

## **SETTLEMENT AGREEMENT**

This settlement agreement (the “Agreement”) is made and entered into by and between the City of Philadelphia (the “City”), acting by and through its Board of Ethics (the “Board”) and Jannie Blackwell (“Councilmember Blackwell”), jointly referred to as “the Parties,” each a “Party.”

### **BACKGROUND**

- A. The Board is an independent, five-member board of the City established in 2006 by voter approval of an amendment to the Philadelphia Home Rule Charter (the “Charter”). Pursuant to Charter Section 4-1100 and Philadelphia Code (the “Code”) Section 20-600, the Board is charged with administering and enforcing the standards of governmental conduct and ethics for City employees, including the rules concerning political activity.
- B. Councilmember Blackwell is a former City Councilmember and the current Chair of the Mayor’s Commission on African and Caribbean Immigrant Affairs (the “MCACIA”).
- C. The MCACIA is a City advisory board last re-established by Executive Order 05-21 pursuant to Charter Sections 3-100(g) and 3-207.
- D. The purpose of the MCACIA is to provide a forum wherein members of the African and Caribbean immigrant communities can relay their needs and priorities to City government by connecting with City officials and resources.
- E. During the monthly MCACIA town hall meetings for February 14, 2023, March 14, 2023, April 11, 2023, and May 9, 2023, Councilmember Blackwell welcomed, introduced, and spoke in favor of several political candidates running for public office in the 2023 Philadelphia primary elections.
- F. On March 3, 2023, the Board received a referral suggesting that political activity may have taken place in City Hall during one of the MCACIA’s monthly town hall meetings. After gathering additional information, the Board then opened an investigation.
- G. Charter Section 10-107(4)(d) provides: “No officer or employee of the City shall engage in any political activity while on duty or utilize City resources for or while engaging in political activity.”
- H. Board Regulation 8.3 provides: “An appointed officer or employee shall not engage in political activity while: (a) On duty [...] or (c) In City Hall or in any other City-owned or City-leased building, property, or office space, except that an appointed officer or employee may, while not on duty, attend a political event held in a City-owned or leased building, property, or office space if the event is open to the public.”
- I. Under Board Regulation 8.17, members of boards and commissions not listed in Board Regulation 8.16, like the MCACIA, “shall only be subject to those provisions of this Regulation that prohibit (a) political activity while on duty (Paragraph 8.3), (b) political activity using City resources (Paragraph 8.4), or (c) the use of City position for political activity (Paragraph 8.5).”
- J. Board Regulation 8.20 provides: “An appointed officer or employee who violates any of the restrictions set forth in this Regulation shall be subject to a civil penalty of up to \$2,000 for each such violation.”

- K. Therefore, the Charter and Board Regulation 8 prohibit the members of the MCACIA from engaging in political activity while on duty or in City Hall.
- L. The Parties desire to enter into the Agreement to resolve the issues described herein.

**AGREEMENT**

The Parties hereby agree to the following:

- 1. The Background paragraphs A through L above are made part of the Agreement as if fully set forth herein.
- 2. By welcoming, introducing, and speaking in favor of political candidates for public office at the MCACIA monthly town hall meetings in City Hall, Councilmember Blackwell violated Charter Section 10-107(4)(d) and Board Regulation 8.3. The civil monetary penalty for this violation is \$2,000.
- 3. Within fourteen (14) days following the effective date of the Agreement, Councilmember Blackwell shall pay the civil monetary penalty by check or money order made payable to the City of Philadelphia and delivered to the Board's offices located at:
  - City of Philadelphia  
Board of Ethics  
One Parkway Building  
1515 Arch Street  
18<sup>th</sup> Floor  
Philadelphia, PA 19102
- 4. Councilmember Blackwell releases and holds harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the matter described in the Agreement.
- 5. The Parties shall not make any public statements that are inconsistent with the terms of the Agreement.
- 6. If the Board or the City is forced to seek judicial enforcement of the Agreement, and prevails, Councilmember Blackwell shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by Board or City attorneys in such judicial enforcement shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
- 7. The Agreement contains the entire agreement between the Parties.
- 8. The Agreement is severable. If any court of competent jurisdiction determines that any paragraph or part set forth in the Agreement is unenforceable, the remaining terms and conditions of the Agreement will remain in full force and effect as if the unenforceable paragraphs or parts were omitted.
- 9. Upon execution of the Agreement by Councilmember Blackwell and the Executive Director of the Board, the Executive Director shall submit a signed copy of the Agreement to the Board for approval.
- 10. The Agreement shall become effective only upon approval by the members of the Board. The effective date of the Agreement is the date the Board Chair signs the Agreement.

11. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either Party and, except for this paragraph, nothing in the Agreement shall be effective.
12. If the Board approves the proposed Agreement, the Board shall make the Agreement available to the public as required by Board Regulation 2.27 by posting the Agreement to the Board's website.

In witness whereof, the Parties hereto have executed the Agreement on the dates set forth below:

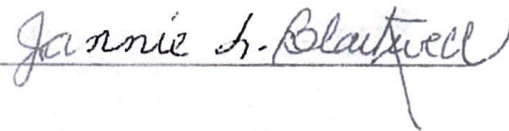
**City of Philadelphia**  
Board of Ethics

Dated: 3/28/24

  
\_\_\_\_\_  
J. Shane Creamer, Jr., *Executive Director*

**Jannie Blackwell**

Dated: 3/27/24

  
\_\_\_\_\_  
Jannie L. Blackwell

**Approved by the members**  
**of the Board of Ethics:**

Dated: 4/18/2024

  
\_\_\_\_\_  
Michael H. Reed, *Chair*