Chair Reed recognized the presence of a quorum and called the meeting to order at 1:00 p.m.

I. Meeting Minutes

By a 3-0 vote, the Board approved the minutes of the Public Session Meeting held on April 17 2019, as presented.

II. Executive Director’s Report

Mr. Creamer presented to the Board his Executive Director’s Report, a copy of which is attached as Attachment A. The Board had no significant questions or comments for Mr. Creamer following his presentation.

III. General Counsel’s Report

Mr. Cooke presented to the Board his General Counsel Report, a copy of which is attached as Attachment B. The Board had no significant questions or comments for Mr. Cooke following his presentation.

IV. Salary Increase for Acting General Counsel Michael Cooke

Chair Reed asked the Board to consider a motion to increase the annual salary of Acting General Counsel Michael Cooke from $117,266 to $127,266. Chair Reed noted that he did not believe this salary increase should serve as precedent for future instances of a staff member’s service in an “acting” capacity and that the raise would be permanent even if Mr. Cooke returned to his old duties. Lastly, he proposed that the increase be effective as of the date Mr. Cooke assumed the position of Acting General Counsel. After a motion that was duly seconded, the Board voted 3-0 to approve the motion.

APPROVED BY BOARD OF ETHICS ON 06/19/19
V. **Promotion and Salary Increase for Staff Attorney Jordan Segall**

Chair Reed presented to the Board a request from the Executive Director to promote Staff Attorney Jordan Segall to the position of Senior Staff Attorney and to increase his annual salary from $71,070 to $81,070. In doing so, he summarized a Memorandum from the Executive Director, a copy of which is attached as Attachment C.

Following this presentation, Chair Reed asked the Board to consider a motion to promote Mr. Segall and increase his annual salary, noting that the salary increase would become effective as of Monday, May 20, 2019. After a motion that was duly seconded, the Board voted 3-0 to approve the motion.

VI. **New Business**

There was no new business presented at the Public Session Meeting.

VII. **Questions/Comments**

Adam Bonin congratulated both Mr. Cooke and Mr. Segall regarding their promotions and salary increases. He expressed his approval and support for the new Advisory Opinion projects outlined by Mr. Cooke in his General Counsel Report. Mr. Bonin asked Mr. Cooke whether he believed that anticipated amendments to Regulation 1 would include any substantive revisions to the law beyond those necessary to reflect the May 2019 amendments to the Campaign Finance ordinance. Mr. Cooke stated that he was not sure at this time, but expected that the revisions to Regulation 1 would be only those necessary to reflect the amendments.

Chief Integrity Officer Ellen Kaplan expressed her approval and support for the new Advisory Opinion projects outlined by Mr. Cooke in his report. She thanked the Board Staff for all their work during the “Financial Disclosure Season” during the previous month. She expressed her excitement about new technological developments that would improve one’s ability to access and review financial disclosure records. Chair Reed thanked Ms. Kaplan for her remarks and stated that the Board would continue to promote user-friendly electronic systems and transparency.

***

Chair Reed announced that after the May Public Session Meeting, the Board would meet pursuant to Sections 708 and 716 of the Pennsylvania Sunshine Act to address non-public advice, confidential enforcement matters and personnel matters.

Chair Reed further announced that during the April 17, 2019 Executive Session Meeting, following the April Public Session Meeting, the Board discussed non-public advice, confidential enforcement matters and personnel matters.

The Public Session Meeting of the Board was adjourned at approximately 1:30 p.m.

**APPROVED BY BOARD OF ETHICS ON 06/19/19**
Attachment A
A. Settlement Agreement

On April 17, 2019 the Board of Ethics approved a settlement agreement with Kahlil for Philly, the candidate political committee of City Commissioners candidate Kahlil Williams, and Vikram Patel, the Treasurer of Kahlil for Philly. The agreement resolved a violation of the City’s Campaign Finance Law for making a material omission in a campaign finance report filed with the Board. Kahlil for Philly fully cooperated with the Board’s investigation. It has amended its 2018 annual campaign finance report to disclose the relevant transaction and has agreed to pay a $500 civil monetary penalty.

B. Campaign Finance Update

May 10th was the filing deadline for Cycle 2 reports in the May 21st primary election. All candidates and committees are using the new on-line campaign finance filing system. We reported last month that there were glitches and hiccups with the new software, and we can now report that we’ve made progress with OIT in resolving the issues that were identified during the Cycle 1 reporting period. The filer support center was again held here in our conference room from May 7th through May 10th.

We are now in the 24-hour reporting period (from May 7th through May 21st) when candidate political committees must file a report within 24-hours of receipt of a contribution or contributions totaling $500 or more from a single source. Also during the 24-hour reporting period, a political committee or other person making an independent expenditure of $500 or more must file a 24-hour report. We are receiving a steady stream of phone calls about the 24-hour reporting requirements.

C. Financial Disclosure Update

In spite of constant software issues and an almost crashing system, we limped through this year’s financial disclosure filing season. Our staff was remarkable in responding to calls for help from hundreds of callers. City employees and board and commission members took advantage of our Filer Support Center, and we’re still getting calls for filing assistance.

We’re actually looking forward to next year because we’re determined to have a new system in place for the next financial disclosure season. We are working with OIT right now on the project and know that testing will begin soon. Even though the new system will have much in common with the old one, we expect to begin a training program in the fall for departmental HR managers who help us with administration of the financial disclosure process. We will develop “help” documents and manuals for HR managers and for filers. In early 2020, we’ll begin outreach to the thousands of City employees and board and commission members who will file on or before May 1, 2020.
D. Staff Activities

I was recently interviewed in the spring 2019 edition of The Philadelphia Lawyer, which is the Philadelphia Bar Association’s Quarterly Magazine. In the article, I answered “Ten Questions” about my background, the Board, and the City’s Public Integrity Laws, and I was interviewed by M. Kelly Tillery, a partner at Pepper Hamilton, LLP. It was an enjoyable experience and I think that the article highlights the importance of the Board's mission to promote confidence and transparency in City government by administering and enforcing the City's Public Integrity Laws. I'd like to thank the Philadelphia Bar Association for the opportunity to appear in the magazine, particularly Thomas Rodgers, the Senior Managing Editor of The Philadelphia Lawyer.

Staff Attorney Jordan Segall recently participated in a CLE program for the Philadelphia Bar Association entitled: Social Media and Open Government in the Digital Age. The program was held on April 30, 2019 and provided an overview of important legal issues that affect social media use by City employees, including intellectual property, the 1st Amendment to the U.S. Constitution, and the Commonwealth’s Right to Know Law. With the approach of the 2019 Municipal Primary Election, Jordan discussed the Home Rule Charter’s political fundraising and activity restrictions. The CLE was sponsored by the Philadelphia Bar Association’s Government and Public Service Lawyers Committee, of which Jordan is a Co-Chair.
Attachment B
GENERAL COUNSEL REPORT

TO:       Board Members
FROM:     Michael J. Cooke, Acting General Counsel
DATE:     May 10, 2019

I. Getting Started

On April 26, 2019, as directed by the Board, I assumed the role of Acting General Counsel. I appreciate the Board’s confidence in me and am excited to take on these new responsibilities. While taking on a new role is always challenging, Jordana and Tom have made the transition as smooth as possible and I think we are off to a good start.

At the outset, we have been assessing and prioritizing current projects and responsibilities as well as identifying beneficial future projects. In the coming months, we hope to propose updates to Board Regulations No. 2 and 8, develop training and educational materials for the City’s Lobbying Law, and propose a regulation on the Ethics Code’s conflicts of interest provisions. We will keep you posted on all of these items as we progress.

II. Advisory Opinions

Following this report at Tab A, you will find two General Counsel Opinions.

GC Opinion 2019-501 is a redacted non-public opinion regarding the exemption under the City’s Lobbying Law for activities of governmental employees. We issued the Opinion to the requestor in April and have now posted the redacted version on the Board’s website.

GC Opinion 2019-502 is a public Advisory Opinion we issued to Councilmember Domb in response to a question from him about the City’s conflict of interest rules and three properties for which he has submitted applications for a real estate tax abatement. It has also been posted on the Board’s website.

III. Amendment to City’s Campaign Finance Law

On May 1, 2019, Mayor Kenney signed into law an amendment to Philadelphia’s Campaign Finance Law that strengthens public disclosure of money spent to influence City elections and implements other improvements to the Law. We issued an Advisory Alert on May 1, 2019 that explained the impact of the amendment. We distributed the Alert via email lists, Twitter, and the Board’s website. We also updated the Board’s guide to complying with the City’s Campaign Finance Law, which we distributed in the same manner as the Alert. A copy of the Alert is attached at Tab B following my report. Lastly, we have thoroughly notated Board Regulation No. 1 in order to identify and explain and provisions of the Regulation that do not conform to the ordinance as amended. We have posted the notated Regulation on the Board’s website.
IV. Publication of Advisory Opinions

We are exploring ways to increase public awareness of Board Advisory Opinions. We are creating an email distribution list that anyone can join if they would like to be alerted to newly issued Advisory Opinions. We hope to have a sign-up feature deployed to the Board’s website soon, but in the meantime, anyone who would like to join the list can simply email me and we will add him or her to it. We also intend to issue a monthly tweet that would announce any Advisory Opinions issued that month.

Lastly, we are in the process of reorganizing the way Advisory Opinions are listed on the Board’s website. At present, the website provides separate lists for Board Opinions and General Counsel Opinions and groups them by year. The website also includes an index, or digest, of opinions. Our plan is to reorganize the website so that all Opinions are listed together and can be searched either by year or by topic. We have completed the necessary categorizations and now just need to do the mechanical work on the website. In addition, we are checking with the Office of Information and Technology to find out if we can embed a search engine that will allow a user to conduct a word search on all of the Opinions posted to the website. We will keep you updated on our progress.

V. Informal Guidance

Following this report at Tab C, you will find a chart that summarizes the informal guidance Board Staff provided March 9, 2019 through May 3, 2019. I note that the chart, as always, reflects guidance given not just by General Counsel Staff, but by other staff members as well.
Re: Government Official Exemption of City Lobbying Law as Applied to Charter School Employees

Dear Attorney:

You represent the Board of a Philadelphia Charter School (the “Charter School”) in its request for a non-public advisory opinion regarding the registration and reporting requirements of the City Lobbying Law. As discussed below, if the Charter School spends more than $2,500 on non-exempt lobbying activities in a quarter, it would be required to register as a principal and file expense reports with the Board. The Charter School’s expense reports, however, would not need to disclose its expenses for exempt lobbying activity, such as lobbying by its employees acting in their official capacities.

I. Jurisdiction

The Philadelphia Home Rule Charter (“Charter”) grants the Board of Ethics jurisdiction to administer and enforce all Charter provisions and ordinances pertaining to ethical matters, including the City Lobbying Law found at City Code Chapter 20-1200 and Board Regulation 9. Charter § 4-1100. The Charter and The Philadelphia Code (“Code”) authorize the Board of Ethics to render advisory opinions explaining the application of laws under the Board’s jurisdiction. See Charter § 4-1100; Code § 20-606(1)(d); Board Reg. 4 ¶ 4.1(a). An authorized representative of a person, such as an attorney, may submit a request for an advisory opinion on behalf of the person. Board Reg. 4 ¶ 4.7. Board Regulation 4 describes the procedures related to seeking an advisory opinion and for requesting reconsideration of an advisory opinion issued by the Board’s General Counsel. Board Reg. 4 ¶¶ 4.0, 4.24.

FOR PUBLIC RELEASE
II. Facts Provided by the Requestor

In your request letter, you provided a brief description of the Charter School and its proposed behavior. The Charter School is a Pennsylvania non-profit corporation and currently operates under a charter it initially received and that was subsequently renewed under the Pennsylvania Charter School Law, 24 P.S. §§ 17-701-A et. seq. (“Charter School Law”). The Charter School’s Board is recognized as a “Board of Trustees” under the Charter School Law.

The Charter School plans to advocate for certain public policies. That advocacy will involve the Charter School communicating both directly and indirectly with officers and employees of the City of Philadelphia and the Philadelphia School District. Employees of the Charter School will conduct such communications as part of their official duties. The Charter School may also pay for non-employees, such as independent contractors, to assist with these communications.

III. Questions Presented and Brief Answers

1. If all lobbying on the Charter School’s behalf is carried out solely by the Charter School employees acting in their official capacities, would the Charter School be required to register as a principal and file expense reports under the City Lobbying Law?

   No. Lobbying by the Charter School’s employees acting in their official capacities would be exempt from the registration and reporting requirements of the City Lobbying Law because employees of the Charter School are covered by the government official exemption.

2. If the Charter School spends more than $2,500 in a quarter for external lobbyists or lobbying firms to lobby on its behalf, would the Charter School be required to register as a principal and file expense reports?

   Yes. The Charter School would be required to register and file expense reports absent another applicable exemption because the government official exemption would not apply to external lobbyists or lobbying firms who lobby on the Charter School’s behalf.

3. If the Charter School is required to register as a principal and file expense reports under the circumstances described in Question 2, would its expense reports be required to disclose expenses for the lobbying activities of the Charter School’s employees acting in their official capacities?

   No. The Charter School would only be required to disclose expenses related to its non-exempt lobbying activities and would not be required to disclose expenses for the lobbying activities of its employees acting in their official capacities.
IV. Discussion

Under the City Lobbying Law, a principal is a person or entity who engages in lobbying on its own behalf or on whose behalf a lobbyist or a lobbying firm engages in lobbying. See Code § 20-1201(23); Board Reg. 9 ¶ 9.1(z). Based on the facts provided, the Charter School would be a principal because it will use its employees and may retain external lobbyists or lobbying firms to lobby on its behalf. The City Lobbying Law requires a principal to register with the Board during a calendar year if the principal spends more than $2,500 on non-exempt lobbying activities in a quarter. See Code §§ 20-1202(1), 20-1204(6); Board Reg. 9 ¶¶ 9.2(a), (d). A registered principal is required to file quarterly expense reports or statements with the Board. See Code §20-1203(1), (7); Board Reg. 9 ¶ 9.9.

The City Lobbying Law contains exemptions from the registration and reporting requirements for certain persons and activities. Code § 20-1204; see also Board Reg. 9, Subpart D. The exemption applicable to your request is the government official exemption, which applies to a government officer or employee acting in an official capacity, including employees of political subdivisions of the Commonwealth of Pennsylvania. See Board Reg. 9 ¶ 9.19(d); Code § 20-1204(7) (identifying exemption in relevant part as applying to “appointed officials and employees of the following jurisdictions, when acting in an official capacity: the Commonwealth [and] political subdivisions thereof . . . .”). The Board has previously concluded that this exemption applies to a charter school’s employees. See November 16, 2016 Settlement Agreement between Mastery Charter High School and Board of Ethics (“2016 Mastery Settlement”) ¶ J. The Board’s conclusion is consistent with the State Ethics Commission’s determination that a charter school is a “political subdivision” for purposes of the State Ethics Act. See State Ethics Commission Opinion 04-002 at 9-11 (advising that a charter school is a political subdivision because it is an independent public school organized by a school district through the granting of a charter under the Charter School Law).

A principal’s expenses for exempt lobbying activities, including activities covered by the government official exemption, are excluded when calculating whether the principal’s lobbying expenses exceed the $2,500 per quarter registration and reporting threshold. Board Reg. 9 ¶ 9.2(d). The Charter School’s expenses for lobbying by its employees acting in their official capacities therefore do not count toward the $2,500 per quarter threshold. The Board has previously addressed this point, stating in the context of a settlement agreement with a charter school that “time spent on lobbying by paid employees of [the charter school] does not count toward the City Lobbying Law’s registration and reporting thresholds.” See 2016 Mastery Settlement ¶ J.
As a result, if the Charter School pursues its lobbying efforts solely through its employees acting in their official capacities, the Charter School would not be required to register as a principal or file expense reports with the Board because all lobbying activities on its behalf would fall within the government official exemption. See Board Opinion 2012-005 at 5 (concluding that all of a government entity’s lobbying activities are exempt and it need not register as a principal or file expense reports if all lobbying on its behalf is conducted by the government entity’s employees and officials acting in their official capacities).

If, however, the Charter School engages external lobbyists or lobbying firms to lobby on its behalf, the activities of such individuals and entities would not be covered by the government official exemption. See Board Opinion 2012-005 at 4 (“[T]o the extent that [governmental entities] are represented by a lobbying firm or [external] lobbyist . . . , the [government official] exemption of Code Section 20-1204(7) does not apply . . . .”) (citing Board Opinion 2012-003). Unless another exemption is applicable, the Charter School’s expenses for external lobbyists or lobbying firms would count toward the $2,500 per quarter registration and reporting threshold.

Accordingly, if the Charter School spends in excess of $2,500 on external lobbyists or lobbying firms in a quarter, it would generally be required to register as a principal and file expense reports with the Board. In this circumstance, the Charter School would only be required to report expenses related to its non-exempt lobbying activities. See Board Reg. 9 ¶ 9.9. The Charter School’s expenses for lobbying activities that fall within the exemptions listed in Subpart D of Board Regulation 9, including the government official exemption, would not need to be disclosed on the Charter School’s lobbying expense reports. Id. For example, if in a given quarter the Charter School spends $3,500 on an outside lobbyist and $2,000 on lobbying by its employees, the Charter School would only be required to disclose the $3,500 in external lobbyist expenses on its expense report for that quarter because the remaining $2,000 would fall within the government official exemption. See Board Reg. 9, Example for ¶ 9.19(a).

* * * * *
Thank you for your concern about compliance with the City Lobbying Law and for seeking advice. Advisory opinions are fact-specific, and this Opinion is predicated on the facts you have provided. Requestors of advisory opinions are entitled to act in reasonable reliance on opinions issued to them and not be subject to penalties under the laws within the Board’s jurisdiction, unless they have omitted or misstated material facts in their requests. Code § 20-606(1)(d)(ii); Board Reg. 4 ¶ 4.12.

Since you requested a non-public opinion, the original Opinion will not be made public. As required by the City Code, this version of the Opinion, which has been redacted to conceal facts that are reasonably likely to identify the requestor, is being made public. Please let me know if you have any questions.

BY THE PHILADELPHIA BOARD OF ETHICS

Maya Nayak
General Counsel

cc: Michael H. Reed, Esq., Chair
Re: Application of Ethics Code Conflict of Interest Restriction to Official Action On Legislation Affecting Real Estate Tax Abatement

Dear Councilmember Domb:

Philadelphia Home Rule Charter Section 4-1100 and Philadelphia Code Section 20-606(1)(d) authorize the Board of Ethics to render advisory opinions explaining the application of laws under the Board’s jurisdiction, including the City Ethics Code, which is found at City Code Chapter 20-600. Board Regulation No. 4 describes the procedures related to seeking an advisory opinion.

You have asked whether or not the fact that you have applied for tax abatements for three specific properties that you own would preclude you from taking official action on pending legislation related to the City’s real estate tax abatement program.

You have explained that Councilmembers have introduced three separate bills related to the real estate tax abatement program: one introduced by you, one introduced by Councilmember Gym, and one introduced by Councilmember Bass. As you have explained it, none of the three bills will affect pending applications for abatements. Rather, each of the three bills, if passed, would only affect applications submitted after the effective date of the legislation. As such, even if one of the proposed bills were to pass and become law, it would not affect the applications you have submitted for the three properties you have identified.

Based on the facts you have provided to us, because the three bills currently before City Council can only affect applications for tax abatements submitted after the legislation becomes effective, your current applications for tax abatements would not create a conflict of interest for you under the City's Ethics Code with regard to these bills.
Thank you for your concern about compliance with the City Ethics Code and for seeking advice. Advisory opinions are fact-specific, and this Opinion is predicated on the facts you have provided. Requestors of advisory opinions are entitled to act in reasonable reliance on opinions issued to them and not be subject to penalties under the laws within the Board’s jurisdiction, unless they have omitted or misstated material facts in their requests. See Code § 20-606(1)(d)(ii); Board Reg. 4 ¶ 4.12.

BY THE PHILADELPHIA BOARD OF ETHICS

Michael J. Cooke
Acting General Counsel

cc: Michael H. Reed, Esq., Chair
    J. Shane Creamer, Esq., Executive Director
Tab B
RECENT AMENDMENT TO
PHILADELPHIA’S CAMPAIGN FINANCE LAW

On May 1, 2019, Mayor Kenney signed into law an amendment to Philadelphia’s Campaign Finance Law that strengthens public disclosure of money spent to influence City elections and implements other improvements to the Law. This summary does not include every change made through the amendment, and is not intended to replace a careful reading of the full amendment as enacted. A copy of the amendment is attached to this alert.

Philadelphia’s Campaign Finance Law covers elections for the offices of Mayor, District Attorney, City Controller, City Council, City Commissioner, and Sheriff. The Board of Ethics is responsible for administering, enforcing, and providing guidance on the City’s Campaign Finance Law. If you have questions about the changes to the Campaign Finance Law, please contact us at 215-686-9450 or at campaign.finance@phila.gov. You can find additional information on our website.

NOTABLE CHANGES

- **Enhanced disclosure of expenditures for electioneering communications**
  
  i. If a non-profit or other person (but not a candidate committee) makes electioneering communication expenditures of $5,000 or more during the time period of May 13 through May 15, 2019, that non-profit or person must file a campaign finance report with the Board on May 17, 2019. If the non-profit or person makes such expenditures during the time period of May 16 through May 21, 2019, then the non-profit or person must file a campaign finance report with the Board by June 20, 2019. See Code § 20-1006(1)(c)(.5) & (.6)

  ii. The date a report is due is now determined by either the date of expenditure for the electioneering communication or the date of its dissemination, whichever is earlier. See Code § 20-1006(1)(c)

  iii. The disclosure requirements only apply to publicly-distributed electioneering communications, not, for example, to internal communications of a labor union, corporation, or association. See Code § 20-1001(8)

  iv. The disclosure requirements related to electioneering communications apply whether the expenditures are made directly or through another person, such as a political committee. See Code § 20-1006(1)(c)

  v. In addition to disclosing all contributions as required by the PA Election Code, a filer other than a political committee or an individual must disclose all donations of $5,000 or more received during the relevant reporting period. See Code § 20-1006(1)(d)
• **Changes to contribution limits.**
  
  i. The limit for contributions from persons other than individuals has increased from $11,900 to $12,000 per calendar year. *See Code § 20-1002(2)*
  
  ii. The contribution limits apply to contributions made through other persons as well as to those made directly or through political committees. *See Code § 20-1002(1) & (2)*
  
  iii. The limit on aggregate PAC contributions in non-election years (formerly Code § 20-1002(3)) was removed from the Law.

• **Fundraising for transition/inauguration to office; post-candidacy contributions**

  i. Candidates (or former candidates) may now establish a separate committee to raise money for transition or inauguration to office. In addition to contributions accepted into his or her candidate committee, a candidate may accept contributions to a transition and inauguration committee of up to $3,000 per individual per year and $12,000 per person other than an individual per year. *See Code §§ 20-1002(8) & 20-1011*

  ii. A former candidate must make all expenditures to retire campaign debt out of his or her candidate committee. So long as the committee is carrying campaign debt, any contributions to that committee are subject to the annual contribution limits. *See Code §§ 20-1001(6), 20-1002(1), & 20-1003*

• **Reimbursed expenditures**

  i. A candidate or an employee or agent of a candidate’s campaign may use personal funds to make purchases for the benefit of the campaign so long as:

    a. it is reasonably necessary that such purchases are not made from the candidate committee's checking account;
    
    b. the campaign reimburses the candidate or employee or agent within 45 days of the purchase;
    
    c. the reimbursement is disclosed and accurately described in the required campaign finance report; and
    
    d. the candidate’s campaign maintains documentation of the reimbursement and underlying purchase.

    *See Code § 20-1003(4)*

  ii. A campaign may reimburse a vendor for expenses that are incidental to the contractual provision of services by the vendor to the campaign, consistent with standard business practice so long as the reimbursement is prompt. *See Code § 20-1002(15)*
BILL NO. 190083-A
(As Amended on Floor 4/11/2019)

Introduced February 7, 2019

Councilmember Green

Referred to the Committee on Law and Government

AN ORDINANCE

Amending Chapter 20-1000 of The Philadelphia Code, entitled “Political Contributions and Expenditures,” to add and make changes to provisions regarding campaign contributions; contributions to transition and inauguration committees; and campaign finance disclosures; and making technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-1000 of The Philadelphia Code is amended to read as follows:

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES


For purposes of this Chapter, the following definitions shall apply:

* * * *

(6) Contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate or by a former candidate to retire debt incurred to influence a covered election or to pay costs related to transition or inauguration to City elective office.

* * * *
((8) Election Reform Board. A nonpartisan, non-governmental entity to be created that will execute and monitor voluntary contracts for expenditure limitations and will include representation from the League of Women Voters of Philadelphia and/or the Committee of Seventy.]

[(8.1)] (8) Electioneering communication. Any publicly distributed broadcast, cable, radio, print, Internet, or satellite communication (a) that promotes, attacks, supports, or opposes a candidate, or (b) that, within 50 days of a covered election, names, refers to, includes, or depicts a candidate in that covered election. The term shall not include: (i) sponsorship or organization of a candidate debate or forum; (ii) any news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication, including any Internet periodical publication, unless the station, newspaper, magazine, or publication is owned or controlled by a candidate, political committee, or political party.

* * *

[(10) Excess post-candidacy contributions. The amount of money, gifts, forgiveness of debts, loans, or things having a monetary value, contributed by a person or committee to particular political committee that, had it been contributed for the purpose of retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office, would have been in excess of the contribution limitations set forth in subsections 20-1002(4) or 20-1002(5).]

[(11)] (10) Expenditure.

(a) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of a covered election or to retire debt incurred to influence the outcome of a covered election or to cover expenses related to transition or inauguration to City elective office, including any expenditure for an electioneering communication;

[(12)] (11) Person ***

[(13)] (12) Political Committee ***

[(14) Post-candidacy contribution. Money, gifts, forgiveness of debts, loans, or things having a monetary value, received by a former candidate or his/her agent for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City elective office.]

[(15)] (13) Pre-candidacy contribution. ***

[(16)] (14) Sample Ballot. ***
§ 20-1002. Contribution Limitations.

(1) Except as otherwise provided in [subsection (9)] this Section 20-1002, no individual shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than [two thousand five hundred dollars ($2,500)] $3,000, cumulatively, to (a) a candidate for City elective office, or (b) to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

(2) Except as otherwise provided in [subsection (9)] this Section 20-1002, no person, other than individuals who are covered under § 20-1002(1), and no political committee shall make total contributions per calendar year, including contributions made to or through one or more political committees or persons, of more than [ten thousand dollars ($10,000)] $12,000, cumulatively, to (a) a candidate for City elective office, or (b) to the candidate committee of a former candidate for City elective office if that committee is carrying debt incurred to influence the outcome of a covered election.

[(3) During those calendar years in which a covered election is not occurring, candidates shall be limited in receiving political committee contributions as follows:

(i) candidates for Mayor may receive political committee contributions totaling no more than two hundred fifty thousand dollars ($250,000) per year;

(ii) candidates for District Attorney and City Controller may receive political committee contributions totaling no more than one hundred thousand dollars ($100,000) per year;

(iii) candidates for City Council, Sheriff and City Commissioner may receive political committee contributions totaling no more than seventy-five thousand dollars ($75,000) per year.]

[(4) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no individual shall make total post-candidacy contributions, including contributions made to or through one or more political committees, of more than two thousand six hundred dollars ($2,600).]

[(5) During the interval between such general election (or primary election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no person, other than an individual covered under § 20-1002(4), political committee shall make post-candidacy contributions, including contributions made to or through one or more political committees, of more than ten thousand six hundred dollars ($10,600).]
[[6]] (3) No candidate or candidate political committee may spend any excess pre-candidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate.

[[7]] (4) No candidate or candidate political committee may spend any excess pre-candidacy contributions [or excess post-candidacy contributions] for the purposes of:

(a) transition or inauguration expenses; or

(b) retiring debt that was incurred to (i) influence the outcome of an already completed covered election; or (ii) cover transition or inauguration expenses related to an already completed covered election.

[(8)] (5) A pre-candidacy contribution made in the same calendar year that a person becomes a candidate shall count toward the limitations on contributions set forth in paragraphs (1) and (2).

[(9)] (6) The limitations imposed by subsections 20-1002(1) and (2) [this Chapter] shall not apply to contributions from a candidate's personal resources to the candidate's candidate political committee. However, if such contributions total $250,000 or more (regardless of the time period over which such contributions are made), then the contribution limits set forth in [this Section for that City elective office for that City elective office, other than those in subsections (4) and (5) above,] subsections 20-1002(1) & (2) above shall double with respect to candidates for that City elective office. The contribution limits set forth in subsections 20-1002(7) and 20-1002(8) below shall not double based on such a contribution of personal resources.

(7) Notwithstanding the limits set forth in subsections 20-1002(1) & (2), if a candidate establishes a Litigation Fund Committee pursuant to § 20-1009:

(a) an individual may make contributions to that committee of up to, but not in excess of, $3,000 per calendar year, including contributions made through one or more political committees or persons; and

(b) a person other than an individual may make contributions to that committee of up to, but not in excess of, $12,000 per calendar year, including contributions made through one or more political committees or persons.

(8) Notwithstanding the limits set forth in subsections 20-1002(1) & (2), if a candidate or former candidate establishes a Transition and Inauguration Committee pursuant to § 20-1011:
(a) an individual may make contributions to that committee of up to, but not in excess of, $3,000 per calendar year, including contributions made through one or more political committees or persons; and

(b) a person other than an individual may make contributions to that committee of up to, but not in excess of, $12,000 per calendar year, including contributions made through one or more political committees or persons.

(9) The limitations imposed by subsections 20-1002(7) & (8) shall not apply to contributions from a candidate's personal resources or from a candidate's candidate political committee. A candidate or former candidate shall not transfer funds to his or her candidate political committee from a Litigation Fund Committee or a Transition and Inauguration Committee.

(10) The limitations imposed by this subsection shall not apply to volunteer labor.

(11) On January 1, [2008] 2020, and on January 1 every four years thereafter, the maximum amounts set forth in this § 20-1002 [(1), (2), (4), and (5)] shall be adjusted, as follows. On the December 15 immediately preceding the adjustment, the Finance Director shall calculate the "CPI Multiplier" by dividing the average consumer price index for Philadelphia during the then-current calendar year by the average consumer price index for Philadelphia during calendar year [2005] 2016. To determine the average consumer price index for Philadelphia, the Finance Director shall use the latest available figures for the Consumer Price Index for all urban Consumers (CPI-U) All Items Index, Philadelphia, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the Finance Director shall calculate the new maximum amounts as follows:

[(i)] (a) The maximum amounts for purposes of § subsections 20-1002(1), (7)(a), & (8)(a) shall equal $3,000 [$2,500], multiplied by the CPI Multiplier, rounded to the nearest $100.

[(ii)] (b) The maximum amounts for purposes of § subsections 20-1002(2), (7)(b), & (8)(b) shall equal $12,000 [$10,000], multiplied by the CPI Multiplier, rounded to the nearest $100.

[(iii) The maximum amount for purposes of § 20-1002(4) shall equal $2,500, multiplied by the CPI Multiplier, rounded to the nearest $100.]

[(iv) The maximum amount for purposes of § 20-1002(5) shall equal $10,000, multiplied by the CPI Multiplier, rounded to the nearest $100.]

The Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Council President, the Chief Clerk of Council, and the Board of Ethics.
(12) No candidate, former candidate, candidate’s candidate political committee, former candidate’s candidate political committee, Litigation Fund Committee or Transition and Inauguration Committee shall accept any contribution [or post-candidacy contribution] which exceeds the contribution limits set forth in this Chapter.

* * *

(15) A vendor may make expenditures on behalf of a campaign, and such expenditures shall not count against the vendor’s contribution limits and shall not constitute a prohibited expenditure of the campaign, so long as the expenditures are for an expense that is incidental to the contractual provision of services by the vendor to the campaign, consistent with standard business practice; and the campaign promptly reimburses the vendor for the expenditure.

§ 20-1003. Candidate Political Committee Accounts.

(1) Candidate Political Committee Account. A candidate for City elective office shall have no more than one political committee and one checking account for the City office being sought, into which all contributions [and post-candidacy contributions for such office] shall be made, and out of which all expenditures for that office shall be made, including expenditures for retiring debt incurred to influence the outcome of a covered election [and for transition or inauguration to that office.] If the candidate for office maintains other political or non-political accounts for which contributions are solicited, such funds collected in these accounts shall not be used for the purpose of influencing the outcome of a covered election, or to retire debt that was incurred to influence the outcome of a covered election [, or to cover transition or inauguration expenses]. The restrictions of the subsection shall not apply to a Litigation Fund Committee established pursuant to § 20-1009 or a Transition and Inauguration Committee established pursuant to § 20-1011.

(2) It shall not be a violation of this section for a candidate for City elective office who is a ward leader to make expenditures through his or her ward's political committee for the printing or distribution of sample ballots where such sample ballots list the candidate as one of the endorsed candidates either of the candidate's party or of the candidate's ward.

(3) Upon formation of a candidate political committee, the candidate immediately shall file with the Board of Ethics a statement identifying:

* * *

(4) A candidate or an employee or agent of a candidate’s campaign may use personal funds to make purchases for the benefit of the campaign so long as:
(i) it is reasonably necessary that such purchases are not made from the
candidate committee's checking account;

(ii) the campaign reimburses the candidate or employee or agent within 45 days
of the purchase;

(iii) the reimbursement is disclosed and accurately described in the required
campaign finance report; and

(iv) the candidate’s campaign maintains documentation of the reimbursement
and underlying purchase. A purchase that complies with the foregoing shall not violate
Section 20-1003 and shall not count towards the contribution limits set forth at Section
20-1002.

§ 20-1004. [Candidate Expenditure Limitations.] Reserved.

[(1) Expenditure Contract.

(a) Effective for the elections for District Attorney and City
Controller in the year 2005, and Mayor, Register of Wills, Sheriff, City Commissioner and City
Council in the year 2007 and thereafter, a candidate seeking election to any of said offices may
sign a contract with the Election Reform Board to abide by limitations on expenditures.

(b) The expenditure contract for a particular covered election
may be signed by an individual candidate no later than the last date upon which such individual
may withdraw as an official candidate in said election.

(c) A candidate may sign an expenditure contract limiting his/her
overall expenditures as specified in § 20-1004(2).

(2) Expenditure Limitations. A candidate who signs an expenditure contract
in accordance with this Chapter shall not make expenditures per covered election in excess of the
following amounts:

Mayor $2,000,000
District Attorney $500,000
City Controller $500,000
City Council $250,000
Register of Wills $250,000
Sheriff $250,000
City Commissioner $250,000]

(1) (a) Electronic Filings Required.

(2) Any time any [person or] political committee, treasurer of a political committee, or other person is required by the Pennsylvania Election Code to file a campaign finance report [or statement] with the City Commissioners or the Secretary of State [and that report or statement discloses, or is required to disclose, any expenditures or any debt incurred to influence the outcome of a covered election, the person or political committee shall file a copy of the report or statement with the Board of Ethics in a digital electronic format prescribed by the Board no later than the state law due date], that person, treasurer, or political committee shall file a copy of that report with the Board of Ethics if the report discloses or is required to disclose any:

(i) expenditures made or debt incurred to influence the outcome of a covered election;

(ii) contributions to or expenditures by the candidate political committee of a former candidate that is carrying debt incurred to influence the outcome of a covered election;

(iii) contributions to or expenditures by a Litigation Fund Committee established pursuant to § 20-1009; or

(iv) contributions to or expenditures by a Transition and Inauguration Committee established pursuant to § 20-1011.

Any report required to be filed pursuant to this subsection 20-1006(1)(a)(.2) shall be filed no later than the state law due date for filing the report, and shall be filed in a digital electronic format determined by the Board.

(c) In addition to any filing required by subsection (a) or (b), any person, including a not-for-profit organization or political committee, other than a candidate political committee, that on or before any report due date set forth below, [spends or promises to pay in the aggregate] whether directly or through another person, makes or promises to make expenditures of $5,000 or more in the aggregate for one or more electioneering communications that are published or to be published within fifty (50) days of a covered election shall file a report with the Board of
City of Philadelphia

BILL NO. 190083-A, as amended continued

Ethics in a digital electronic format setting forth all transactions covered by subsection (d) below that occurred more than twenty-four hours before the report due date, but less than eight months prior to the election, and that have not previously been disclosed in a report filed with the Board of Ethics. If the date of dissemination of the electioneering communication precedes the date of the expenditure for it, then the date of dissemination shall be used to determine the due date of the report. Such reports shall be due (unless the same person is required to file a report under subsection (a) or (b) on the same date):

(.1) on the sixth Tuesday before a covered election;

(.2) on the fourth Tuesday before a covered election;

(.3) on the second Friday before a covered election; [and]

(.4) on the Tuesday immediately before a covered election;

(.5) on the Friday immediately before a covered election; and

(.6) for any covered electioneering communication expenditures made after the last expenditure reported under subsection 20-1006(1)(c)(.5) above, by the 30th day after a covered election.

(d) A report filed pursuant to subsection (b) or (c) shall be in the format required by the Board of Ethics and shall contain all information required by section 1626(b) of the Pennsylvania Election Code, 25 P.S. § 3246(b). In addition to disclosing all contributions as required by section 1626(b) of the Pennsylvania Election Code, 25 P.S. § 3246(b), a filer who is not a registered political committee or an individual shall also disclose all other donations of $5,000 or more received during the relevant reporting period.

* * * *

[(f) Former candidates and treasurers of political committees shall file reports of post-candidacy contributions and expenditures made to retire debt or for inauguration and transition expenses in such form and detail and on such schedule as the Board of Ethics requires by regulation.]

[(g)] (f) ***

* * * *

[§ 20-1010. Limits on Contributions to a Litigation Fund.]
(a) No person shall make a contribution to a litigation fund in excess of the limits set forth in § 20-1002 and no candidate or litigation fund committee shall solicit or accept a contribution in excess of such limits, provided, however, that when a candidate makes contributions of $250,000 or more from his or her personal resources to his or her candidate political committee, the limits set forth in § 20-1002 shall not double with respect to contributions to a litigation fund.

(b) The limit on contributions to a litigation fund shall be separate from and in addition to the limit on campaign contributions set forth in § 20-1002, so that a contribution to a litigation fund shall not count toward the campaign contribution limits set forth in § 20-1002.

(c) The limitations imposed by this Chapter shall not apply to contributions to a litigation fund from a candidate's personal resources or from a candidate's candidate political committee, provided, however, that a candidate may not transfer excess pre-candidacy contributions to his or her litigation fund.]

[§ 20-1011. Reporting.

(a) A litigation fund committee shall file reports of contributions and expenditures in such detail and on such schedule as is prescribed by law for the reporting of contributions to and expenditures by a candidate's political committee.

(b) The reports required by this Section shall be filed with the Board of Ethics in an electronic format mandated by the Board of Ethics, and shall be accompanied by a written statement, signed by the person making the filing, that subscribes and swears to the information set forth in such filing. Upon receipt of such filing, the Board of Ethics shall issue a written receipt to the person making the filing.

(c) The Board of Ethics shall provide for the publication of all reports filed under this Section in the same manner and on the same timetable it provides for publishing of campaign finance reports under § 20-1006.]

[§ 20-1012.] § 20-1010. Required Termination of a Litigation Fund Committee.

* * *

§ 20-1011. Transition and Inauguration Committees.

(a) A candidate or person elected to City office shall use a political committee that is separate from his or her candidate political committee to solicit and receive contributions for transition or inauguration into City elective office. The name of such committee shall contain the terms “Transition” and “Inauguration.”
(b) Funds held by a Transition and Inauguration Committee may only be used to pay costs incurred for the transition or inauguration into City elective office of the elected person.

(c) A candidate or person elected to City office shall use only one committee and one checking account to receive and expend funds for expenses of his or her transition or inauguration into City elective office, except that nothing shall prohibit a former candidate from transferring money raised while a candidate from the elected person’s candidate political committee to his or her Transition and Inauguration Committee. The Board of Ethics shall require a candidate or person elected to City office to provide the Board with such information as the Board deems necessary to identify the candidate's transition and inauguration committee and checking account, within three business days of formation of the committee.

(d) Each Transition and Inauguration Committee shall have a treasurer who shall be responsible for keeping records of contributions and expenditures to the same extent and in the same detail that records of contributions and expenditures must be kept by a candidate's political committee pursuant to this Chapter and applicable State law.

(e) A Transition and Inauguration Committee must be terminated, including closure of the committee checking account, no later than six months after the date of the former candidate’s inauguration to City office. Before a Transition and Inauguration Committee is terminated, any remaining funds shall be returned to contributors on either a "last in, first out" or "first in, first out" accounting basis, or on such other equitable basis as may be approved by the Board of Ethics. The Board of Ethics may for good cause shown extend the deadline for termination of a Transition and Inauguration Committee.

* * * *

SECTION 2. This Ordinance shall be effective immediately.
Tab C
<table>
<thead>
<tr>
<th>General Topic</th>
<th>Totals Month (YTD)</th>
<th>Email</th>
<th>Phone</th>
<th>Email &amp; phone</th>
<th>In-person</th>
<th>Examples of guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Disclosure</td>
<td>1100 (1114)</td>
<td>82</td>
<td>1012</td>
<td>3</td>
<td>3</td>
<td>▪ Amending previously filed forms</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Assisting filers and human resource managers with accessing and utilizing online filing system and with technical issues related to filing system</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Deadline for filing financial disclosure forms</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Determining which forms are required to be filed by certain filers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Explaining filing and disclosure requirements to various filers and human resource managers, including candidates for elective office</td>
</tr>
<tr>
<td>Campaign Finance</td>
<td>279 (467)</td>
<td>58</td>
<td>209</td>
<td>8</td>
<td>4</td>
<td>▪ Requirement that candidate alert the Board that candidate contributed $250,000 or more of his or her personal funds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Sample ballot exception regarding contribution limits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Filing requirements for various individuals and entities, including candidates, candidate political committees, political action committees, non-profit organizations, lobbyists and ward committees</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Purchasing donor lists from another entity</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Reporting contributions from joint checking accounts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Reporting periods and deadlines for campaign finance reports</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ New electronic filing system</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>▪ Assisting filers with accessing and utilizing online filing system and with technical issues related to filing system</td>
</tr>
<tr>
<td>General Topic</td>
<td>Monthly total (ytd. total)</td>
<td>Email</td>
<td>Phone</td>
<td>Email &amp; phone</td>
<td>In-person</td>
<td>Examples of guidance</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------</td>
<td>-------</td>
<td>-------</td>
<td>---------------</td>
<td>-----------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
| Lobbying      | 30 (78)                   | 5     | 24    | 0             | 1         | ▪ Application of City Lobbying Law to state lobbying activity  
|               |                           |       |       |               |           | ▪ Application of City's Lobbying Law to District Attorney  
|               |                           |       |       |               |           | ▪ Lobbying commencement date  
|               |                           |       |       |               |           | ▪ Lobbyist training requirement  
|               |                           |       |       |               |           | ▪ Registration inquiries, including fees, requirements, renewals, and affiliations  
|               |                           |       |       |               |           | ▪ Technical assistance with information searches on the Philadelphia Lobbying Information System |
| Conflicts     | 13 (43)                   | 0     | 9     | 4             | 0         | ▪ City employee organizing job fair at local church when City agencies donate funds to participate in event  
|               |                           |       |       |               |           | ▪ City employee serving on advisory board to non-profit affiliated with City Department  
|               |                           |       |       |               |           | ▪ City employee working for subcontractor of a City department  
|               |                           |       |       |               |           | ▪ Outside employment that is funded through grants from unknown source  
|               |                           |       |       |               |           | ▪ Outside employment and outside business interests  
|               |                           |       |       |               |           | ▪ Charter prohibition on interests in certain City contracts  
<p>|               |                           |       |       |               |           | ▪ City employee representation restriction |</p>
<table>
<thead>
<tr>
<th>General Topic</th>
<th>Monthly total (ytd. total)</th>
<th>Email</th>
<th>Phone</th>
<th>Email &amp; phone</th>
<th>In-person</th>
<th>Examples of guidance</th>
</tr>
</thead>
</table>
| Post-Employment   | 8 (16)                    | 0     | 4     | 3             | 1         | • City department engaging former, retired City employees for work-related assistance  
• Former City board member representing individuals before former City board  
• Former City employee accepting seasonal position with City  
• Former City employee, working as subcontractor for vendor on non-City related matters, providing unpaid guidance to vendor regarding vendor’s contracts with the City  
• Overview of post-employment restrictions, including their application to former members of City boards and commissions |
| Political Activity| 7 (37)                    | 1     | 4     | 2             | 0         | • City Board member supporting specific bill before City Council  
• City promoting “yes” vote for ballot initiative  
• City employee acting in an official capacity posting and distributing candidate advocacy content  
• City employee making political contributions  
• Distinction between partisan political activity and political activity related to policy-related issues or legislation  
• Overview of political activity restrictions, including restrictions applicable to City council staffers and elected officials |
<table>
<thead>
<tr>
<th>General Topic</th>
<th>Monthly total (ytd. total)</th>
<th>Email</th>
<th>Phone</th>
<th>Email &amp; phone</th>
<th>In-person</th>
<th>Examples of guidance</th>
</tr>
</thead>
</table>
| Gifts         | 3 (17)                    | 0     | 2     | 1             | 0         | ▪ City employee on extended leave soliciting and accepting gifts  
                  ▪ City employee using GoFundMe website for personal fundraising  
                  ▪ City employee using personal funds to attend event of non-profit when non-profit has contract with employee’s City department  
                  ▪ Gifts between supervisors and subordinates |
| Other         | 8 (21)                    | 3     | 2     | 3             | 0         | ▪ Alleged inappropriate and threatening behavior by City employee when behavior did not involve a financial interest  
                  ▪ Ex parte communications restriction  
                  ▪ No jurisdiction |

**NOTE:** The informal guidance chart presented at the April 2019 Board meeting (covering February 9, 2019 to March 8, 2019) misstated the year-to-date totals for each General Topic. The correct year-to-date totals for that time period were: Campaign Finance: 188; Conflicts: 30; Financial Disclosure: 14; Gifts: 14; Lobbying: 48; Other: 13; Political Activity: 30; and Post-Employment: 8. The above chart incorporates the corrected totals.
Attachment C
TO: Michael H. Reed, Esq., Chair  
FROM: J. Shane Creamer, Jr., Executive Director  
DATE: May 10, 2019  
SUBJECT: Promotion and Salary Increase for Staff Attorney Jordan Segall

Section 3-806(g) of the Home Rule Charter requires that the Board not only appoint but also fix the compensation of its Executive Director, General Counsel, and “such other staff . . . as may be required to fulfill . . . its obligations.” Pursuant to this authority to fix compensation, I respectfully request that the Board consider promotion of Staff Attorney Jordan Segall to the position of Senior Staff Attorney and approval of a salary increase for Mr. Segall from his current annual salary of $71,070 to an annual salary of $81,070.

Since joining the Board in 2014, Jordan has steadily increased his responsibilities and expertise. For the past couple of years he has taken the lead on most Board investigations. He has also negotiated numerous settlement agreements with respondents and opposing counsel. Mr. Segall is thorough and detail oriented and displays strong interpersonal skills when interacting with witnesses, subjects of investigations, and opposing counsel. He has become an invaluable member of our team.

Most important in an office as small as ours, Mr. Segall is always willing to take on additional tasks, whatever their nature. He has shown impressive initiative in exploring ways for the Board to increase its outreach and education efforts. He has represented the Board in a variety of seminars and panels where he has given presentations on the City's Campaign Finance Law and Ethics Code. Jordan is notable for his diligence and commitment to the Board's mission.

I therefore ask the Board to consider this recommendation to promote Jordan Segall to the position of Senior Staff Attorney and to approve an increase of his current annual salary of $71,070 to an annual salary of $81,070.

I also request that the Board authorize staff to obtain approval for this salary action from the City Finance Department.