

Legislation Text

File #: 210958, Version: 0

Amending Resolution No. 200001-A, which provides Rules for the Government of the Council of the City of Philadelphia, by providing for rules regarding recusal from any legislation due to conflicts of interest.

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

That Resolution No. 200001-A, which provides Rules for the Government of the Council of the City of Philadelphia, be amended as follows:

Note:

Bold italics indicates matter added by these amendments.

* * *

XIX. Conflict of Interest; Public Disclosure and Disqualification

1. As consistent with the requirements provided in The Philadelphia Code, § 20-607:

a. No member of Council shall be financially interested in any legislation including ordinances and resolution, award, contract, lease, case, claim, decision, decree, or judgment made by them in their official capacity, or by any board or body of which they are a member nor shall any financial interest be held by any person, firm, partnership, corporation, business association trustee or straw party for their benefit, nor shall a member of Council be a purchaser at any sale or vendor at any purchase made by them in their official capacity.

This latter prohibition shall apply so as to prevent any person, firm, partnership, corporation, business association, trustee or straw party from being such purchaser or vendor for or on behalf of the member of City Council.

b. In the event that a financial interest in any legislation (including ordinances and resolutions) award, contract, lease, case, claim, decision, decree or judgment, resides in a member of a partnership, firm, corporation or other business organization or professional association organized for profit of which said member of City Council is a member and where said member of City Council has knowledge of the existence of such financial interest they shall comply with the provisions of Paragraph XIX(2)(a)(i), (a)(ii) and (a)(iii) herein and shall thereafter disqualify themselves from any further official action regarding such legislation (including ordinances and resolutions) award, contract, lease, case, claim, decision, decree or judgment.

c. No member of Council shall become financially interested, subsequent to final action, in any legislation including ordinances and resolutions, award, contract, lease, case, claim, decision, decree or

judgment made by them in their official capacity, during their term of office and until two (2) years have elapsed since the expiration of service in the term of office of said member of Council.

2. *As consistent with the requirements provided in The Philadelphia Code, § 20-608:*

a. Any member of City Council having a financial interest, under Paragraph XIX(1)(a), and (1)(b), in any legislation including ordinances and resolutions, shall make public the nature and extent of such interest as set forth in subsection (2)(a)(i) herein. When any member of City Council has a financial interest in an award, lease, case, claim, decree or judgment, such person shall make public the nature and extent of the interest as set forth in subsection (2)(a)(ii) herein. Thereafter, such person shall disqualify themselves from any further official action regarding such legislation including ordinances and resolutions; award, contract, lease, case, claim, decree or judgment.

i. In the case of a member of Council, it shall be done in writing within five (5) days of introduction of such legislation including ordinances and resolutions to the Chief Clerk of the Council and all members of the Council or at the scheduled public hearing of such legislation including ordinances and resolutions; if such interest occurs after the public hearing and prior to five (5) days before such legislation is to be acted upon, it shall be in writing to the Chief Clerk of the Council and all members of the Council and be announced by the presiding officer of the Council at the time the legislation is called up for consideration; if such interest occurs less than five (5) days prior to the action by the Council on such legislation, the member shall announce their interest publicly on the floor of the Council in public session. This provision shall apply notwithstanding the fact that the member of Council did not participate or was absent upon or during the vote or consideration of such legislation.

ii. Where there is a financial interest, as set forth in subsection (1)(a) herein, by any member of Council in any award, contract, lease, case, claim, decree or judgment, other than legislation, the person having such interest, prior to any City action thereon, shall notify, by registered or certified mail, the Commissioner, Secretary and/or Executive Director of the pertinent agency, authority, board or commission, and the Board of Ethics and the Department of Records which shall maintain a public record of such notices; in the event of action within a department or by a department head, such notice by registered or certified mail shall be given, prior to any action taken, to the Mayor, the Managing Director, the Board of Ethics and the Department of Records which shall maintain a public record of such notices.

iii. This Section shall not apply to routine applications or requests for routine information or other matters which are of a ministerial nature and do not require substantial discretion on the part of a City officer or employee.

3. *In the case of a member of Council failing to comply with the requirements found in Paragraph XIX, the member of Council will be notified and shall respond within thirty (30) days of notification. Failure to respond will result in a referral to the Council's Committee on Ethics.*

4. *If § 20-607 or § 20-608 of The Philadelphia Code are amended after the date upon which this Paragraph XIX is adopted, the provisions of this Paragraph shall be deemed to conform with the requirements of § 20-607 and § 20-608 as amended.*

