



City of Philadelphia

Philadelphia, PA 19107

RESOLUTION NO. 040286

Introduced March 18, 2004

Councilmember Nutter

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Board of Ethics, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1 OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

SECTION 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated. The executive and administrative work of the City shall be performed by:

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(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

City Planning Commission;

Commission on Human Relations;

Board of Trustees of the Free Library of Philadelphia;

Board of Pensions and Retirement;

Civil Service Commission;

Philadelphia Tax Reform Commission and its Advisory Committee [.];

Board of Ethics.

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CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

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SECTION 3-806. Board of Ethics.

(a) *Composition.*

There shall be a Board of Ethics consisting of five members appointed by the Mayor with the advice and consent of a majority of the members of City Council. The Mayor shall designate a chair. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards.

(b) *Initial Appointments, Term of Service, and Successors.*

All appointments to the Board shall be made within ninety days after the Board is first created. The terms of the initial appointments to the Board shall be as follows: one member shall serve for a term of two years; two members shall serve for a term of three

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years; one member shall serve for a term of four years; and, one member shall serve for a term of five years. Thereafter, all members shall serve for a term of five years. Members shall serve until their successors have been appointed and confirmed. If the Mayor has not submitted to the Council a nomination for appointment of a successor at least thirty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor shall be shortened by an equal amount of time. If the City Council fails to act within sixty days of receipt of such nomination for a successor from the Mayor, the nomination shall be deemed confirmed.

(c) *Vacancies.*

Any vacancy occurring other than by expiration of a term shall be filled by nomination by the Mayor made to the City Council within thirty days of the creation of the vacancy for the unexpired portion of the term of the member succeeded. If the City Council fails to act within sixty days of receipt of such nomination from the Mayor, the nomination shall be deemed confirmed.

(d) *Term Limits.*

No member of the Board shall serve for more than two consecutive five-year terms.

(e) *Conflict of Interest.*

No person while serving as a member of the Board of Ethics shall seek or hold a position as an elected or appointed public official within the Commonwealth, or as an officer of a political party.

(f) *Removal for Cause.*

Members may only be removed by the Mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Section, after written notice and opportunity for reply.

(g) *Executive Director, Counsel and Staff.*

The Board, subject to the availability of appropriations, shall appoint and fix the compensation of an executive director and such other staff and consultants as may be required to exercise its powers and fulfill its obligations. The appointment of an executive director shall require a vote of three of the members of the Board. The Board shall also

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appoint, by a vote of three members, a counsel to serve at its pleasure subject to the availability of appropriations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other employee or consultant of the Board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of ethics violations or make binding recommendations of or impose civil penalties. The Board may delegate its authority to issue advisory opinions to the chair.

(h) *Meetings.*

The Board shall meet at least once a month and at such other times as the chair may deem necessary. Three members of the Board shall constitute a quorum.

(i) *Compensation.*

Members of the Board shall receive compensation in such amount as ordained by Council.

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ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

The Mayor, the City Representative and
Departments, Boards and Commissions under the Mayor

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Chapter 10 Board of Ethics

SECTION 4-1000. Powers and Duties

The Board of Ethics shall administer and enforce all ordinances pertaining to ethics including, but not limited to, conflicts of interest, nepotism, financial disclosure and other matters of prohibited conduct. The Board shall handle all inquiries and complaints surrounding ethical matters and render advisory opinions, conduct investigations, convene hearings and impose civil penalties. The Board shall prepare and disseminate a Code of

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Ethics Manual for use by all city officers and employees and conduct routine educational and training programs for all city officers and employees.

In addition, and subject to the provisions of this charter, the Board of Ethics shall exercise the powers and duties vested in and imposed upon it by ordinance.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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