



City of Philadelphia

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

RESOLUTION NO. 130024

Introduced January 24, 2013

Councilmember Kenney

Referred to the
Committee on Law and Government

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of an Office of Inspector General, to provide for the powers and duties of, and annual appropriations to, such Office, to establish requirements for City officials and employees in connection with the work of the Inspector General, and to otherwise provide for incorporation of the Inspector General into the City government, all under certain terms and conditions; 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; now therefore

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:

Explanation:

~~Strikethrough~~ indicates matter deleted.

Italics indicates new matter added.

ARTICLE II - LEGISLATIVE BRANCH

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CHAPTER 2 COUNCILMANIC PROCEDURE

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§ 2-202. Submission of Ordinances to the Mayor.

Every ordinance shall, before it takes effect, be certified to the Mayor for his approval. The Mayor shall sign the ordinance if he approves it, whereupon it shall become law. If he disapproves it, he shall return it to the Council with the reason for his disapproval at the first meeting thereof held not less than ten days after he receives it. If the Council shall pass the bill by a vote of two-thirds of all of its members within seven days after the bill has been returned with the Mayor's disapproval, it shall become law without his approval. If the Mayor does not return the ordinance within the time required, it shall become law without his approval. The Mayor may disapprove or reduce any item or items of any ordinance making appropriations, except the items in the annual operating budget ordinance making appropriations (a) to the Auditing Department for the compensation of auditors regularly employed by it, (b) for the work of the Personnel Director and the Civil Service Commission, ~~and~~ (c) for the work of the Board of Ethics, *and (d) for the work of the Office of the Inspector General*, which shall become law if any part of the ordinance is approved. Subject only to the foregoing exceptions, the approved part or parts of any ordinance making an appropriation shall become law, and the part or parts disapproved shall not become law unless passed by the Council over the Mayor's veto as provided herein.

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CHAPTER 3 LEGISLATION

§2-300. The Annual Operating Budget Ordinance.

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(4) In every annual operating budget ordinance:

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(f) For each of the first two fiscal years immediately following the effective date of this subsection, at least \$1,500,000 shall be appropriated to the Office of the Inspector General; and for all subsequent fiscal years, an amount adequate to enable the Inspector General to perform the duties of his or her Office shall be appropriated. Should the Council fail to make an adequate appropriation to the Office of Inspector

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General, the Inspector General may petition any Court of Common Pleas of Philadelphia County for a mandamus to the Council to perform its duty under this section.

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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:

* * *

Inspector General.

* * *

CHAPTER 2 ELECTION OR APPOINTMENT

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§3-212. *Inspector General. The Mayor shall appoint the Inspector General.*

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CHAPTER 4 TERMS OF OFFICE

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§3-406. *Inspector General.*

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(a) *Term.* The Inspector General shall serve for a term of five (5) years, and shall not serve for more than two (2) terms.

(b) *Removal for Cause.* Prior to the expiration of a term, the Inspector General may only be removed by the Mayor for cause. Before the Inspector General is removed, the Inspector General 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.

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

* * *

(b) *The Inspector General shall receive an annual salary of \$150,000, or such higher amount ordained by Council.*

(c) The compensation fixed by this charter for any officer shall be reduced by an amount equal to any compensation which he receives in addition thereto for any services, rendered by virtue of his office, to the City or to any other governmental agency.

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ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

The Mayor, The City Representative and
Departments, Boards and Commissions under the Mayor

CHAPTER 1 THE MAYOR

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§ 4-106. Information and Complaints.

The Mayor shall establish an agency in his office for receiving and answering all requests for information about the City or its government. Such agency shall also receive and ~~investigate~~ *refer to the appropriate agency* complaints concerning the operation of the City government.

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CHAPTER 17 INSPECTOR GENERAL

§4-1700. Powers and Duties.

The Inspector General shall have the power and his or her duty shall be to perform the following functions:

(a) In response to a complaint or on the Inspector General's own initiative, investigate, evaluate and audit fraud, corruption, waste, abuse and misconduct concerning City activities and business involving:

- (1) All executive and administrative officers, departments, boards, commissions and agencies designated in Section 3-100, and all offices, agencies and employees thereof, except the City Controller and the Auditing Department;*
- (2) All contractors, subcontractors and other entities that do business with any office, department, board, commission or agency of the City, in connection with their City business;*
- (3) All recipients of City funding, by grant, subgrant, direct appropriation, or otherwise, in connection with funding received from the City, including all participants in City tax credit programs, including recipients of tax abatements; and*
- (4) All City transactions involving the sale, transfer, lease or other use of property.*

(b) Provide investigative expertise and support to any office, department, board, commission or agency of the City that may request the Inspector General's assistance;

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(c) Obtain access to and inspect all activities, facilities, records and other forms of information maintained or available, including the power to issue and serve subpoenas to compel the attendance of witnesses and the confidential production of documents, relevant to an investigation authorized by this Section;

(d) Promote integrity, transparency and credibility in the operation of City government by preparing reports regarding investigations and recommending to the Mayor and any other appropriate agency, entity or official policies and methods to prevent fraud, corruption, waste, abuse and misconduct;

(e) Refer investigations for further action by an appropriate entity, including agencies of the City, and refer evidence of violation of law to the appropriate law enforcement authority, including local, state and federal authorities;

(f) Conduct joint investigations and programs with law enforcement and other investigative and oversight agencies;

(g) Implement and oversee a comprehensive Integrity Officer Program within the offices, departments, boards, commissions and agencies subject to subparagraph (a)(1), to maintain the highest standards of integrity in City government;

(h) Broadly distribute to City officials and employees, on a regular basis, information concerning the role of the Inspector General and the responsibilities of City officials and employees pursuant to Section 10-112 of this Charter and ensure distribution by City officials and departments of such information to other persons and entities that are a party to transactions subject to investigation by the Inspector General;

(i) Work in cooperation with the Board of Ethics, the City Controller, the Law Department and the District Attorney to ensure efficiency and non-duplication of investigatory activities and seek to develop cooperation agreements to accomplish this goal;

(j) Maintain in confidence all records, investigative files and identities of individuals who provide information in connection with an investigation, unless it is necessary for the Inspector General to disclose such information in the performance of his or her duties;

(k) Submit an annual report to the Mayor and City Council that summarizes the number and types of complaints received during the course of the year, the number and types of investigations conducted, the types of recommendations made to City officials and departments, the information provided to City officials and employees regarding their responsibilities, the expenditures of the Office during the course of the year and

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such other information as the Inspector General shall deem appropriate. The report, which shall be made available to the public, shall not contain any information which, if disclosed, would constitute an invasion of the privacy of a City officer or employee, or of a person or entity that is a party to a transaction subject to investigation by the Inspector General, or that would undermine the integrity of any investigation; and

(l) Such other responsibilities as Council may from time to time by ordinance provide for.

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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 City Treasurer, the City Representative, the Insurance Public Advocate, the Handicapped and Disabled Advocate, the Public School Family and Child Advocate, *the Inspector General*, and the Personnel Director and to their offices.

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ARTICLE X PROHIBITED AND REQUIRED ACTIVITIES OF COUNCILMEN, CITY OFFICERS, EMPLOYEES AND OTHERS, AND PENALTIES

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§ 10-112. Responsibilities of Elected Officials, Appointed Officials, Employees and Others in Connection With Criminal Activity, Other Forms of Misconduct and the Inspector General.

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(1) *Every elected official, appointed official and employee shall, with respect to matters within the jurisdiction of the Inspector General as set forth in Section 4-1700 of this Charter:*

(a) Report directly to the Inspector General any knowledge, information or allegation brought to his or her attention that any person or entity may have committed a criminal act or other violation of law or engaged in another form of misconduct, or violated any of the provisions of the standards of conduct or rules of conduct issued by any department, commission, board or office of the City. A report to another agency with investigative authority, if required by law, shall satisfy any duty under this subparagraph (a).

(b) Report directly to the Inspector General any attempts to improperly influence the individual in the course of his or her official duties or to provide him or her with any money or property not due in the course of his or her official duties;

(c) Cooperate fully with the Inspector General in the discharge of the Inspector General's duties as specified in Section 4-1700 by providing truthful and complete information and testimony, and by providing full and unrestricted access to City activities, property, records, and all other forms of information pertaining to an investigation undertaken by the Inspector General.

(2) *The knowing failure of any appointed official or employee to comply with the requirements of this Section shall constitute cause for removal from employment or subject such individual to other penalties as provided by law.*

(3) *All persons shall maintain in confidence all communications with representatives of the Inspector General when so directed by such representatives in the discharge of the duties of the Office of Inspector General.*

(4) *No person shall retaliate against, punish or penalize any other person for complying with the requirements of this Section or otherwise assisting the Inspector General in the performance of his or her duties.*

(5) *No person shall make a frivolous complaint to the Inspector General nor make a complaint primarily for a purpose other than that of identifying a true instance of misconduct or violation of law or standard of conduct of a department, commission, board or office of the City.*

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§ 10-107. Political Activities.

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(6) *No person while serving as the Inspector General, or serving as an employee of the Office of Inspector General, shall make financial contributions to any candidate for any City office or to any incumbent City official. No person who has served as Inspector General shall seek any elective City office for at least two years after termination of service as Inspector General.*

~~(6)~~ (7) Any officer or employee of the City who violates any of the foregoing provisions of this section shall, in addition to any penalties provided for hereafter, be ineligible for one year for any office or position under the City.

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APPENDIX

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CHAPTER A-2

§ A-200. Schedule.

This charter shall become effective on the first Monday of January, 1952, except in the following particulars:

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(10) *The amendments to this Charter relating to the Office of Inspector General, and the responsibilities of elected officials, appointed officials, employees and others in connection with criminal activity, other forms of misconduct and the Inspector General, shall take effect, and the term of Office of the Inspector General shall begin, on July 1, 2013.*

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