

Legislation Text

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Proposing an amendment to The Philadelphia Home Rule Charter providing for the removal of gender-based references through the Charter; and providing for the submission of the proposed 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, 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:

Deletions in ~~Strikethrough~~
Additions in *Italic*

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~~ *the Mayor* approves it, whereupon it shall become law. If ~~he~~ *the Mayor* disapproves it, ~~he~~ *the Mayor* shall return it to the Council with the reasons for ~~his~~ *the Mayor's* disapproval at the first meeting thereof held not less than ten days after ~~he~~ *the Mayor* 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~~ *the Mayor's* approval. If the Mayor does not return the ordinance within the time required, it shall become law without ~~his~~ *the Mayor's* 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, 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.

§ 2-203. Mayor and Other Administrative Officers May Appear Before Council.

Any administrative officer of the City in matters relating to the functions of ~~his~~ *such administrative officer's* office and the Mayor at any time shall have the right to appear before the Council or any of its committees for the purpose of expressing ~~his~~ *the Mayor's or such officer's* views on matters pending before it.

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CHAPTER 3
LEGISLATION

§ 2-300. The Annual Operating Budget Ordinance.

(1) It shall be the duty of the Council, at least thirty days before the end of the fiscal year, to adopt the annual operating budget ordinance for the next fiscal year. The consideration of the operating budget ordinance shall begin forthwith upon the receipt ~~from the Mayor of his~~ *of the Mayor's* annual operating budget message and the proposed annual operating budget ordinance, both of which shall be submitted in printed form. The proposed budget ordinance shall be regarded as having been introduced immediately upon its receipt.

* * *

(4) In every annual operating budget ordinance:

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(b) The amount appropriated to the Auditing Department shall be adequate to enable the City Controller to perform the duties of ~~his office~~ *the Controller* and of the Auditing Department. Should the Council fail to make an adequate appropriation to the Auditing Department, the City Controller 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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§ 2-308. Pension and Retirement System.

When the Board of Pensions and Retirement shall have submitted to the Council its proposal for a comprehensive, fair and actuarially sound pension and retirement system covering all officers and employees of the City, the Council shall promptly consider it and act upon the setting up of such a system. However, any system enacted shall not impair or diminish rights of officers and employees under any pension and retirement systems in force at the time of the adoption of this charter and as long as payments by the Commonwealth of Pennsylvania of funds from taxes paid upon premiums by foreign casualty and fire insurance companies render it desirable, separate systems shall be maintained for City ~~policemen~~ *police officers* and for City ~~firemen~~ *firefighters*.

* * *

CHAPTER 4

COUNCIL INQUIRIES AND INVESTIGATIONS

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§ 2-405. Rights of Witnesses and Others.

Any witness appearing before the Council or any of its committees may be represented by counsel. Any person whose character shall have been impugned in the course of an inquiry or investigation by the Council or by any of its committees shall be given the opportunity to appear with or without counsel, to present evidence, to cross-examine any person who may have impugned ~~his~~ *the person's* character, and to call *the person's own* witnesses ~~of his own~~, and the Council shall, upon application being made, exercise its subpoena power to compel the attendance of such persons and witnesses.

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ARTICLE III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

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CHAPTER 2
ELECTION OR APPOINTMENT

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§ 3-202. City Treasurer.

The City Treasurer shall be elected in the manner and at the times provided by law but if and when the Constitution and laws of the Commonwealth of Pennsylvania permit, ~~he~~ *the City Treasurer* shall be appointed by the Director of Finance.

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CHAPTER 3
QUALIFICATIONS

* * *

§ 3-300. Mayor.

The Mayor shall have been a resident of the City for at least three years preceding ~~his~~ *the Mayor's* election and shall be at least twenty-five years of age at the time of ~~his~~ *the Mayor's* election.

* * *

§ 3-301. Managing Director.

The Managing Director shall have had such experience for at least five years as an executive either in public service or private industry as shall qualify ~~him~~ *the person* for the duties of ~~his office~~ *the Managing*

Director.

* * *

§ 3-302. Director of Finance.

The Director of Finance shall have had such experience for at least five years as an executive or the controller of a business, or as an expert in public finance as shall qualify ~~him~~ *the person* for the duties of ~~his office~~ *the Director of Finance*.

* * *

§ 3-306. Citizenship and Residence.

All officers and employees of the City shall be citizens of the United States. It shall not be necessary for the Managing Director, the Director of Finance, the Personnel Director, any appointed department head or any other employee not in the civil service to be a resident of the City at the time of ~~his~~ *the officer's or employee's* appointment but residence in the City must be acquired within six months thereafter. Appointed members of boards and commissions shall be residents of the City or of a county of the Commonwealth of Pennsylvania adjacent to the City.

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CHAPTER 4
TERMS OF OFFICE

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§ 3-400. Mayor.

The Mayor shall serve for a term of four years beginning on the first Monday of January following ~~his~~ *the Mayor's* election. ~~He~~ *The Mayor* shall not be eligible for election for more than two successive terms; and ~~he~~ *the Mayor* shall not during ~~his~~ *the Mayor's* term of office be a candidate for any other elective office whatsoever. Should ~~he~~ *the Mayor* announce ~~his~~ candidacy for any other office, ~~he~~ *the Mayor* shall be automatically disqualified to continue to serve as Mayor, and the office shall be deemed vacant.

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§ 3-402. City Treasurer.

As long as ~~he~~ *the City Treasurer* is an elective officer, the term of the City Treasurer shall be that provided by law.

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CHAPTER 5
VACANCIES

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§ 3-501. City Controller and City Treasurer.

Vacancies in the office of City Controller, or the City Treasurer until ~~his~~ *the* office becomes an appointive one, shall be filled in the manner provided by law.

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CHAPTER 6
COMPENSATION

* * *

§ 3-600. The Mayor and Other Officers.

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

* * *

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

* * *

CHAPTER 7
BUREAUS AND DIVISIONS; DEPUTIES; OTHER EMPLOYEES

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§ 3-701. Deputies.

The head of any department, the Managing Director, the Director of Finance, the City Treasurer, and the Personnel Director shall have the power with the approval of ~~his~~ *the person's* appointing officer or commission, or if ~~he~~ *is the person* is an elective officer, on ~~his~~ *the elective officer's* own responsibility, to appoint and fix the compensation of a deputy or such number of deputies as the Administrative Board shall approve. The deputies may be called assistants if the Administrative Board so determines. Deputies, in the absence of the heads of their respective departments, or of the officers for whom they are deputies, shall have the right to exercise all the powers and perform all the duties vested in and imposed upon such department heads or officers, except the power to appoint officers or employees, and may at any time exercise such of the powers and perform such of the duties of the head of the department or officer as may be prescribed by such head or officer.

* * *

§ 3-702. Employment and Compensation of Bureau Chiefs and Other Employees.

(1) The Mayor, the Managing Director, the Director of Finance, the City Treasurer and the Personnel

Director, and the heads of the several departments and the several boards and commissions shall appoint and fix the compensation of such secretaries, consultants, experts, bureau or division chiefs, superintendents, assistant superintendents, assistant chiefs, and other assistants and employees as may be required for the proper conduct of the work of their respective offices, departments, boards or commissions. Unless otherwise specifically provided in this charter, employees of a board or commission shall be nominated by its ~~chairman~~ *chair* or president or by such other officer as may be designated by the board or commission.

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CHAPTER 8
INDEPENDENT BOARDS AND COMMISSIONS

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§ 3-811. Commission on Universal Pre-Kindergarten.

(a) The Commission on Universal Pre-Kindergarten shall be composed of seventeen members, selected as follows:

* * *

(4) Superintendent, School District of Philadelphia, or ~~his or her~~ *the Superintendent's* designee;

(5) Director of Finance, or ~~his or her~~ *the Director's* designee;

(6) Director of Commerce, or ~~his or her~~ *the Director's* designee;

(7) The Welfare Commissioner, commonly known as Commissioner of Human Services, or ~~his or her~~ *the Commissioner's* designee; and

(8) Deputy Secretary, Office of Child Development and Early Learning, Pennsylvania Department of Human Services, or ~~his or her~~ *the Deputy Secretary's* designee.

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CHAPTER 9
DEPARTMENTAL BOARDS AND COMMISSIONS

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§ 3-902. Air Pollution Control Board.

The Air Pollution Control Board shall be composed of seven appointed members and the Health Commissioner. Of the appointed members, one shall be an experienced business executive, and two shall be resident householders not connected with the activities hereafter enumerated. The other four shall include one from each of the following fields of activity where ~~he~~ *the member* shall have had at least five years' active experience: the operation of plants containing high pressure boilers; the management or operation of the

business of mining or manufacturing of solid, liquid or gaseous fuels, involving the theory and practice of fuel technology; the management or operation of transportation facilities; and the practice of designing or installing power and industrial equipment.

* * *

§ 3-904. Board of Surveyors.

The Board of Surveyors shall be composed of a Chief Engineer and Surveyor, who shall be the president thereof, an Assistant Chief Engineer and Surveyor, and the Surveyors and Regulators of the several survey districts of the City, all of them to be appointed by the Commissioner of Streets. The Chief Engineer and Surveyor shall be at the time of ~~his~~ *the Chief Engineer and Surveyor's* appointment a civil engineer of at least five years' experience, and the Assistant Chief Engineer and Surveyor and the district Surveyors and Regulators each shall have had at the time of their appointment at least five years' experience in surveying and regulating.

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§ 3-912. Board of Building Standards.

The Board of Building Standards shall be composed of four appointed members and the Commissioner of Licenses and Inspections. The appointed members shall be ~~men~~ *individuals* of recognized standing and experience in design and construction, and shall include at least one architect and one professional engineer, each registered under the laws of the Commonwealth of Pennsylvania.

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§ 3-917. Additional Advisory Boards.

The Mayor may upon the request of the head of any department or of ~~his~~ *the Mayor's* own volition appoint a board of seven citizens to act in an advisory capacity to such department regarding the department's work or any specified phase of it.

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§ 3-918. Historical Commission.

The Historical Commission shall be composed of seven appointed members, and the Council President or ~~his or her~~ *the President's* designee, the Director of Commerce, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, the Chair of the City Planning Commission or ~~his or her~~ *the Chair's* designee, and the Director of Planning and Development. Each appointed member shall be learned in the historic traditions of the City and interested in the preservation of the historic character of the City and the appointed members shall include one of each of the following: an architect experienced in the field of historic preservation; a historian; an architectural historian; a real estate developer; a representative of a community development corporation; and a representative of a community organization.

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§ 3-920. Philadelphia Community Reinvestment Commission.

(a) Composition. The Philadelphia Community Reinvestment Commission shall be composed of twenty-one (21) members, selected as follows, provided that Council may from time to time provide by ordinance for a different composition or method of appointment:

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(3) The President of Council or ~~his or her~~ *the President's* designee; and

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CHAPTER 10
NOMINATING PANELS

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§ 3-1000. Finance Panel.

The Finance Panel shall consist of the President of the Philadelphia Clearing House Association, the ~~Chairman~~ *Chair* of the Philadelphia Chapter of the Pennsylvania Institute of Certified Public Accountants, and the Dean of the Wharton School of Finance and Commerce of the University of Pennsylvania who shall be ~~chairman~~ *chair* thereof.

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§ 3-1002. Substitution of Members.

If any of the organizations whose head is designated as a member of a nominating panel ceases to exist or if its head refuses to serve, the remaining members of the panel shall by a majority vote replace the organization with another of a similar nature, and its head shall become a member of the panel. In the event of the illness, absence from the City or other disability of any member at a time when nominations must be made, the vice president or other officer next in rank, of the organization which the member represents, shall serve in ~~his~~ *the* ~~stead of the head of the organization.~~

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§ 3-1003. Procedure.

When any position is to be filled, for which a panel is required to submit nominations to the Mayor, the chairman of the panel shall convene it as soon as possible. The panel shall then submit to the Mayor in writing the names of three qualified persons for each position to be filled. The Mayor may return to the panel any list submitted to ~~him~~ *the Mayor* and request additional lists until ~~he fills the position~~ *the position is filled.*

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ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

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

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CHAPTER 1
THE MAYOR

§ 4-100. Chief Executive Officer.

The Mayor shall be the chief executive officer of the City. ~~He~~ *The Mayor* shall be responsible for the conduct of the executive and administrative work of the City and for law enforcement within its boundaries.

§ 4-101. Finances.

The Mayor shall:

* * *

(b) Submit to the Council not later than ninety days before the end of the fiscal year ~~his~~ *the Mayor's* operating budget message and a proposed annual operating budget ordinance for the ensuing fiscal year. In the operating budget message the Mayor shall furnish to the Council the estimated surplus, or deficit, if any, of the current fiscal year and the estimated actual receipts of the City from all sources for the ensuing fiscal year which shall be available for meeting ordinary expenses and all other information pertinent to an operating budget, shall state the known liabilities of every kind which must be met during the year, and shall recommend appropriations included in the proposed annual operating budget ordinance;

(c) In connection with ~~his~~ *the Mayor's* submission of the operating budget, recommend to the Council measures which ~~he~~ *the Mayor* believes necessary to balance the budget;

(d) At the same time that ~~he~~ *the Mayor* submits to the Council the proposed operating budget for the ensuing fiscal year, also submit to the Council the recommended capital program and the recommended capital budget as received from the City Planning Commission to the extent approved by the Mayor;

§ 4-102. Recommendations and Information.

The Mayor shall recommend by message in writing to the Council all such measures connected with the affairs of the City, the protection and the improvement of its government and finances, and the promotion of the welfare of its people as ~~he~~ *the Mayor* shall deem desirable. ~~He~~ *The Mayor* shall cause to be published through the Procurement Department from time to time for the information of the public, bulletins on the work of the City government.

* * *

§ 4-104. Cabinet Meetings.

The Mayor shall call ~~his~~ *the Mayor's* Cabinet together periodically for the purpose of receiving reports on the condition of the City and making plans for the better administration of its government and for the progress of the City.

§ 4-105. Promotion of the City.

It shall be the duty of the Mayor to exercise the powers of ~~his~~ *the Mayor's* office and to encourage among all the executive officers in the City the use of their official powers, to promote and improve the government of the City, to encourage the commercial and industrial growth of the City and of the Port of Philadelphia, and to promote and develop the prosperity and social well-being of its people.

§ 4-106. Information and Complaints.

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

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CHAPTER 2
CITY REPRESENTATIVE

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§ 4-201. Marketing and Publicity.

The City Representative shall use ~~his or her~~ *the Representative's* best efforts to give wide publicity to any items of interest reflecting the activities of the City and its inhabitants and shall be responsible for the preparation of any bulletins to be issued for the information of the public on behalf of the Mayor. The City Representative shall be responsible for the marketing and promotion of the image of the City and shall be responsible for the design integrity of City-produced media content associated with the City's image or identity, including event photographs, broadly distributed departmental publications, use of the City seal and logo, and web-based material.

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CHAPTER 6
DEPARTMENT OF PLANNING AND DEVELOPMENT AND ITS DEPARTMENTAL BOARDS AND COMMISSIONS

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§ 4-601. Division of Development Services.

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(c) Nothing in this section shall relieve a department or agency, or an officer or employee of a department or agency, of ~~its or his or her~~ *the department's, agency's, officer's, or employee's* duty to carry out ~~its or his or her~~ *the relevant* responsibilities and duties in compliance with the law.

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ARTICLE V
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
Managing Director and Departments, Boards and Commissions under his Supervision

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CHAPTER 1
MANAGING DIRECTOR

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§ 5-100. Supervisory Powers.

The Managing Director shall exercise supervision over all activities of those departments whose heads ~~he~~ *the Managing Director* appoints and the boards and commissions connected with such departments and shall be the contact officer between the Mayor and such departments, boards and commissions.

§ 5-101. Reports.

The Managing Director shall make periodic reports with such recommendations as ~~he~~ *the Managing Director* deems appropriate to the Mayor concerning the affairs of the City government and particularly of those departments under ~~his~~ *the Managing Director's* especial jurisdiction and the boards and commissions connected with such departments.

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CHAPTER 2
POLICE DEPARTMENT

§ 5-201. Powers of ~~Policemen~~ *Police Officers*.

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§ 5-202. Additional ~~Patrolmen~~ *Patrol Officers* Upon Private Request.

The Police Commissioner may appoint, and cause to be sworn in, any number of additional ~~patrolmen~~ *patrol officers* to do duty at any place in the City designated by, and at the charge and expense of, the person who may ask for such appointment, but no such appointment shall be made for service at any place where there exists a labor dispute or strike. Such ~~patrolmen~~ *patrol officers* shall be subject to and obey the orders and rules of the Police Department and conform to its general discipline.

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CHAPTER 10
DEPARTMENT OF LICENSES AND INSPECTIONS AND ITS DEPARTMENTAL BOARDS

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§ 5-1002. Functions.

The Department of Licenses and Inspections shall have the power and its duty shall be to perform the following functions:

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(b) Issuance of Licenses. The Department shall:

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(2) Determine whether the applicant is properly entitled to the license which ~~he~~ *the applicant* seeks;

* * *

§ 5-1004. Right of Entry.

Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, any officer or employee of the Department of Licenses and Inspections, in the performance of ~~his~~ *the officer's or employee's* duties, may at any reasonable hour, without hindrance, enter, examine and inspect all vessels, vehicles, premises, grounds, structures, buildings, and underground passages of every sort, including their contents and occupancies, and may likewise examine, inspect and test any substance, article, equipment or other property.

§ 5-1005. Board of License and Inspection Review.

The Board of License and Inspection Review shall provide an appeal procedure whereby any person aggrieved by the issuance, transfer, renewal, refusal, suspension, revocation or cancellation of any City license or by any notice, order or other action as a result of any City inspection, affecting ~~him~~ *the person* directly, shall upon request be furnished with a written statement of the reasons for the action taken and afforded a hearing thereon by the Board of License and Inspection Review. Upon such hearing the Board shall hear any evidence which the aggrieved party or the City may desire to offer, shall make findings and render a decision in writing. The Board may affirm, modify, reverse, vacate or revoke the action from which the appeal was taken to it.

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§ 5-1007. Board of Building Standards.

The Board of Building Standards shall:

(a) Advise the Commissioner of Licenses and Inspections, upon ~~his~~ *the Commissioner's* request, on the interpretation of the Building Code and of any regulations relating to building safety and sanitation;

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ARTICLE VI

EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
Director of Finance, Financial Departments, Boards and Commissions, City Treasurer, Procurement
Department, and Board of Pensions and Retirement

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CHAPTER 1
DIRECTOR OF FINANCE

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§ 6-101. Accounts.

The Director of Finance shall establish a general accounting system for the City government. ~~He~~ *The Director* shall:

* * *

(b) Have complete supervision over the keeping of detailed accounting records by officers, departments, boards, commissions, agencies or others receiving appropriations from the City. After consultation with the City Controller, ~~he~~ *the Director* shall devise, and from time to time improve, a uniform system of accounting for all officers, departments, boards and commissions of the City and other governmental agencies receiving appropriations, and shall require such system to be installed and maintained by all such officers, departments, boards, commissions and agencies. Such system shall avoid duplication of records and of bookkeeping to the greatest extent possible consistent with the provisions of this charter and the safeguarding of the City's finances;

(c) Supervise the accounting for all moneys received and receivable by the City from any source whatever. ~~He~~ *The Director* shall require the accounting in the Department of Collections to be done by modern and economical methods, including the use of mechanical equipment, and with adequate safeguards to prevent irregularity or laxity in the recording both of moneys received and of moneys due;

(d) Reflect in the accounts in ~~his~~ *the Director's* office the amounts collected by the Department of Collections, as shown by the daily reports of the Department of Collections;

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§ 6-102. Inventory Accounting.

The Director of Finance shall:

(a) Be responsible for the maintenance of a perpetual inventory in the Procurement Department and in every department, board or commission of the City or other governmental agency having possession of unissued stores of City property. ~~He~~ *The Director* shall devise, install and supervise the operation of systems under which withdrawals from and replacements in stores will be currently recorded and reported to his office. ~~He~~ *The Director* shall have supervision over the periodic (at least twice annually) counting, weighing or measuring of inventory quantities;

* * *

§ 6-103. Clearance of Requisitions for Purchase of Equipment, Material and Supplies.

The Director of Finance shall from time to time determine whether equipment, material or supplies are presently available so as to render unnecessary contemplated purchases of additional equipment, material or supplies. To enable ~~him~~ *the Director* to perform this function, the Procurement Department shall submit to ~~him~~ *the Director* every proposal for the purchase of equipment, material or supplies except any purchases involving an expenditure of less than such an amount as may be fixed from time to time by order of the Administrative Board. It shall not be lawful to invite bids for any purchase exceeding the exempted amount without first obtaining prior approval from the Director of Finance.

§ 6-104. Contracts.

Before any contract shall be effective, the Director of Finance shall approve it as to the availability of appropriated funds. ~~He~~ *The Director* shall designate on every such contract, the appropriation under which it is made and shall give it a number in the order of its date. ~~He~~ *The Director* shall, in the order in which each contract is numbered, charge the appropriation out of which expenditures thereunder will be made.

§ 6-105. Annual Operating Budget, Capital Program and Capital Budget.

The Director of Finance shall:

(a) Obtain from all officers, departments, boards and commissions and other agencies receiving appropriations from the City such information as shall be necessary to enable ~~him~~ *the Director* to compile for the Mayor the information necessary for the preparation and submission to the Council of the annual operating budget;

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§ 6-106. Requisitions for the Payment of Money.

The Director of Finance shall receive for transmittal to the Auditing Department every requisition for the payment of money out of the City Treasury. ~~He~~ *The Director* shall examine the requisition to see whether there is an appropriation available for the requested expenditure and whether the requisition is in accordance with any administrative order of the Mayor relating to current expenditures. If the requisition is proper in these respects, the Director shall note ~~his~~ approval thereon and transmit it to the Auditing Department; otherwise ~~he~~ *the Director* shall return it *to* whence it came ~~to him~~. However, if any officer, department, board, commission or agency has failed to comply with the Director's accounting requirements, the Director may decline to approve any requisition for the payment of money out of any appropriation to such officer, department, board, commission or agency until compliance. The Director shall keep among ~~his~~ *the Director's* records copies of all requisitions approved for payment.

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§ 6-108. Examination of Records and Property.

To enable the Director of Finance to perform ~~his~~ *the Director's* duties as provided in this Chapter, ~~he~~ *the Director* shall have access to the records of every officer, department, board or commission of the City or other governmental agency to which appropriations are made by the City, and shall have the right to examine at any time the equipment, material or supplies acquired with such appropriations and in the possession of any such officer, department, board, commission or agency.

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CHAPTER 3
CITY TREASURER

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§ 6-300. Custodian of City Funds.

The City Treasurer shall receive from the Department of Collections daily all moneys received by that Department from any source and shall make daily deposits of such moneys in such banks or institutions as may be designated by the Council. ~~He~~ *The City Treasurer* shall make specific reports daily to the Auditing Department and the Director of Finance of all receipts and deposits and of all moneys withdrawn from the City Treasury, and shall present and verify ~~his~~ *the City Treasurer's* cash account in such manner and as often as may be required.

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§ 6-302. Other Duties.

The City Treasurer shall continue to perform such other duties not inconsistent with the provisions of this charter as are now imposed upon ~~him~~ *the City Treasurer* by statute.

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CHAPTER 4
AUDITING DEPARTMENT

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§ 6-400. Functions.

The Auditing Department shall have the power and its duty shall be to perform the following functions:

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(b) Orders for the Payment of Money Out of the Treasury. The Department shall issue its order to the City Treasurer authorizing ~~him~~ *the Treasurer* to issue checks for payments out of moneys in the City Treasury as called for by an approved requisition.

(c) Audits of the Financial Affairs of Officers, Departments, Boards, Commissions and Other Agencies. The Department shall audit at least annually the affairs of every officer, department, board, including the accounts of any board of directors of City trusts, and commission of the City and, as far as may be necessary, the accounts of any other agency receiving an appropriation from the City. No contract with an agency shall be valid unless it contains a provision granting the Department the discretion to audit the affairs of the agency as authorized in this section during the term of the contract. Audits shall include all collections made on behalf of the City by an officer, department, board, commission or other agency. The accounts of police and ~~firemen's~~ *firefighter's* pension funds receiving appropriations from the Commonwealth of Pennsylvania shall be audited annually. An audit report shall be made on every audit.

§ 6-401. Auditors.

The City Controller shall appoint a certified public accountant as ~~his~~ *the* deputy in charge of auditing and the auditors regularly employed by the Auditing Department shall be either certified public accountants, or graduates of colleges or universities who majored in accounting.

§ 6-402. Justification for Requisitions for Disbursements.

Whenever a requisition for disbursement of funds from the City Treasury shall be presented to the Auditing Department, the Department may require evidence that the amount stated in the requisition is justly due, and for that purpose may summon to appear before it any officer of the City or any officer or employee of any department, board or commission of the City or of any other governmental agency receiving appropriations from the City or any other person and examine ~~him~~ *the officer or employee* upon oath or affirmation relative to such requisition.

* * *

CHAPTER 6
BOARD OF PENSIONS AND RETIREMENT

§ 6-600. Pension and Retirement System.

Within one year after the effective date of this charter, the Board of Pensions and Retirement shall prepare with the aid of the Law Department and submit to the Council for its consideration and enactment a comprehensive, fair and actuarially sound pension and retirement system covering all officers and employees of the City except that any system proposed and ordained shall not impair or diminish rights of officers and employees under any pension and retirement systems in force at the time of the adoption of this charter and except that separate systems shall be maintained for City ~~police and firemen~~ *police officers and firefighters* as long as payments by the Commonwealth of Pennsylvania of funds from taxes paid upon premiums by foreign casualty and fire insurance companies render it desirable.

* * *

ARTICLE VII
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
Personnel Director and Civil Service Commission and the Civil Service

* * *

CHAPTER 1
THE PERSONNEL DIRECTOR

§ 7-100. Civil Service.

The Personnel Director shall prepare, and after their adoption, administer the civil service program under the civil service regulations. ~~He~~ *The Personnel Director* shall:

* * *

(b) In accordance with the position classification plan contained in the civil service regulations upon their taking effect, allocate the position of every employee in the civil service to one of the positions in the plan. ~~He~~ *The Personnel Director* shall afford a reasonable opportunity to be heard to any employee affected by the allocation of a position to a class upon the written request of such employee for reconsideration thereof;

* * *

§ 7-103. Services to County and Other Agencies.

Subject to the approval of the Mayor, the Personnel Director may enter into arrangements with any court, or any commission, office or agency of the County of Philadelphia, to furnish the services and facilities of ~~his~~ *the Director's* office to such court, commission, office or agency in the administration of its personnel system on merit principles.

* * *

CHAPTER 2
CIVIL SERVICE COMMISSION

* * *

§ 7-201. Appeals.

The Civil Service Commission shall hear and dispose of appeals as provided in this section. Any employee who is dismissed or demoted after completing ~~his~~ *the employee's* probationary period of service, or who is suspended for more than ten days in any one year, may, within thirty days after such dismissal, demotion or suspension, appeal to the Commission for review thereof. Every appeal shall be heard promptly. Upon such review, both the appealing employee and the appointing authority involved shall have the right to be heard publicly and to present evidence; but technical rules of evidence shall not apply. The findings and decisions of the Commission shall be in writing and shall be certified to the Personnel Director.

If the Commission sustains the appeal on the ground that the action complained of was taken by the appointing authority for any political, religious or racial reason, or labor union activity lawful for municipal employees, it shall order the employee to be reinstated to ~~his~~ *the employee's* former position without loss of pay for the period of his suspension. In all other cases where the Commission sustains the appeal of the employee it shall order the reinstatement of the employee in ~~his~~ *the employee's* former position with or without loss of pay

for the period of ~~his~~ *the employee's* suspension or direct that ~~he~~ *the employee* be appointed to a position of equal status in the same office, department, board or commission with or without loss of pay for the period of ~~his~~ *the employee's* suspension. If the Commission overrules the appeal of the employee, it shall confirm the action of the appointing authority which shall be final as of the date it was taken.

* * *

CHAPTER 4
CIVIL SERVICE: REGULATIONS

* * *

§ 7-400. Preparation and Adoption.

* * *

If any person affected by the proposed regulations or any citizen shall present to the Department of Records a written request therefore, ~~he shall~~ *the person shall* be afforded a public hearing before the Commission. The Commission may after a hearing re-affirm its approval or direct that the regulations be changed but any modification of a regulation which required initially the approval of the Administrative Board shall be submitted to it for approval. The subsequent procedure shall be the same as in the case of other regulations.

* * *

§ 7-401. Contents.

The regulations shall provide for:

* * *

(b) A pay plan for all employees in the civil service. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which ~~he is~~ *the employee is* employed;

* * *

(e) Promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority and conduct. Vacancies shall be filled by promotion whenever possible, and promotion shall be on a competitive basis except where the Personnel Director with the approval of the Civil Service Commission finds that competition is impracticable. Philadelphia police officers, firefighters and paramedics who are killed or who die in the line of duty shall be posthumously promoted to the rank that immediately follows the police officer's, firefighter's or paramedic's rank at ~~his or her~~ *the employee's* time of death;

* * *

ARTICLE VIII
PROVISIONS OF GENERAL APPLICATION

* * *

CHAPTER 1
FISCAL AND BUDGETARY MATTERS

* * *

§ 8-101. Payment of Moneys Out of the City Treasury.

* * *

(5) If the Director of Finance approves a requisition, he shall deliver the original to the Auditing Department.

* * *

§ 8-102. Estimates of Current Expenditures by Departments, Boards and Commissions.

In order to enable the Mayor to avoid deficits and to check on performance, each officer, department, board and commission of the City, or other agency receiving a City appropriation shall from time to time as requested by the Mayor prepare and submit to ~~him~~ *the Mayor* through the Director of Finance for approval or disapproval an estimate of the amount of money required for each activity or function to be carried on by ~~him~~ *or it the officer, department, board or commission* during the ensuing month, quarter or such other period of the current fiscal year as the Mayor shall prescribe. If such estimate does not meet with the approval of the Mayor, it shall be revised in accordance with the Mayor's direction and resubmitted for approval; but the Mayor shall not reduce the estimates of the City Council or of the Auditing Department without their consent nor the estimates of the Personnel Director and the Civil Service Commission below one-half of one percent of the amount to be expended for compensation for civil service employees.

* * *

§ 8-105. Custody of City Securities.

Securities owned or held by the City, including uncanceled obligations of the City, may be kept either in City vaults or in safes or safety deposit boxes in banking institutions, or may with the approval of the Council be delivered to and held by banking institutions as custodians. The City Treasurer or ~~his~~ *the Treasurer's* designated deputy acting jointly with the City Controller or ~~his~~ *the Controller's* designated deputy shall have sole access to such safes or safety deposit boxes but such access shall always be in the presence of an appropriate official of the banking institution. The City Treasurer shall furnish monthly to the Director of Finance a list of all City securities and their place of safekeeping.

* * *

CHAPTER 4
EXECUTIVE AND ADMINISTRATIVE BRANCH

* * *

§ 8-401. Coordination of Work.

The several departments, boards and commissions shall devise a practical and working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions, and shall so far as practicable cooperate with each other in the use of employees, land, buildings, quarters, facilities and equipment. The head of any department or any board or commission may empower or require an employee of another department, board or commission, subject to the consent of the head of such department or of such board or commission, to perform any duty which ~~he or it~~ *the head of such department, board, or commission*, might require of the employees of ~~his or its~~ *such department, board or commission*. Whenever in this charter power is vested in a department, board or commission to inspect, examine, or secure data or information or to procure assistance from any other department, board or commission, a duty is hereby imposed upon the department, board or commission upon which demand is made to render such power effective.

* * *

§ 8-404. Reports.

Not later than ninety days after the end of the fiscal year, the head of each department responsible solely to the Mayor and each independent board and commission shall make an annual report in writing to the Mayor and the head of every other department shall make an annual report in writing to the officer who appointed ~~him~~ *such department head*. Each departmental board and commission shall, not later than sixty days after the end of each fiscal year, make an annual report in writing to the head of the department with which such board or commission is connected. All such reports shall be attached as exhibits to the report made by the head of the department to ~~his~~ *the department head's* superior officer. Not later than one hundred and twenty days after the end of the fiscal year, the Managing Director and the Director of Finance shall make their annual reports to the Mayor with recommendations. They shall transmit to the Mayor as appendices to their reports, all reports made to them by department heads. Copies of all reports required by this section shall be filed in the Department of Records.

* * *

§ 8-408. Meetings of Boards and Commissions.

Every board and commission shall hold regular meetings at such times and places as it may by rule designate and in addition shall hold special meetings upon the call of its ~~chairman~~ *chair* or president at such times and places as ~~he~~ *the chair or president* shall designate. At least three days' notice in writing shall be given of the time, place and purpose of all special meetings, unless such notice is waived in writing by all members. Except as otherwise specifically provided in this charter, a majority of the members of any board or commission shall constitute a quorum. All boards and commissions shall keep minutes of their proceedings.

§ 8-409. Power to Obtain Attendance of Witnesses and Production of Documents.

Every officer, department, board or commission authorized to hold hearings or conduct investigations shall have power to compel the attendance of witnesses and the production of documents and other evidence and for that purpose it may issue subpoenas requiring the attendance of persons and the production of documents and cause them to be served in any part of the City. If any witness shall refuse to testify as to any fact within ~~his~~ *the witness's* knowledge or to produce any documents within ~~his~~ *the witness's* possession or ~~under his~~ control, the facts relating to such refusal shall forthwith be reported to any one of the Courts of Common Pleas of Philadelphia County and all questions arising upon such refusal and also upon any new evidence not included in the report, which new evidence may be offered either in behalf of or against such

witness, shall as promptly as possible be heard by such court. If the court shall determine that the testimony or document required of such witness is legally competent and ought to be given or produced by ~~him~~ *the witness*, the court may make an order commanding such witness to testify or to produce documents or do both and if the witness shall thereafter refuse so to testify or so to produce documents in disobedience of such order of the court, the court may deal with the witness as in other cases.

§ 8-410. Legal Advice and Services.

* * *

It shall be the duty of any officer, department, board or commission having requested and received legal advice from the Law Department regarding ~~his or its~~ *the official duty of such officer, department, board or commission* to follow the same; and when any officer shall follow the advice given ~~him~~ *such officer* in writing by the Law Department ~~he~~ *such officer* shall not be liable in any way for so doing upon ~~his~~ *the officer's* official bond or otherwise.

Before the Law Department shall render any opinion interpreting any appropriation ordinance or ordinance authorizing the expenditure of money, it shall notify the City Controller of the question upon which its opinion has been requested and afford ~~him~~ *the City Controller* an opportunity to present ~~his~~ *the Controller's* views upon the question.

It shall be unlawful for any officer, department, board or commission to engage any attorney to represent ~~him or it~~ *the officer, department, board or commission* in any matter or thing relating to ~~his or its~~ *the public business of the officer, department, board or commission* without the approval in writing of the City Solicitor.

§ 8-411. Custody of Private Personal Property.

Every officer and employee, who in the performance of ~~his~~ *the officer's or employee's* duties receives for custodial purposes personal property from any person, shall immediately upon receiving such property issue a receipt to such person and a copy to the City Controller itemizing the property received and stating the circumstances under which it was received, shall keep such property in such place as shall have been designated by the head of the department or the board or commission by which ~~he~~ *is the officer or employee is* employed and shall return such property promptly to such person or ~~his~~ *the person's* nominee, or to ~~his~~ *the person's* executor or administrator in case of ~~his~~ *the person's* death, when its retention by the City is no longer warranted by statute or ordinance.

* * *

ARTICLE IX
REMOVAL OF ELECTIVE AND APPOINTIVE OFFICERS

* * *

CHAPTER 1
RECALL OF MAYOR AND OTHER ELECTIVE OFFICERS

* * *

§ 9-101. Recall Procedure.

* * *

(2) Each elector signing a recall petition shall add to ~~his~~ *the elector's* signature ~~his~~ *the elector's* occupation, ~~his~~ residence, stating the ward, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the City, or of the district, as the case may be, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

* * *

§ 9-102. Notice to Incumbent.

As soon as the board having jurisdiction over elections in the City has accepted a recall petition for filing, the ~~chairman~~ *chair* of the board shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice the incumbent may resign from ~~his~~ *the incumbent's* office and thereupon the recall proceedings shall terminate.

§ 9-103. Recall Elections.

(1) If the incumbent against whom a recall petition is directed does not resign from ~~his~~ *the incumbent's* office within ten days after notice of the filing of such petition shall have been given *to the incumbent*, ~~to him~~ the board having jurisdiction over elections in the City shall arrange a recall election. If a regular or special election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the electors at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after the ten days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

* * *

(3) If a majority of the registered electors who vote on the question at a recall election shall vote "Yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered electors shall vote "No", ~~he~~ *the incumbent* shall remain in office.

§ 9-104. Disqualification for Office.

No person who has been removed from an elective office by a recall election or who has resigned from such an office after a recall petition directed to ~~him~~ *the person* has been filed, shall be eligible for election or appointment to any office of the City within two years after ~~his~~ removal or resignation.

§ 9-105. Limitations.

No recall petition shall be filed against any incumbent of an elective office within the first year or the last six months of the term of ~~his~~ *the incumbent's* office or within six months after an unsuccessful recall election against ~~him~~ *the incumbent*, but an officer who has been reelected for a successive term shall be subject

to recall also during the first year of such term.

* * *

CHAPTER 2
REMOVAL OF APPOINTIVE OFFICERS

* * *

§ 9-201. Managing Director.

The Managing Director may be removed by the Mayor. If the Mayor removes the Managing Director, ~~he~~ *the Mayor* shall specify in writing and in detail ~~his~~ *the* reasons for doing so and shall cause this specification to be served upon the Managing Director. The Managing Director may, within ten days after receipt of such specification, file with the Civil Service Commission a request for a public hearing before it, and thereupon the Civil Service Commission shall promptly afford ~~him~~ *the Managing Director* such a hearing. If the Civil Service Commission finds the Mayor's charges well founded and a sufficient cause for dismissal, that shall be the end of the matter, but if the Commission shall find that the charges were not well founded or that they do not constitute a sufficient cause for dismissal, the Commission may award to the Managing Director ~~his~~ *the* salary for the balance of ~~his~~ *the Director's* term or such part thereof as it deems appropriate, and the Council shall promptly make an appropriation out of which the award can be paid.

§ 9-202. Civil Service Commissioners.

A member of the Civil Service Commission may be removed by the Mayor only for cause. If the Mayor removes ~~him~~ *the member*, the Mayor shall state in writing and in detail ~~his~~ *the Mayor's* reasons for doing so. Thereupon, the Commissioner may request a public hearing before the Mayor, which shall be afforded to ~~him~~ *the member*. A record of the hearing shall be made, and a copy of the charges and of the transcript of the record of the hearing shall be filed with the chief clerk of the Council.

* * *

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

* * *

§ 10-103. Members of Political Committees Not to Interfere with Police and Certain Other Officers and Employees.

No member of a political committee shall interfere with or attempt to interfere with the Police Commissioner or any officer or member of the Philadelphia Police, the Fire Commissioner and any officer or employee of the Fire Department, or the Commissioner of Licenses and Inspections or any officer or employee of the Department of Licenses and Inspections in the proper performance of ~~his~~ *the officer's or employee's* duties.

§ 10-104. Fees.

No officer or employee of the City shall collect any fees or perquisites for ~~his~~ *the officer's or employee's* own use, but all such fees or perquisites, collectible under law, shall be paid into the City Treasury.

§ 10-105. Gratuities.

No officer or employee of the City and no officer or employee whose salary or other compensation is paid out of the City Treasury shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of ~~his~~ *the officer's or employee's* public work. Provided, however, that the head of any department, board or commission of the City or other agency receiving appropriations from the City Treasury may permit an employee to receive a reward publicly offered and paid, for the accomplishment of a particular task.

* * *

§ 10-107. Political Activities.

* * *

(5) No officer or employee of the City, except elected officers running for re-election, shall be a candidate for nomination or election to any public office unless ~~he~~ *the officer or employee* shall have first resigned from ~~his~~ *the officer's or employee's* then office or employment.

§ 10-108. Unlawful Acts Pertaining to the Civil Service.

* * *

(3) No employee in the office of the Personnel Director, and no examiner, or other person shall defeat, deceive or obstruct any person in ~~his~~ *the person's* right to examination, eligibility, certification or appointment under the civil service regulations or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the civil service.

* * *

§ 10-110. Refusal to Testify.

If any officer or employee of the City shall wilfully refuse or fail to appear before any court, or before the Council or any committee thereof, or before any officer, department, board, commission or body authorized to conduct any hearing or inquiry, or having appeared, shall refuse to testify or to answer any question relating to the affairs or government of the City or the conduct of any City officer or employee on the ground that ~~his~~ *the officer's or employee's* testimony or answers would tend to incriminate ~~him~~ *the officer's or employee's*, or shall refuse to waive immunity from prosecution on account of any matter about which ~~he~~ *the officer or employee* may be asked to testify before such court or at any such hearing or inquiry, ~~he~~ *the officer or employee* shall forfeit ~~his~~ *the person's* office or position, and shall not be eligible thereafter for appointment to any position in the City service.

§ 10-111. Discrimination.

(1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the civil service, or in any way favored or discriminated against with respect to employment in the civil service because of ~~his~~ *the person's* race, color, religion, national origin, political opinions or labor union activity lawful for municipal employees.

(2) No officer or employee and no department, board or commission of the City shall in the exercise of ~~his or its~~ *the* powers and the performance of ~~his or it's~~ *the* duties *of such officer, employee, department, board, or commission*; or in the granting of the use of City property discriminate against any person because of race, color, religion or national origin but this paragraph shall not prohibit the use of City property by any fraternal, religious or sectarian organization.

* * *

ARTICLE XI
SEVERABILITY AND ACTS SUPERSEDED

* * *

§ 11-103. Certain Provisions of Consolidation Act Still in Force.

* * *

Section 10 which, as modified by Article VIII, Section 3, as amended, of the Constitution, Section 5 of the Act of March 2, 1911, P.L. 8, and Article XI, Section 1, of the Act of June 25, 1919, P.L. 581, provides in part that the qualified voters of the City shall, on the Tuesday next following the first Monday of November, 1913, and on the Tuesday next following the first Monday of November in every fourth year thereafter, elect a City Treasurer to serve for four years from the first Monday of January next succeeding such election and until ~~his~~ *a* successor is elected and qualified and that no money shall be drawn from the Treasury of the City, except the same shall have been previously appropriated by the Council to the purpose for which it is drawn.

* * *

Section 12 which, as modified by Article VIII, Section 3, as amended, of the Constitution, Section 5 of the Act of March 2, 1911, P.L. 8, and Article XII, Section 1, of the Act of June 25, 1919, P.L. 581, provides that the qualified voters of the City shall, on the Tuesday next following the first Monday of November, 1913, and on the Tuesday next following the first Monday of November in every fourth year thereafter, elect a City Controller, to serve for the term of four years from the first Monday in January next succeeding ~~his~~ *the* *Controller's* election and until ~~his~~ *a* successor is elected and qualified.

* * *