



City of Philadelphia

Philadelphia, PA 19107

RESOLUTION NO. 040792

Introduced September 23, 2004

Councilmember Blackwell

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

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter creating and empowering a new 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,

SECTION 1. 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

**§3-100. Executive and Administrative Officers, Departments, Boards,
Commissions and Agencies Designated.**

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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:

* * *

Board of Ethics

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CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

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§3-806. Board of Ethics.

(1) The Board of Ethics shall be composed of seven members, four of whom shall be appointed by the Mayor, two of whom shall be appointed by City Council, and one of whom shall be the City Solicitor, who shall serve ex officio. Of the four members first appointed by the Mayor, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Of the two members first appointed by the Council, one shall be appointed for a term of two years and one for a term of four years. Thereafter, all appointments shall be for four years. Other than the City Solicitor, no member of the Board shall otherwise hold any public office or position of profit other than a judge of a court of the United States or this Commonwealth, and no member of the Board shall hold any office in any political party.

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ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

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

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CHAPTER 10 BOARD OF ETHICS

§ 4-1000. Powers and Duties.

The Board of Ethics shall be responsible for:

(1) Education and training of all City officers and employees with regard to matters of ethics.

(2) Prevention of ethical violations by City officers and employees.

(3) Investigating suspected ethical violations.

(4) Issuance of advisory opinions regarding matters of ethics.

(5) Enforcement of the Ethics Code.

For purposes of this Chapter, matters of ethics include conflicts-of-interest; prohibited political activities; standards of professional or governmental conduct; campaign finance matters; and such additional related matters as the Council may from time to time assign to the Board. The Ethics Code shall be the ordinance designated as such by City Council, and any related legislation the Council may from time to time designate.

§ 4-1001. Departmental Cooperation

All departments, offices, boards, commissions and their respective heads shall cooperate with any request by, and provide appropriate assistance to, the Board of Ethics with regard to education and training, any prevention tools proposed by the Board, any investigations performed by the Board, and any other duties assigned to the Board.

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§ 4-1002. Advisory Opinions

Notwithstanding Sections 4-400 and 8-410 of this Charter:

(1) Whenever any officer or employee, department, board or commission shall require advice concerning any matter of ethics, it shall be the duty of such officer, department, board or commission, to refer the same to the Board of Ethics.

(2) The Board shall furnish advice to the Mayor, to the Council and to all officers and employees, departments, boards and commissions concerning any matter of ethics.

(3) The Board may seek legal advice from the Law Department and, if the Law Department concurs in advice given by the Board, it shall be the duty of any officer or employee, department, board or commission having requested and received advice from the Board regarding a matter of ethics, to follow the same; and when any officer or employee shall follow such advice given him or her in writing by the Board he or she shall not be liable in any way for so doing upon his or her official bond or otherwise.

§ 4-1003. Enforcement Powers.

The Board shall have the power and duty to enforce the Ethics Code in the Court of Common Pleas. The Board shall request the Law Department to bring any such action on behalf of the Board and, if the Law Department declines, the Board may hire counsel of its choosing. Prior to requesting or bringing an enforcement action, the Board may conduct internal conciliation, mediation, hearings, or such other processes as it deems appropriate. The Board may also recommend appropriate disciplinary measures to the appropriate appointing authority, and shall refer any matter it deems appropriate to another administrative or enforcement agency.

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SECTION 2. That the foregoing amendment to the Philadelphia Home Rule Charter shall be effective on the first day of January or the first day of July immediately following the adoption thereof by the voters, whichever shall occur first.

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Explanation:

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

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