



City of Philadelphia

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

RESOLUTION NO. 200605

Introduced October 29, 2020

**Councilmember Parker
for
Council President Clarke**

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

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of an independent Economic Opportunity Plan Oversight Board, to provide for annual appropriations for the Board, 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. Section 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, 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.

Italics indicates matter added by these amendments.

ARTICLE II - LEGISLATIVE BRANCH

The Council – Its Election, Organization, Powers and Duties

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CHAPTER 2 COUNCIL 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 reasons 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 Economic Opportunity Plan Oversight Board*, 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) At least \$500,000, or such greater amount as shall be determined by Council, shall be appropriated to the Police Advisory Commission created by Executive Order No. 2-17 or to any successor body or bodies performing the duties of a civilian police oversight entity, provided that if more than one such body exists at the same time, Council shall allocate the appropriation required by this subsection to such body or bodies as it deems ~~appropriate~~. *appropriate*;

(g) *At least \$500,000, or such greater amount as shall be determined by Council, shall be appropriated to the Economic Opportunity Plan Oversight Board.*

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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:

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(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

Commission on Human Relations;

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Commission on Universal Pre-Kindergarten;~~and~~

Commission on African-American Males; *and*

Economic Opportunity Plan Oversight Board.

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CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

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§ 3-813. *Economic Opportunity Plan Oversight Board.*

(a) *Composition.*

There shall be an Economic Opportunity Plan Oversight Board consisting of five members appointed by the Mayor with the advice and consent of a majority of the members of City Council. Members shall be chosen for their independence, integrity, and demonstrated commitment to workforce diversity and the participation of disadvantaged business enterprises in the awarding of contracts or City financial assistance. Board members shall be residents of the City of

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Philadelphia. The members of the Board shall elect a chair and such other officers as deemed necessary.

(b) *Initial Appointments, Term of Service, and Successors.*

All appointments to the Board shall be made within ninety days after the Board is first created. The terms of the initial appointments to the Board shall be as follows: one member shall serve for a term of one year; one member shall serve for a term of two years; one member shall serve for a term of three years; one member shall serve for a term of four years; and, one member shall serve for a term of five years. Thereafter, all members shall serve for a term of five years. Members shall serve until their successors have been appointed and confirmed.

(c) *Vacancies.*

Any vacancy occurring other than by expiration of a term shall be filled by nomination by the Mayor made to the City Council within thirty days of the creation of the vacancy for the unexpired portion of the term of the member succeeded.

(d) *Term Limits.*

No member of the Board shall serve for more than two consecutive five-year terms.

(e) *Prohibited Activities.*

No person while serving as a member of the Board shall: directly or indirectly benefit financially from the award of a City contract or City financial assistance; seek or hold a position as an elected or appointed public official or employee within the Commonwealth (other than as a member of an advisory body that has no authority to expend public funds other than reimbursement for personal expenses or to otherwise exercise the power of the State or any political subdivision thereof), or as an officer of a political party; or, make financial contributions to any candidate for any City office or to any incumbent City official.

(f) *Removal for Cause.*

Members may only be removed for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Section, or of ordinances or laws relating to ethical matters after written notice and opportunity for reply. The Mayor shall provide a written notice to the member stating the reasons for removal and file a copy of said notice at the same time with the President of City Council and the Chief Clerk of City Council. An opportunity for the member to reply will be provided at a public hearing of the City Council Committee of the Whole at which the Mayor, or the Managing Director if directed by the Mayor, will also present and explain the reasons for removal. A vote of two-thirds of all the members of Council at a meeting of Council shall be required before such member can be removed.

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(g) *Executive Director, Counsel and Staff.*

The Board, subject to the availability of appropriations, shall appoint and fix the compensation of an executive director and such other staff and consultants as may be required to exercise its powers and fulfill its obligations. The appointment of an executive director shall require a vote of three of the members of the Board. The Board shall also appoint, by a vote of three members, a counsel to serve at its pleasure subject to the availability of appropriations. The authority of the executive director, counsel and other staff shall be defined in writing by the Board. The Board shall use the services of the Law Department whenever it needs legal advice or is engaged in litigation.

(h) *Post Service and Employment Restrictions.*

No member of the Board, its executive director or counsel shall directly or indirectly benefit financially from the award of a City contract or City financial assistance until two years after the expiration of a term of service or termination of employment.

(i) *Meetings.*

The Board shall meet at least quarterly and at such other times as the chair may deem necessary. Three members of the Board shall constitute a quorum. The Board shall convene its first meeting within thirty (30) days after all initial appointments are made and confirmed.

(j) *Compensation.*

Members of the Board shall receive compensation in such amount as ordained by Council.

(k) *Annual Fiscal Report.*

Not later than three months after the end of each fiscal year, the Board shall submit to the Mayor, the President of City Council, the Chief Clerk of City Council and the Department of Records a detailed accounting of all of its expenditures during the previous fiscal year.

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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

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CHAPTER 23 ECONOMIC OPPORTUNITY PLAN OVERSIGHT BOARD

§ 4-2300. Powers and Duties.

The Economic Opportunity Plan Oversight Board shall administer and enforce all ordinances pertaining to Economic Opportunity Plans. For the purposes of this Chapter, Economic Opportunity Plans consist of those provisions in City contracts and awards of City financial assistance that address the participation of disadvantaged business enterprises and workforce diversity.

The Board shall handle all inquiries and complaints surrounding the implementation of Economic Opportunity Plans. The Board shall have the power to conduct investigations and convene hearings. The Board shall conduct its enforcement activities either by bringing enforcement actions in the Court of Common Pleas or, if authorized by Council by ordinance, administratively adjudicating alleged violations and imposing those civil penalties and other remedies for violations as authorized by Council. Nothing in this Section shall preclude Council from exercising the authority provided in § 2-309(4) of this Charter, including, but not limited to, the authority to debar a contractor or recipient of City financial assistance from doing business with the City or receiving City financial assistance.

No later than six months after the Board convenes its first meeting, the Board shall submit to Council recommended amendments to Chapter 17-1600 of The Philadelphia Code (“Economic Opportunity Plans”) consistent with the grant of authority contained in this Section. The amendments shall address the appropriate roles in the future of: Oversight Committees; the Certifying Agency designated by the Mayor to be responsible for ensuring non-discrimination in City contracting; the Labor Standard Unit; and Council. Council shall promptly consider these amendments and may adopt, amend, or reject any provisions. Upon enactment of such amendments as Council deems appropriate, the Economic Opportunity Plan Oversight Board shall begin to exercise the authority granted by this Section.

In addition, and subject to the provisions of this charter, the Economic Opportunity Plan Oversight Board shall exercise such other powers and duties vested in and imposed upon it by ordinance.