

Executive Order No. 001 - 04

Board of Ethics

WHEREAS, trust in government is perhaps the single most important foundation of democratic, representative government; and

WHEREAS, the people of this City deserve to know and believe that City officials are working exclusively for the good of the public and never for self-interest or private interests; and

WHEREAS, a centralized, non-political Board of Ethics, with power to address all issues of ethics and conflicts of interest in government will promote trust in government and prevent any misuse or abuse of the public trust; and

WHEREAS, the Ethics Committee of the Twenty-First Century Review Forum recommended a strengthening of the existing Board of Ethics, and the Mayor wishes to implement those recommendations; and

WHEREAS, some of the Ethics Committee's recommendations require legislative action, including a possible amendment to the Philadelphia Home Rule Charter; and

WHEREAS, it is in the best interest of the City and the citizens of this City to implement promptly as much of the Committee's recommendations as practicable, to the extent legislation is not required; now therefore

I, John F. Street, Mayor, pursuant to my authority under Section 3-100(h) of the Philadelphia Home Rule Charter, do hereby ORDER:

Section 1. Creation of Board

There is hereby created, in the Office of the Mayor, a Board of Ethics.

Section 2. Composition of Board

(1) The Board shall consist of five members of outstanding moral and ethical credentials, to be appointed by the Mayor. Four shall be private citizens and one shall be the City Solicitor, who shall serve *ex officio*. The Mayor shall select one of the five members to serve as Chair.

(2) The four private citizens shall serve initial terms as follows:

- (a) One shall be appointed for a term that expires December 31, 2005.
- (b) One shall be appointed for a term that expires December 31, 2006.
- (c) One shall be appointed for a term that expires December 31, 2007.
- (d) One shall be appointed for a term that expires December 31, 2008.

(3) All terms thereafter shall be for four years. All members shall serve until their successors have been appointed.

(4) Members may serve multiple terms, at the discretion of the Mayor.

Section 3. General Responsibilities and Duties of the Board

(1) The Board shall advise and assist the Mayor, and such other public officials as the Mayor shall designate in this Order or otherwise, regarding matters of ethics in government, with the overall objective to promote and ensure public trust in government, including:

(a) Compliance by all City officials and employees with all applicable ethics laws and regulations.

(b) Compliance by all City officials and employees with the highest standards of ethical behavior.

(c) Ensuring that all City officials and employees always work to promote the public interest and never work toward or for their own self-interest or any private interest.

(2) Throughout this Order, the words “ethics” and “ethics laws” shall include all matters relating to ethics, including but not limited to conflicts-of-interest; prohibited political activities; standards of professional or governmental conduct; and campaign finance matters.

Section 4. Specific Duties of the Board

The specific duties of the Board shall include, in addition to such other responsibilities as the Mayor may give to the Board:

(1) Education and Training of All City Employees.

(a) The Board shall advise the Mayor, the Cabinet, the Personnel Director, and such other officials as the Board deems appropriate, regarding the most effective manner of ensuring that all City officials and employees fully understand

and appreciate both the specifics of the applicable ethics laws and the importance of compliance with such laws.

(b) Upon request of the Mayor, the Personnel Director, or any Cabinet official, the Board shall assist in the preparation and dissemination of training and education materials and classes, as appropriate.

(c) The Board shall offer these same education and training services to all independently elected officials and their staffs, including members of City Council and all former County officers.

(2) Review of Financial Disclosure Forms

(a) The Department of Records shall provide to the Board a complete set of all financial disclosure forms filed by City employees, including forms required by Executive Order, Council ordinance, or State law. The heads of all departments, boards and commissions, working with the Personnel Director and the City Solicitor, shall provide to the Board a list of all City officials and employees required by State or local law to file any such form.

(b) The Board shall review such forms and list to determine whether any inappropriate conflicts or other violations exist, including incomplete filings or any failure to file. The heads of all departments, boards and commissions shall cooperate with the Board by providing such information as the Board may require to determine whether conflicts or other violations exist.

(c) The Board shall advise the City Solicitor and the head of the relevant department, board or commission of any suspected conflict or violation. In so advising, the Board shall recommend for each suspected violation either further investigation or appropriate discipline, civil fine, referral to the city Inspector General, or report to appropriate State law enforcement authorities, as applicable.

(3) Review ethics questions or issues relating to conduct of City officials.

(a) The Board shall render advisory opinions to officers and employees with respect to ethical standards in the municipal service pursuant to written request by the officer or employee concerned or by an appropriate superior of the officer or employee concerned.

(b) The Board shall cause to be published its advisory opinions, with such deletions as may be necessary to prevent disclosure of the identities of the officers or employees concerned, for the purpose of educating City officers and

employees, to promote consistency in the application of ethical standards, and to promote public trust in government.

(4) Review of campaign finance documents filed by candidates for city elective offices.

The Board shall gather, from the appropriate State officials, copies of all campaign finance reports filed by any candidate for City elective office, as well as any campaign finance reports filed by any holder of City elective office. The Board shall review such reports for completeness and to determine if they disclose any inappropriate conflicts. The Board shall advise the relevant candidate or official of any such incompleteness or conflict, and shall also advise, to the extent the Board deems appropriate, the relevant enforcement authorities.

(5) Review of current ethics laws.

The Board shall, from time to time, make such recommendations to the Mayor as the Board deems appropriate regarding improvements or advances in the ethics laws that the Board believes would strengthen confidence in government, promote the public trust, and insure that self-interest and private interests do not dictate or influence the work of government officials and employees. The Board's recommendations may concern State laws, provisions of the Home Rule Charter, Council ordinances, Mayoral Executive Orders, or other initiatives; and may relate to substantive ethical or conflict-of-interest rules, administration or enforcement of such rules, or such other areas; all as the Board deems appropriate to fulfill its responsibilities.

Section 5. Mandatory Cooperation With the Board.

All City employees are hereby directed to cooperate to the maximum extent practicable with any request of the Board of Ethics in pursuit of the Board's responsibilities. The Board shall immediately report any failure to cooperate to the City Solicitor and the head of the relevant department, board or commission, who shall investigate the situation and take appropriate disciplinary or other action.

Section 6. Funding, Staffing, Miscellaneous.

The Board shall spend, at its discretion, such appropriations as shall be made available to it by the Council. The Mayor hereby calls upon the Council to provide the Board with sufficient funding to perform its responsibilities diligently, vigorously and effectively. The Board may use such appropriations to hire such staff, including an Executive Director, as the Board deems appropriate to fulfill its responsibilities. Where possible without diluting the independence of the Board, the Board shall

utilize the staff of existing departments and agencies, including the Law Department and the Inspector General's Office, the heads of which departments and agencies are hereby directed to provide the Board with the fullest cooperation in use of staff and resources as practicable.

Section 7. Rescissions.

All prior executive orders relating to the composition and power of the Board of Ethics are hereby rescinded.

SECTION 8. Effective Date.

This Order shall take effect immediately.

JOHN F. STREET, ESQ., MAYOR

DATE