



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 100071

Introduced February 4, 2010

**Councilmembers Green, Jones, Goode, Sanchez,
Kelly and Reynolds Brown**

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to create the position of Chief Information Officer, a member of the Mayor's Cabinet who shall direct an office to be known as the Division of Technology, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members;

WHEREAS, The United States is currently facing an unprecedented fiscal crisis, which provides the City with a unique opportunity to examine ways to transform governmental operations in order to achieve substantial cost savings necessary to balance the City's budget;

WHEREAS, The City can achieve substantial fiscal savings by investing in and incorporating technology into all government departments;

WHEREAS, As detailed in the policy paper authored by the office of Councilman Bill Green – "Paperless Government: Maximizing the Transformative Power of Technology" – the citywide integration of technology into workflow processes has the potential to save hundreds of millions of dollars;

WHEREAS, In order to achieve these cost savings, the City must make changes to the current administration of information technology services. Fragmented information technology infrastructure, duplicative core business application functionality and a lack of standardized information technology infrastructure drives up support costs,

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increases information technology complexity and negatively impacts the City's ability to serve its citizens;

WHEREAS, Mayor Nutter signed Executive Order No. 6-09 which observed that "City information technology capabilities have been degraded and costs made higher by the City's decentralization of technology services among City agencies and the City's failure to establish an integrated Citywide technology strategy, implemented by a central agency with direct responsibility for all information technology systems and personnel;"

WHEREAS, Executive Order No. 6-09 establishes a Division of Technology headed by a Chief Technology Officer who reports to the Managing Director;

WHEREAS, Other cities such as Milwaukee, WI and Chicago, Illinois and states such as Washington and California have codified the positions of Chief Information Technology Officers. The laws of these jurisdictions grant clear and broad authority for all technology related issues, including procurement and spending, as well mandate long-term technological planning;

WHEREAS, In order to achieve the substantial cost savings possible through widespread technology investment, it is critical that the head of the Division of Technology must have the authority to control information technology personnel and projects across City Departments create and implement a long-term technology plan for the City; now, therefore be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

~~Strikethrough~~ indicates matter deleted by these amendments.

Bold italics indicates matter added by these amendments.

ARTICLE II
LEGISLATIVE BRANCH
The Council – Its Election, Organization, Powers and Duties

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CHAPTER 3
LEGISLATION

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§2-300. The Annual Operating Budget Ordinance.

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(2) The annual operating budget ordinance shall provide for discharging any deficit and shall make appropriations to the Council, the Mayor, and all officers, departments, boards and commissions which form a part of the executive or administrative branch of the City government, and for all other items which are to be met out of the revenue of the City. All appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, board or commission:

(a) Personal services;

(b) Materials, supplies and equipment, *other than information technology resources*;

(c) *Information technology, which shall include computer hardware, peripheral devices and related consumable supplies; software; telecommunications hardware and software; purchase of consulting and other services in connection with information technology projects; and such other similar or related items as Council may specify from time to time by ordinance, except that no expenditures for personal services shall be included in this class*;

~~(e)~~ (d) Debt service;

~~(d)~~ (e) Such additional classes as the Mayor shall recommend in his proposed annual operating budget ordinance.

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ARTICLE III

EXECUTIVE AND ADMINISTRATIVE BRANCH – ORGANIZATION

CHAPTER 1

OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

(a) The following elected or appointed officers:

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Chief Information Officer.

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§3-102. The Mayor’s Cabinet.

The Mayor’s Cabinet shall consist of the Mayor, the Managing Director, the Director of Finance, the City Solicitor, the Director of Commerce, ***the Chief Information Officer***, and the City Representative.

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CHAPTER 2
ELECTION OR APPOINTMENT

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§3-204. Managing Director, Director of Finance, Director of Commerce, ***Chief Information Officer*** and City Representative.

The Mayor shall appoint the Managing Director, the Director of Finance, the Director of Commerce, ***the Chief Information Officer*** and the City Representative. The Director of Finance shall be appointed from among three persons whose names are submitted to the Mayor by the Finance Panel.

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CHAPTER 3
QUALIFICATIONS

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§3-307. ***Chief Information Officer.***

The Chief Information Officer shall have had at least five years’ experience as an executive of a technology business or as a chief information officer (or similar position) in government or business.

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CHAPTER 4 TERMS OF OFFICE

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§ 3-406. Chief Information Officer.

The Chief Information Officer shall serve for a term of four (4) years coinciding with the term for which a Mayor is elected every four years as provided for in this charter, and may be removed by the Mayor prior to the expiration of a term only for cause. Before the Chief Information Officer is removed, the Chief Information Officer must be provided with a written statement of the reasons for removal, and shall be given the opportunity for a hearing before the Mayor.

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CHAPTER 6 COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

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Chief Information Officer, \$150,000.

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CHAPTER 7 BUREAUS AND DIVISIONS; DEPUTIES; OTHER EMPLOYEES

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§ 3-701. Deputies.

The head of any department, the Managing Director, the Director of Finance, *the Chief Information Officer*, the City Treasurer, and the Personnel Director shall have the power with the approval of his appointing officer or commission, or if he is an elective officer, on his own responsibility, to appoint and fix the compensation of a deputy or

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such number of deputies as the Administrative Board shall approve. The deputies may be called assistants if the Administrative Board so determines. Deputies, in the absence of the heads of their respective departments, or of the officers for whom they are deputies, shall have the right to exercise all the powers and perform all the duties vested in and imposed upon such department heads or officers, except the power to appoint officers or employees, and may at any time exercise such of the powers and perform such of the duties of the head of the department or officer as may be prescribed by such head or officer.

Whenever there shall be a vacancy in the office of the head of any department or any other office to which this section applies, such deputy as shall be designated in writing by the appointing power or in the case of an elective department head or officer, by the Mayor, shall exercise the powers and perform the duties of the department head or officer until the vacancy is filled. With the approval of the Mayor in writing, the Managing Director, the City Controller, the City Treasurer, the City Solicitor, the Director of Finance, *the Chief Information Officer*, the Director of Commerce or the Personnel Director, and with the approval of the Managing Director in writing, any other department head may authorize any deputy to serve in his stead on any board or commission.

§ 3-702. Employment and Compensation of Bureau Chiefs and Other Employees.

(1) The Mayor, the Managing Director, the Director of Finance, *the Chief Information Officer*, the City Treasurer and the Personnel Director, and the heads of the several departments and the several boards and commissions shall appoint and fix the compensation of such secretaries, consultants, experts, bureau or division chiefs, superintendents, assistant superintendents, assistant chiefs, and other assistants and employees as may be required for the proper conduct of the work of their respective offices, departments, boards or commissions. Unless otherwise specifically provided in this charter, employees of a board or commission shall be nominated by its chairman or president or by such other officer as may be designated by the board or commission.

(2) The number and compensation of all employees in the Law and Commerce Departments, and in the offices of the Managing Director, the Director of Finance, *the Chief Information Officer* and the City Representative, shall be subject to the approval of the Mayor; the number and compensation of all employees in the office of the Personnel Director shall be subject to the approval of the Civil Service Commission; the number and the compensation of all employees in all departments under the supervision of the Managing Director and in their departmental boards and commissions shall be subject to the approval of the Managing Director; and the number and compensation of all employees in the Department of Collections, and its

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departmental board and commission, and the Procurement Department shall be subject to the approval of the Director of Finance.

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ARTICLE VI

EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES
Director of Finance, Financial Departments, Boards and Commissions, City Treasurer,
Procurement Department, *Chief Information Officer* and Board of Pensions and
Retirement

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CHAPTER 7

CHIEF INFORMATION OFFICER

§6-700. Head of Division of Technology. The Chief Information Officer shall head the Division of Technology, an office that shall have the following powers and duties:

(a) *Acquire (through the Procurement Department), implement and maintain the City's telecommunications and information technology infrastructure and systems on behalf of all City agencies, either itself or by contract.*

(b) *Oversee all City telecommunications and information technology resources, functions, projects, and personnel, and implement, to the greatest extent feasible, the City's annual information technology strategic plan. For purposes of this Chapter, "information technology resources" shall encompass all items that come within the class of expenditure defined in §2-300(2)(d), as it may be amended from time to time by ordinance, including any such expenditures for which appropriations are made in the capital budget and capital program.*

(c) *Advise the Mayor and City Council concerning the City's telecommunications and information technology resources.*

(d) *Develop and publish City-wide hardware, software and application development standards.*

(e) *Approve all City telecommunications and information technology contracts.*

(f) *Train and assist City agencies and employees on the effective use of information technology.*

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(g) *Coordinate Citywide technology initiatives with all City agencies to ensure compliance with information technology policies and standards.*

(h) *Manage and maintain the City's official internet website, provided that decisions as to content shall be in the discretion of each City agency that has a presence on the website.*

(i) *Ensure that whenever feasible, an electronic option (such as the City's website, an electronic kiosk, or similar means) is available to enable every citizen and City employee to conduct any interaction or transaction without paper, including, but not limited to, the completion of all City forms, license and permit applications, service requests, and payment of bills, taxes, fees and fines.*

(j) *The Chief Information Officer shall by regulation define which employees are "information technology employees" who carry out the powers and duties of the Division of Technology. No such employee shall be employed by any City agency other than the Division of Technology without the approval of the Chief Information Officer.*

§6-701. Approval of Information Technology Budgets and Expenditures.

(a) *The Mayor's proposed annual operating budget ordinance shall not include any appropriations for any City agency in the information technology class unless such appropriations have been approved by the Chief Information Officer.*

(b) *No funds may be expended from the information technology budget class without the approval of the Chief Information Officer, and no contract requiring the expenditure of funds from the information technology budget class shall be executed without the approval of the Chief Information Officer. No bid, request for proposal, or similar document shall be issued in connection with an information technology project without the approval of the Chief Information Officer. The Chief Information Officer may, from time to time, approve (or revoke approval of) certain classes of expenditures, contracts, and bids, rather than approve each individual expenditure, contract, or bid.*

(c) *No information technology project shall be included in the capital program and capital budget, and no appropriations in the capital budget shall be expended or encumbered for such a project, without the approval of the Chief Information Officer. The Chief Information Officer may, from time to time, approve (or revoke approval of) certain classes of capital expenditures or encumbrances, rather than approve each individual expenditure or encumbrance.*

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§6-702. Annual Information Technology Strategic Plan.

(a) Within one week after the Mayor submits the proposed annual operating budget ordinance to Council, the Chief Information Officer shall transmit to the Mayor and to the Council an annual information technology strategic plan that summarizes and evaluates the current state of the City's telecommunications and information technology infrastructure and details plans for the City's acquisition, management, and use of telecommunications and information technology over the next five fiscal years. The strategic plan shall include an assessment of how the Division of Technology is working to:

(i) Improve organizational maturity and capacity in the effective management of telecommunications and information technology.

(ii) Establish performance management and improvement processes to ensure City telecommunications and information technology systems and services are efficient and effective.

(iii) Minimize overlap, redundancy, and cost in City operations by promoting the efficient and effective use of telecommunications and information technology.

(iv) Reduce the cost of City government through the use of telecommunications and information technology.

(v) Improve the delivery of City services through the use of telecommunications and information technology.

(vi) Reduce the amount of paper the City government uses, promote the creation and conversion of any records to a searchable electronic format, and otherwise advance the goals of becoming a "paperless City."

(vii) Promote the availability of all public records on the internet.

(viii) Meet the requirement of ensuring that whenever feasible, an electronic option is available to handle City employee transactions and interactions between the City and citizens.

§6-703. Information Technology Projects.

(a) The Chief Information Officer shall promulgate rules defining what kinds of expenditures are considered information technology projects.

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(b) In consultation with City agencies undertaking information technology projects, the Chief Information Officer shall be responsible for the approval and oversight of information technology projects, and shall have power to suspend, terminate, and reinstate information technology projects. Within thirty days of suspending, terminating, or reinstating any information technology project, the Chief Information Officer shall provide written notice to the Mayor, with a copy sent to the Chief Clerk of Council, detailing the basis of such action.

§6-704. Delegation of Authority.

(a) The Chief Information Officer may delegate to any City agency any authority granted under this Chapter, and may revoke or revise any such delegation previously made.

§6-704. Application to Council.

(a) The provisions of this Chapter shall not apply to the Council's budgeting or expenditure of funds for information technology or to Council's appointment of information technology employees.

(b) Council may from time to time request the Chief Information Officer and the Division of Technology to provide assistance to Council with respect to information technology planning and expenditures.

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ARTICLE VIII PROVISIONS OF GENERAL APPLICATION

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CHAPTER 4 EXECUTIVE AND ADMINISTRATIVE BRANCH

§ 8-400. Certain General Provisions to Apply to Certain Officers.

All of the provisions of this charter which apply generally to department heads or departments, boards and commissions shall apply to the Mayor, the Managing Director, the Director of Finance, *the Chief Information Officer*, the City Treasurer, the City Representative, the Insurance Public Advocate and the Personnel Director and to their offices.

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