

EXECUTIVE ORDER NO. 9-88

WHEREAS, 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, **W. WILSON GOODE**, 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.

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 otherwise be substantially affected
by the performance or nonperformance of the official or employee's
official duties.

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
establishments;

(c) 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;

(d) 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

(e) 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. Procedure To Follow Upon Receipt of Prohibited Gift.

(a) Any employee who receives a gift or gratuity which is prohibited by Section 1 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 3(a) to the donor, together with a written explanation why the return is necessary. If return of a 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.

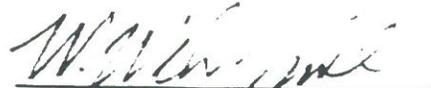
(c) A copy of all written explanations prepared pursuant to subsections 3(a) and 3(b) shall be sent to the Inspector General.

SECTION 4. 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, and to all newly appointed officials and employees. Such a summary shall also be provided to bidders and prospective bidders for City contracts.

SECTION 5. Effective Date.

This Order shall take effect thirty (30) days from the date of its execution. The execution of this Executive Order will coincide with the rescission of Executive Order 2-62.



W. WILSON GOODE, MAYOR

August 18, 1985
DATE