

Legislation Details (With Text)

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Title: Amending Chapter 20-600 of The Philadelphia Code, entitled "Standards of Conduct and Ethics," by amending provisions prohibiting City officers and employees from soliciting or accepting gifts from certain sources, under certain terms and conditions.

Sponsors: Councilmember Rizzo

Indexes: ETHICS

Code sections: 20-600 - Standards of Conduct and Ethics, 20-604 - Gifts, Loans and Favors to City Personnel

Attachments: 1. Bill No. 08065800.pdf

Date	Ver.	Action By	Action	Result	Tally
5/12/2010	0	Committee of the Whole	HEARING NOTICES SENT		
5/12/2010	0	Committee of the Whole	HEARING HELD		
5/12/2010	0	Committee of the Whole	RECESSED		
4/28/2010	0	Committee of the Whole	HEARING NOTICES SENT		
4/28/2010	0	Committee of the Whole	Cancellation of Scheduled Public Hearing		
9/18/2008	0	CITY COUNCIL	Referred		
9/18/2008	0	CITY COUNCIL	Introduced	Pass	

Amending Chapter 20-600 of The Philadelphia Code, entitled "Standards of Conduct and Ethics," by amending provisions prohibiting City officers and employees from soliciting or accepting gifts from certain sources, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-600 of The Philadelphia Code is hereby amended as follows:

CHAPTER 20-600. STANDARDS OF CONDUCT AND ETHICS.

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§ 20-604. Gifts, Loans and Favors to City Personnel.

[(1) No member of Council or other City officer or employee, shall solicit, accept or receive any gift, loan, gratuity, favor or service of substantial economic value that might reasonably be expected to influence one in his position in the discharge of his official duties, from any person, firm, corporation or other business or professional organization.

(2) No person, firm, corporation or other business or professional organization shall offer, make or render any gift, loan, gratuity, favor or service of substantial economic value to any member of Council or other City

officer or employee which might reasonably be expected to influence such officer or employee in the discharge of his official duties.]

(1) General Prohibition on solicitation, receipt, or acceptance. No City Officer or Employee shall solicit or accept, directly or indirectly, anything of value, including any gift, gratuity, favor, entertainment or loan, from any of the following sources:

(a) A Person seeking to obtain business from, or who has financial relations with, the City;

(b) A Person whose operations or activities are regulated or inspected by any City agency;

(c) A Person engaged, either as principal or attorney, in proceedings before any City agency or in court proceedings in which the City is an adverse party;

(d) A Person seeking legislative or administrative action by the City; or

(e) A Person whose interests may be substantially affected by the performance or nonperformance of the officer's or employee's official duties.

(2) Exceptions. The prohibitions of subsection (1) shall not apply to:

(a) The solicitation or acceptance of something of monetary value from a friend or relative when the circumstances make it clear that the motivation for the action is a personal or family relationship;

(b) Acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a meeting, if served to all participants at the meeting and for the purpose of permitting work at the meeting to continue. This exception shall not apply to meals served at any restaurant, club or other establishment outside a place of business at which a meeting is held, even if the meeting continues at such restaurant, club, or other establishment;

(c) Acceptance of food and refreshment at a public event or ceremony sponsored by a non-profit, community or civic organization, and attended by the Officer or Employee in his or her official capacity;

(d) The acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities, such as home mortgage loans;

(e) A voluntary gift of nominal value or donation in a nominal amount made by a City Officer or Employee to another City Officer or Employee on a special occasion such as marriage, illness, retirement, or a holiday on which the exchange of gifts is customary;

(f) A plaque, memento or gift of nominal value offered as a token of esteem or appreciation on the occasion of a public appearance, visit, speech or the like; or

(g) A "Gift to the City" that meets the requirements of subsection (3) below.

(3) "Gift to the City." A gift shall be considered a "Gift to the City," and not prohibited by this Section, if the following procedure is followed:

(a) A Person wishing to make a Gift to the City (such as tickets to an event, dinner or conference,

sometimes including travel thereto) must offer the gift to the appointing authority of the City department, agency or office, or, in the case of Council, to the Council President (collectively, the “approving official”), of any employee or official invited to attend. The approving official must then determine whether the gift is an appropriate Gift to the City, under the criteria set forth in part (b) hereof; and, if so, which City employee/official is the logical person to represent the City at the dinner, conference or other event, or otherwise make use of the gift. An invitation extended directly to the employee/official should be referred to the approving official for that employee or official, for a determination of whether the invited official or employee is the appropriate person to attend the event on behalf of the City, and if the requirement of subsection (b) hereof is also met;

(b) The approving official must make a determination as to whether a legitimate governmental purpose of the City is advanced or assisted by the acceptance of this gift. In making this determination, the official must obtain all available relevant information and review the full facts of the extent and value of the gift, including the number of recipients and whether that number is appropriate; whether the gift includes unnecessary extras unrelated to the governmental purpose; and whether the City would be willing to expend funds out of the City budget for a similar purpose.

(4) Procedure to Follow Upon Receipt of Prohibited Gift.

(a) Any Officer or Employee who receives a Gift or gratuity that is prohibited by this Section shall forward the Gift or gratuity to the head of the employee’s department or agency, together with a written explanation of the circumstances surrounding the Gift or gratuity.

(b) A department or agency head shall return all Gifts and gratuities received from employees pursuant to subsection (7)(a) to the donor, with a written explanation why the return is necessary. If return of a Gift or gratuity to the donor is not possible, the Gift or gratuity shall be deemed to be a Gift to the City, and shall be forwarded, together with a written explanation why return to the donor is not possible, to the Procurement Department for appropriate disposition pursuant to Section 6-500(d) of the Philadelphia Home Rule Charter. Where neither return to the donor nor forwarding to Procurement is practicable, such as with perishable items, the department or agency head shall make the Gift generally available to members of the department or agency on a non-discriminatory basis, and provide a written explanation of this decision to the Board of Ethics, and, if the recipient is in the Administrative and Executive Branch, to the Inspector General.

(c) Notwithstanding the foregoing, any Officer or Employee who receives a Gift or gratuity under circumstances suggesting an intent to influence any official action, or suggesting that it is specifically offered as a reward, tip, or gratuity in response to any official action, shall immediately notify his or her supervisor; shall, together with his or her supervisor, immediately notify the Board of Ethics, and, if the recipient is in the Administrative and Executive Branch, the Inspector General of the receipt and the circumstances. The Board of Ethics shall advise as to whether the gift must be returned or other disposition made. Such advice may be made through the Board’s Executive Director or General Counsel, in the Board’s discretion.

(d) A copy of all written explanations prepared pursuant to subsections (4)(a) and (4)(b) shall be sent to the Board of Ethics, and, if the recipient is in the Administrative and Executive Branch, to the Inspector General.

(5) Additional departmental restrictions. Heads of departments may prescribe further limitations on gifts or meals beyond those detailed in Subsections (1) through (4).

(6) Offer and Giving of Gifts.

(a) No Person shall offer, make or render any gift, loan, gratuity, favor or service of substantial economic value to any City officer or employee where receipt of such gift by the recipient would be prohibited under this Section.

(b) Any Person who violates Subsection (6)(a) shall be subject to sanctions with respect to future City contracts. Such sanctions may range from disqualification from participation in particular City contracts, to debarment, depending on the nature of the particular violation, as determined by the Procurement Department, after consultation with the Board of Ethics.

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Explanation:

Italics indicate new matter added.