



City of Philadelphia

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

BILL NO. 130585

Introduced September 12, 2013

Councilmember Goode

**Referred to the
Committee of the Whole**

AN ORDINANCE

Amending Chapter 17-1400 of The Philadelphia Code, entitled "Non-Competitively Bid Contracts; Financial Assistance," and Chapter 20-1000 of The Philadelphia Code, entitled "Political Contributions and Expenditures," by further providing with respect to contribution limits for certain applicants and contractors seeking or having contracts with the City, and for certain lobbyists; and by making technical corrections; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1400 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1400. NON-COMPETITIVELY BID CONTRACTS; FINANCIAL ASSISTANCE

* * *

§ 17-1404. Eligibility for Non-Competitively Bid Contracts and Financial Assistance.

(1) Determining Eligibility.

(a) *Individuals.*

(i) *Non-Competitively Bid Contracts.* If an individual makes [contributions in excess of \$2,500 (as such amount is adjusted from time to time under § 17-1404(1)(c) or § 17-1404(1)(d)) in the aggregate] *a contribution* during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent,

City of Philadelphia

BILL NO. 130585 continued

then, during the term of office to which such candidate is elected or during the Incumbent's term of office, the individual shall not be eligible to apply for or to enter into any Non-Competitively Bid Contract in excess of \$10,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract[, nor shall the individual be eligible to receive Financial Assistance].

(ii) *Financial Assistance. If an individual makes contributions in excess of \$2,500 (as such amount is adjusted from time to time under § 17-1404(1)(c) or § 17-1404(1)(d)) in the aggregate during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which such candidate is elected or during the Incumbent's term of office, the individual shall not be eligible to receive Financial Assistance.*

(b) *Businesses.*

(i) *Non-Competitively Bid Contracts.* If a Business makes a contribution [in excess of \$10,000 (as such amount is adjusted from time to time under § 17-1404(1)(c) or § 17-1404(1)(d)) in the aggregate] during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which any such candidate is elected or during the Incumbent's term of office, the Business shall not be eligible to apply for or to enter into any Non-Competitively Bid Contract in excess of \$25,000, nor shall said Business be eligible to be a sub-contractor (at any tier) of any such contract[, nor shall the Business be eligible to receive Financial Assistance].

(ii) *Financial Assistance. If a Business makes a contribution in excess of \$10,000 (as such amount is adjusted from time to time under § 17-1404(1)(c) or § 17-1404(1)(d)) in the aggregate during a calendar year to a candidate for nomination or election to any elective City office or to an Incumbent, then, during the term of office to which any such candidate is elected or during the Incumbent's term of office, the Business shall not be eligible to receive Financial Assistance.*

(c) On January 1, 2008 and on January 1 every four years thereafter, the maximum amounts set forth in § [17-1404(1)(a) and (b)] *17-1404(1)(a)(ii) and (b)(ii)* 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. 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

City of Philadelphia

BILL NO. 130585 continued

Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the Finance Director shall calculate the new maximum amounts, as follows:

(i) The maximum amount for purposes of § [17-1404(1)(a)] *17-1404(1)(a)(ii)* shall equal \$2,500, multiplied by the CPI Multiplier, rounded to the nearest \$100.

(ii) The maximum amount for purposes of § [17-1404(1)(b)] *17-1404(1)(b)(ii)* 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 Council President and Chief Clerk of Council.

(d) If a candidate (as defined in Section 20-1001, relating to political contributions and expenditures) for any City elective office contributes \$250,000 or more from his or her personal resources to his or her candidate political committee (regardless of the time period over which such contribution is made), then the maximum amounts set forth in § [17-1404(1)(a) and (b)] *17-1404(1)(a)(ii) and (b)(ii)*, as they may be adjusted pursuant to subsection (c), shall double with respect to contributions to candidates for that same elective office.

* * *

§ 17-1405. Attribution Rules.

The following attribution rules shall apply throughout this Chapter to determine what contributions shall be considered to be contributions of an Applicant, Consultant, Contractor or Person seeking Financial Assistance:

(1) Contributions made by a member of an individual's Immediate Family shall be considered to be contributions made by the individual, but only if such contribution exceeds the maximum amount specified in § [17-1404(1)(a)] *17-1404(1)(a)(ii)*. Only the amount of such contribution in excess of such maximum amount shall be attributed to the individual.

(2) The following shall be considered a contribution by a Business:

(a) A contribution made by any parent, subsidiary, or otherwise affiliated entity of a Business ("affiliate");

(b) A contribution made by any Person for which they are reimbursed by such Business or affiliate;

City of Philadelphia

BILL NO. 130585 continued

(c) A contribution from an officer, director, controlling shareholder or partner of such Business or affiliate, except that this provision shall not apply to not-for-profit Businesses or affiliates;

(d) A contribution by a political action committee controlled by the Business or affiliate;

(e) A contribution by a political action committee controlled by an officer, director, controlling shareholder or partner of such Business or affiliate (other than a not-for-profit Business or affiliate).

(3) A contribution to any political committee which, during the calendar year in which the contribution is made, itself makes contributions or gives financial support in excess of fifty percent of the committee's total receipts for that calendar year to a particular candidate for nomination or election to any elective City office or to a particular Incumbent, shall be considered a contribution to such candidate or Incumbent. A contribution to a political committee that has listed the names of any candidates on a registration statement filed pursuant to the Election Code (25 P.S. § 3244) shall be considered a contribution to each such candidate.

(4) Any other contribution made not directly to a candidate for nomination or election to any elective City office or Incumbent, but with the purpose and intent that the entity to whom the contribution is made will, directly or indirectly, make such contribution available to such candidate or Incumbent, shall be considered a contribution to such candidate or Incumbent.

(5) Any contribution solicited by a Person shall be considered a contribution by such Person, and if a Person sponsors or hosts a fundraising event, then any contributions raised at such event shall be considered to be contributions by such Person. Any contribution solicited by an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) shall be considered a contribution by such Business, and if any officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) sponsors or hosts a fund-raising event, then any contributions raised at such event shall be considered to be contributions by such Business.

(6) Any contribution for which a Person is an intermediary shall be considered as a contribution by such Person, and any contribution for which an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) is an intermediary shall be considered a contribution by such Business. For purposes of this subsection, an "intermediary" means a Person who, other

City of Philadelphia

BILL NO. 130585 continued

than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another Person to the recipient of such contribution.

* * *

SECTION 2. Chapter 20-1000 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES

§ 20-1001. Definitions.

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

* * *

(12) *Lobbyist. As defined in § 20-1201.*

[(12)](13) Person. ***

[(13)](14) Political Committee. ***

[(14)](15) Post-candidacy contribution. ***

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

[(16)](17) Sample ballot. ***

§ 20-1002. Contribution Limitations.

(1) Except as provided in [subsection (6)] *subsections (1)(a) and (9)*, no individual shall make total contributions per calendar year, including contributions made to or through one or more political committees, of more than two thousand five hundred dollars (\$2,500) to a candidate for City elective office.

(a) *Limitation for lobbyists. No individual who is a lobbyist may make any contribution in any amount, including contributions made to or through one or more political committees.*

City of Philadelphia

BILL NO. 130585 continued

(2) Except as provided in [subsection (6)] *subsections (2)(a) and (9)*, 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, of more than ten thousand dollars (\$10,000) to a candidate for City elective office.

(a) *Limitation for lobbyists. No person, other than individuals who are covered under § 20-1002(1), that is a lobbyist may make any contribution in any amount, including contributions made to or through one or more political committees.*

* * *

(4) *Except as provided in subsections (4)(a) and (9)*, [During] *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).

(a) *Limitation for lobbyists. No individual who is a lobbyist may make any post-candidacy contribution in any amount, including contributions made to or through one or more political committees.*

(5) *Except as provided in subsections (5)(a) and (9)*, [During] *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), and no political committee shall make total post-candidacy contributions, including contributions made to or through one or more political committees, of more than ten thousand six hundred dollars (\$10,600).

(a) *Limitation for lobbyists. No person that is a lobbyist may make any contribution in any amount, including contributions made to or through one or more political committees.*

* * *

(9) The limitations imposed by 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

City of Philadelphia

BILL NO. 130585 continued

for that City elective office, other than those in subsections (4) and (5) above, shall double.

* * *

§ 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.

(i) *Consistent with the limits applicable to lobbyists in § 20-1002, no lobbyist may make any contribution to a litigation fund in any amount.*

SECTION 3. This Ordinance shall take effect beginning with contributions made or received in 2015.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

City of Philadelphia

BILL NO. 130585 continued