



City of Philadelphia

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

BILL NO. 040002

Introduced January 22, 2004

Councilmember Kenney

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

AN ORDINANCE

Amending Chapter 20-600 of The Philadelphia Code entitled “Standards of Conduct and Ethics” to limit the receipt of contributions by elected City officers or candidates for City offices from individuals or businesses who are applicants for, or recipients of, City contracts or financial assistance, if they have made political contributions within certain timeframes to elected City officers or candidates for City offices, and prohibiting any individuals or businesses from receiving City contracts or financial assistance if they have made contributions to elected City officers or candidates for City offices, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-600 of The Philadelphia Code entitled “Standards of Conduct and Ethics,” is hereby amended to read as follows:

CHAPTER 20-600. STANDARDS OF CONDUCT AND ETHICS.

§20-601. Definitions.

* * *

(7) *City-Related Agency.* All authorities and quasi-public corporations which either: receive appropriations from the City, have entered into continuing contractual or cooperative relationships with the City, or which operate under legal authority granted to them by City ordinance.

[(7)] (8) * * *

(9) *Contribution.* As defined in the Pennsylvania Election Code, 25 P.S. §3241.

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(10) *Financial Assistance.* Any grant, loan, tax incentive, bond financing subsidy for land purchase or otherwise, or other form of assistance that is realized by or provided to a business or individual in the amount of fifty thousand dollars (\$50,000) or more or individuals through the authority or approval of the City or a City-related Agency, including, but not limited to, Tax Increment Financing (TIF) aid, industrial development bonds, use of the power of eminent domain, Community Development Block (CDBG) loans, airport revenue bonds, Enterprise Zone designations, and Private Industry Council aid.

[(8)] (11)	*	*	*
[(10)] (12)	*	*	*
[(11)] (13)	*	*	*
[(12)] (14)	*	*	*

(15) *Political Committee.* Any committee, club, association, political party or other group of persons which receives contributions or makes expenditures for the purpose of, but not limited to, influencing a municipal election.

[(13)] (16)	*	*	*
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§20-604. Gifts, Loans and Favors to City Personnel.

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(3) *Eligibility for Contracts and Financial Assistance.*

(a) *If an individual, a member of such individual's immediate family, or a life partner, as defined in §9-1106 of The Philadelphia Code, of such individual makes a contribution in excess of \$500 in the aggregate during a calendar year to a candidate for elective City office, then, during the term of office to which any such candidate is elected:*

(i) *The individual shall not be eligible to apply for or to be awarded any non-competitively bid City or City-Related Agency contract in excess of \$10,000, or to renew any such contract, nor shall said individual be eligible to be a sub-contractor of any of the aforementioned contracts;*

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(ii) *The individual shall not be eligible to apply for or to receive any financial assistance in excess of \$50,000.*

(b) *If a business makes a contribution in excess of \$500 in the aggregate during a calendar year to a candidate for elective City office, then, during the term of office to which any such candidate is elected:*

(i) *The business shall not be eligible to apply for or to be awarded any non-competitively bid City or City-related contract in excess of \$10,000, or to renew any such contract nor shall said business be eligible to be a sub-contractor of any of the aforementioned contracts;*

(ii) *The business shall not be eligible to apply for or to receive any financial assistance in excess of \$50,000.*

(c) *For purposes of subsection (b), the following shall be considered a contribution by a business:*

(i) *A contribution to a candidate for elective City office made by any parent, subsidiary, or otherwise affiliated entity of a business (“affiliate”);*

(ii) *A contribution made by any person for which they are reimbursed by such business or affiliate;*

(iii) *A contribution from an officer, director, controlling shareholder or partner of such business or affiliate.*

(d) *For purposes of this Section, a contribution in excess of \$500 in the aggregate during a calendar year 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 elective City office, shall be considered a contribution to such candidate.*

(4) Disclosure requirements.

Those seeking to obtain a City contract or City-Related Agency contract in an amount over ten thousand dollars (\$10,000), or applicants for financial assistance in an amount in excess of fifty thousand dollars (\$50,000), shall disclose at the time of their application for City or City-Related Agency contracts or at the time that they apply for financial assistance, on a form to be provided by the department or agency from which they are seeking such assistance or contract, any contributions, and their amounts, that they have made within the four years prior to said application, to any elected City officials or candidates for City office. Such disclosure form shall also include any

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contributions made by any other person that are deemed to be contributions of such applicant under §20-604(3)(c), and any contributions made to any political committees that are considered contributions to such officials or candidates under §20-604(3)(d). A copy of said disclosure form shall be transmitted to the Department of Public Records which shall keep it on file and available for public inspection. No City Contract, City-Related Contract or grant of financial assistance shall be awarded unless the aforementioned disclosure form is completed and on file with the Department of Public Records.

SECTION 2. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Effective dates. This Ordinance shall be effective immediately.

Explanation:

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