following points of relevant fact:

- A. Chapter 20-1200 of the Philadelphia Code was signed into law June 16, 2010 and established a completely new lobbying registration and reporting law for the City of Philadelphia.
- B. Philadelphia Code Section 20-1206 provides that the Board of Ethics shall have the power and duty to administer and enforce the City's Lobbying Law.
- C. Philadelphia Code Section 20-1207 provides for penalties that the Board of Ethics may impose or seek a court to impose for violations of the City's Lobbying Law.
- D. Philadelphia Code Section 20-1210 provides that the Board of Ethics shall promulgate regulations necessary to carry out the City's Lobbying Law.
- E. Philadelphia Home Rule Charter Section 8-407 mandates a specific process for a City agency to promulgate a regulation. This process gives an implementing agency, such as the Board of Ethics, the benefit of public comments on a preliminary draft of a regulation and the opportunity to modify the regulation in response to public comment prior to adoption of a final regulation.
- F. The regulation-making process mandated by Philadelphia Home Rule Charter Section 8-407 includes the following steps: (i) approval by the Law Department of the Board's draft regulation; (ii) publication of the draft regulation for public review; (iii) opportunity for the public to comment on the draft regulation, which may include a public hearing as it did in the case of the Board's draft lobbying regulation; (iv) preparation by staff of a hearing report to respond to public comments, including possible modifications to the regulation; (v) approval by the Board of a hearing report and final version of the regulation; (vi) approval by the Law Department of the hearing report and final version of the regulation; and

(vi) filing of the hearing report with the Department of Records. The Charter also requires that all regulations shall be published.

- G. The Board of Ethics is currently engaged but has not completed the process mandated by Charter Section 8-407 for promulgating a lobbying regulation, entitled Regulation No. 9, to interpret and implement the City's Lobbying Law. The Board has published a proposed draft of Regulation No. 9 for public comment and has, on June 15, 2011, conducted a public hearing to receive comments on the draft regulation.
- H. The Board is in the process of considering the substantial testimony and written comments for possible modifications to Regulation No. 9 as part of the on-going Charter-mandated regulation-making process.
- I. Under Home Rule Charter Section 8-407 the earliest date on which Regulation No. 9 could become effective is ten days after the Board of Ethics files with the City's Department of Records a hearing report that has been approved by the Law Department. Board staff currently anticipates that the earliest staff will be able to present a draft hearing report to the Board for its consideration is at the public Board meeting scheduled for August 17, 2011. Even after the Board approves a hearing report the regulation-making process would still not be complete because Law Department approval for the hearing report and final regulation, which could take significant time, would still need to be given.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ETHICS OF THE CITY OF PHILADELPHIA THAT:

- 1. The Board shall not exercise its authority to enforce against acts or omissions that would constitute violations of the City's Lobbying Law until 30 days after the effective date of Board of Ethics Regulation No. 9 on Lobbying.
- 2. The Board of Ethics shall exercise its authority to enforce the City's Lobbying Law only with respect to acts, omissions, or violations that occur 30 days after the effective date of Board of Ethics Regulation No. 9. This Resolution, however, does not preclude the Board from enforcing against violative acts or omissions that occur 30 days after the lobbying regulation's effective date but that were part of a continuing conduct that began before the effective date of Regulation No. 9.
- 3. Although Philadelphia Code Section 20-1202 establishes that registration for lobbyists, principals, and lobbying firms, including payment of a

registration fee, shall begin July 1, 2011, it shall not be a violation of Philadelphia Code Section 20-1202(1) to fail to register as a lobbyist, lobbying firm or principal if Board of Ethics Regulation No. 9 is not yet effective.

4. Although Philadelphia Code Section 20-1201 defines four specific reporting periods per year, each spanning three months, the Board shall not exercise its authority to enforce against any failure to file expense reports covering any period of time prior to 30 days after the effective date for Regulation No. 9. The Board shall not require any registrant to retain substantiating records relating to expenses prior to that date.
5. The Board of Ethics as soon as possible shall publish on its website the Board's hearing report on Regulation No. 9 and the approved regulation. The Board shall also send a copy of the hearing report and approved regulation to all parties who provided comment on the draft regulation. In addition, the Board shall send notice of the availability of the hearing report and approved regulation on the Board's website to the distribution list of potentially interested parties that Board staff has compiled and which now includes approximately 180 e-mail addresses and 660 mailing addresses.

This Resolution shall take effect immediately.

By the Board:   
Richard Glazer, Chair

Adopted by the Board, July 7, 2011  
Revised by the Board, November 16, 2011