



Executive Order No. 0001 - 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

August 12, 2004

DATE



Executive Order No. 0002-04

Gifts, Gratuities and Favors

WHEREAS, City employees are overwhelmingly committed to, and all citizens have a right to expect, integrity in government; and

WHEREAS, The Philadelphia Home Rule Charter, the city Ethics Code, and the State Ethics Act all include provisions prohibiting the acceptance by City employees of certain gifts in certain circumstances; and

WHEREAS, To eliminate even the appearance of impropriety, and to reduce uncertainty among City employees and persons dealing with City employees as to the circumstances under which acceptance of gifts is improper, clear rules should be adopted to prohibit the acceptance by City employees of any gift from specified persons; now, therefore

I, JOHN F. STREET, by the power vested in me as Mayor of the City of Philadelphia, do hereby order as follows:

SECTION 1. Prohibited Gifts, Gratuities and Favors.

(1) No official or employee in the Executive and Administrative Branch shall solicit or accept, directly or indirectly, anything of value, including any gift, gratuity, favor, entertainment or loan, from any of the following sources :

- (a) A person seeking to obtain business from, or who has financial relations with, the City;
- (b) A person whose operations or activities are regulated or inspected by any City agency;
- (c) A person engaged, either as principal or attorney, in proceedings before any City agency or in court proceedings in which the City is an adverse party;
- (d) A person seeking legislative or administrative action by the City; or
- (e) A person whose interests may be substantially affected by the performance or nonperformance of the official's or employee's official duties.

(2) Any person, including any person doing or seeking to do any business with the City, who offers anything of value to a City official or employee under circumstances where the receipt of such item would violate the provisions of this Executive Order shall be subject to sanctions with respect to future City contracts. Such sanctions may range from disqualification from participation in particular City contract(s), to debarment, depending on the nature of the particular violation. The terms and duration of such sanctions shall be pursuant to such rules as the Procurement Commissioner, with respect to contracts subject to competitive bidding, or the Director of Finance, with respect to all other contracts, shall develop.

(3) For purposes of this section, “person” shall mean a natural person or a business, governmental body, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons, or agents thereof.

SECTION 2. Exceptions.

The provisions of Section 1 shall not apply to:

- (a) The solicitation or acceptance of something of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the motivation for the action is a personal or family relationship;
- (b) Acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a meeting, if served to all participants at the meeting and for the purpose of permitting work at the meeting to continue. This exception shall not apply to meals served at any restaurant, club or other establishment outside a place of business at which a meeting is held, even if the meeting continues at such restaurant, club, or other establishment.
- (c) Acceptance of food and refreshment at a public event or ceremony sponsored by a non-profit, community or civic organization, and attended by the employee or official in his/her official capacity.
- (d) The acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities, such as home mortgage loans;
- (e) A voluntary gift of nominal value or donation in a nominal amount made by a City employee or official to another City employee or official on a special occasion such as marriage, illness, or retirement; or
- (f) A plaque, memento or gift of nominal value offered as a token of esteem or appreciation on the occasion of a public appearance, visit, speech or the like.

SECTION 3. Additional departmental restrictions.

Heads of departments may prescribe further limitations on gifts or meals beyond those detailed in Sections 1 and 2.

SECTION 4. Procedure to Follow Upon Receipt of Prohibited Gift.

- (a) Any employee who receives a gift or gratuity which is prohibited by Section 1 or Section 3 shall forward the gift or gratuity to the head of the employee's department or agency, together with a written explanation of the circumstances surrounding the gift or gratuity.
- (b) A department or agency head shall return all gifts and gratuities received from employees pursuant to subsection 4(a) to the donor, with a written explanation why the return is necessary. If return of a gift or gratuity to the donor is not possible, the gift or gratuity shall be deemed to be a gift to the City, and shall be forwarded, together with a written explanation why return to the donor is not possible, to the Procurement Department for appropriate disposition pursuant to Section 6-500(d) of the Philadelphia Home Rule Charter. Where neither return to the donor nor forwarding to Procurement is practicable, the department or agency head shall make the gift generally available to members of the department or agency on a non-discriminatory basis, and provide a written explanation of this decision to the Inspector General.
- (c) A copy of all written explanations prepared pursuant to subsections 4(a) and 4(b) shall be sent to the Inspector General.

SECTION 5. Incorporation into all City Contracts.

The Director of Finance, the Procurement Commissioner, and all contracting agencies subject to this Order shall include in all City contracts and all City bid specifications and requests for proposals applicable language incorporating the provisions of this Executive Order; expressly prohibiting the giving of anything of value, the receipt of which would violate this Order; and setting forth the applicable sanctions for any violations of this Order or the foregoing contract provisions.

SECTION 6. Dissemination of Information.

A summary of the provisions of this Executive Order shall be distributed to all current officials and employees of the Administrative and Executive Branch, broadly, including all newly appointed officials and employees, and to all vendors. Such a summary shall also be provided to bidders and prospective bidders for City contracts.

SECTION 7. Repeals.

Executive Order No. 16-92 is hereby rescinded.

SECTION 8. Effective Date.

This Order shall take effect thirty (30) days from the date of its execution.

JOHN F. STREET, ESQ., MAYOR

August 12, 2004
DATE