

**The Committee of Seventy's
2011 ETHICS AGENDA
PHILADELPHIA CITY COUNCIL**

The Committee of Seventy is asking you and the other declared candidates for Philadelphia City Council to commit to the attached Ethics Agenda – which is directed towards continuing to improve the political culture in Philadelphia.

Seventy would be surprised if you agreed with all of its recommendations. We urge you to embrace the ones you favor, explain your reasoning behind any you oppose and offer additional ideas we haven't thought of.

In 2007, Seventy distributed an "Ethics Agenda" to the mayoral and City Council candidates. This "Ethics Agenda" spurred the creation of a Task Force on Ethics and Campaign Finance Reform, whose Final Report contained many of Seventy's proposed reforms. Some ethics reforms achieved by City Council include:

- Passing the city's first-ever lobbying registration and disclosure law.
- Improving certain provisions of the city's campaign finance ordinance.
- Working more cooperatively with the Philadelphia Board of Ethics.

At the same time, there is a significant amount of "unfinished business," most notably:

- Enacting permanent rules that apply across the government, including forbidding nepotism, tightening policies on accepting gifts and imposing greater restrictions on outside employment.
- Passing a comprehensive whistleblower law.
- Adopting additional campaign finance reforms.

The next Council has an opportunity to strengthen Philadelphia's legal and policy framework to reach the highest level of ethical standards.

As you embark upon your campaign, we ask that you state your position on 24 specific reform measures that are designed to make Council as an institution, its members, and City government overall more accountable, transparent and effective.

Again, we invite you to share your own ideas for improving ethics in Philadelphia government. Your responses, and those of your opponents, will be published on the Committee of Seventy's website (www.seventy.org).

Please state your agreement, or explain your disagreement, with the following reforms:

Recent rulings of the U.S. Supreme Court have raised concerns about the floodgates for unlimited

campaign dollars flowing into Philadelphia. The first test of the 2007 city campaign finance ordinance was overwhelmingly successful and helped cripple “pay-to-play” here.

1. I will oppose any bill that seeks to dismantle or weaken the city’s campaign finance ordinance, including changing existing contribution limits.

Yes, and I have already worked to enact legislation that has strengthened the city’s campaign finance law, including by bringing inauguration and transition expenses within the scope of the campaign finance law; authorizing candidates for form litigation funds and imposing campaign finance limits on contributions to the same; and imposing campaign finance limits on contributions to retire campaign debt.

2. I will support legislation to require corporations or unions that spend their general funds to support or oppose Philadelphia candidates to disclose their identity and amount of spending to the Philadelphia Board of Ethics, and to require the Board to make this information publicly available online.

Yes

3. I will support strengthening the city’s campaign finance ordinance to require 527 committees – groups that are only permitted to advocate either on behalf of or in opposition to political issues, and not for the election or defeat of a particular candidate – to register as political committees.

Yes

Although improvements in the city’s finance ordinance were made to reflect lessons learned in the 2007 municipal elections, other proposed reforms – such as tying the receipt of campaign dollars to an election cycle rather than to a calendar year – remain unaddressed.

4. I will support holding a City Council hearing after the 2011 elections to consider additional reforms of the campaign finance ordinance with an eye towards making the city’s law a national model for diminishing pay-to-play.

Yes. I will continue to work to improve the city’s campaign finance law, just as I work to improve our body of local law generally.

Although the city maintains an online database of political contributions, it is difficult to search and to understand.

5. I will support providing city funds to improve the city’s electronic campaign finance report database so that it can be easily searched and understood by the public and its data can be exportable into a spreadsheet or other analytic software formats.

Yes. This may be eligible for funding through the city’s ongoing, \$120M investment in IT over the next six years.

6. I will support making it easy for the public to learn about the contributions made by recipients of non-competitively bid contracts to elected city officials by linking eContract Philly (the listing of firms and companies seeking or receiving non-competitively bid contract awards) with the campaign finance report database.

Yes. This is fully consistent with my “Open Government Philadelphia” policy platform (available on my website, www.greenforphiladelphia.com). My Open Government platform consists of the following specific initiatives, all of which are the subject of either pending or forthcoming legislation:

- o Enacting a comprehensive open data policy
- o Posting the city’s check registry online
- o Enhancing the functionality/substance of the city’s contracts websites
- o Posting financial disclosure statements online
- o Creating an online directory of boards and commissions
- o Providing easy access to legislative voting records
- o Adopting outcome-based budgeting
- o Improving public access to budget information
- o Increasing access to public alerts
- o Sponsoring an annual apps competition

City Council holds public hearings on proposed spending by virtually every taxpayer-funded unit of city government, including the Mayor’s office, City departments, commissions, boards and agencies, the independently elected row offices and the School District of Philadelphia. The only part of government for which the budget is not open for public comment is City Council.

7. I will support holding a public hearing on City Council’s annual proposed budget, and the budgets of individual Council members.

Yes

8. I will support making details of Council’s proposed budget available online, in the same format and in the same detail as other city departments.

Yes

9. I will support a public comment period at the end of every daily budget hearing session – rather than at the end of the budget hearings – so that citizens can ask questions about proposed spending by all tax-payer funded units of city government.

I would start by noting that public testimony on the budget is not held at the end of budget hearings but, rather, scheduled on multiple days during the weeks of budget hearings. This year, public testimony sessions were held on April 11, April 27, May 3, and May 25.

Furthermore, based on my experience with budget hearings, I do not think the proposed approach would, in fact, achieve the desired goal of enabling citizens to ask questions regarding spending by different city departments/taxpayer funded units of government. In a typical day of budget hearing, up to seven departments testify. Department representatives usually leave Council Chambers once their testimony is concluded -- hence, they would not be present at the end of the day when, under the proposed scenario, citizens would ask questions.

Instead, I would suggest a online mechanism for citizens to submit questions either prior to or during budget hearings, which would then be posed to the relevant department. I used this approach myself this year, and it was also piloted by the *Daily News/WHYY* initiative "It's Our Money."

Many city employees hold second jobs. However, since information on outside employment is not online for most employees, it is hard to determine any potential conflicts of interest with the employee's city job.

- 10 I will support requiring all elected and appointed city employees to register their outside jobs, and a detailed job description, with the Philadelphia Board of Ethics on an annual basis and to update that information during the year, as needed. This information should be publicly available online.

Yes

Philadelphia's independently elected row offices operate with little oversight. The City Controller has accused the Sheriff's office of severe financial mismanagement. The office in charge of city elections – the City Commissioners – was tarnished when its Deputy Commissioner (the daughter of the Commissioners' Chair) was found by the Philadelphia Board of Ethics to have engaged in illegal work related to elections.

11. I will support asking the voters to approve a proposed amendment to the city Charter to eliminate two independently elected row offices – City Commissioners and Sheriff – and to transfer their necessary functions to other parts of government in order to ensure greater accountability.

To me, the question – as with any government reform – is whether the office is performing its required function efficiently and effectively. Questions have been raised about the performance of some, but not all, of the row officers. As a result of this public discourse, the Clerk of Quarter Sessions office has already been eliminated, with its functions taken over by the courts.

There is ongoing discussion about the functions of the Sheriff's Office being allocated between

the courts and the prison system. I very much support and have played an active role in these conversations (and co-sponsored legislation to eliminate the Sheriff's Office as an elected position).

City-related authorities, some on which City Council members serve as Board members, operate by different ethical rules and practices than the rest of city government – or one another. Three examples include the Philadelphia Authority for Industrial Development, Philadelphia Redevelopment Authority and, until recently, the Philadelphia Housing Authority.

12. I will support implementing consistent ethical rules and practices to be binding on all city-related authorities.

Yes

Public officials sometimes hire or appoint members of their immediate family to work directly for them or recommend members of their immediate family for other paid or appointed positions in city government.

13. I will support the enactment of permanent legislation that forbids any city official or employee from having a role in hiring or promoting or participating in other personnel decisions involving a member of their immediate family (spouse, domestic partner, parent, sibling or child) either by the city official or employee or by others in city government.

Yes

14. I will not personally hire or appoint a member of my immediate family or recommend the hiring or appointment of a member of my immediate family by any other person, department, board, commission, agency or authority of city government.

Yes

An amendment to the City Charter proposed in Council last year would have overturned 60 year old rules prohibiting most of the city's workforce from engaging in political activity. The rules are still intact, although they do not apply to City Council's staff.

15. I will oppose amending the City Charter to allow city workers to serve as ward leaders, committeepeople or from taking part in the management or affairs of a political party or in a political campaign.

No. I agree with the ACLU that the Charter restrictions on the ability of employees to exercise their First Amendment rights by engaging in political activity are unconstitutional. This scope of restriction is not supported by an articulable, sufficient government interest and impermissibly

impedes upon the constitutional rights of city employees. What, for instance, is the city government's interest in prohibiting a city employee from volunteering – during his or her free time and not using City resources – on behalf of a presidential candidate?

Philadelphia is an outlier nationally in the breadth of its restrictions on employees' ability to engage in political activities. Last year, my office compiled a survey of the political activity rules for the 40 largest U.S. cities. To summarize our findings:

- In 34 of the 40 cities – including New York, Los Angeles, Houston, Boston, and San Francisco – city employees are allowed to engage in partisan political activities during their non-working hours and not using city resources.
- In another 4 cities – Phoenix, San Antonio, Dallas, and El Paso – city employees are permitted to engage in such activity other than for certain designated local elections.
- In only 2 cities – Philadelphia and Omaha, Nebraska – are city employees absolutely prohibited from engaging in partisan political activity.
 - Omaha does permit city employees to express their personal opinion – for instance, by displaying a yard sign or wearing a candidate button – something that was not allowed Philadelphia city employees prior to the recent enactment by the Ethics Board of a new regulation on political activities.

The proposal last year in City Council was to implement a local analog to the Hatch Act, which are the political activity rules for federal employees. The Hatch Act divides federal employees into two categories – “further restricted” and “less restricted” – for purposes of political activity restrictions. “Further restricted” employees are those in intelligence and law enforcement-type agencies, senior executive service, and administrative law judges. All other federal employees are “less restricted.”

Both types of employees are permitted to engage in core political activity – such as voting, expressing opinions about candidates and issues, and making donations to political campaigns. “Less restricted” employees also are permitted to campaign on behalf of a candidate for office, hold office in a political club, and volunteer to work on a campaign – all in their non-work hours – whereas “more restricted” employees may not do so.

I have yet to hear a compelling argument why this system -- which also is in place in large cities across the country -- would not work just as well in Philadelphia. For too long, we have trod on the constitutional rights of city employees when it comes to their ability to engage in political activity during their non-work hours. It is far past time to correct this.

16. I will support reversing the current exemption of City Council staff from existing city rules that ban city workers from serving as ward leaders, committeepople or from taking an active part in the management or affairs of a political party or in a political campaign.

No. Council staff are allowed to work on campaigns on their own time and without using city resources. This is the same rule applicable to Congressional staffers under the House Ethics Manual, which provides: “Once House employees have completed their official duties, they are free to engage in campaign activities on their own time, as volunteers or for pay, as long as they do not do so in congressional offices or facilities, or otherwise use official resources.”

And, in fact, the rules applicable Council employees are stricter than those applicable to federal congressional employees. Congressional staff members are permitted to engage in fundraising activities, including solicitation of campaign and political contributions, whereas Council staff members are prohibited from doing so.

17. I will not personally hire a ward leader, committeeperson to serve on my staff or allow my staff members to take an active part in the management or affairs of a political party or in a political campaign, including my future campaigns.

No. I think the premise of this question -- and much of the debate over this issue -- fundamentally misunderstands (inadvertently, I hope) the role of committee-people. I have a committee-person on my staff and would like to share a window into what this means. In her capacity as a committee-person, she organizes neighborhood clean-ups and block parties; she ensures that senior citizens are looked after during cold spells and heat waves; and she encourages her neighbors to register and vote. All of this during the scarce free time she has when not at work or taking care of her two daughters.

As one of my colleagues noted during a Council hearing on the political activity bill, committee-people “are basically service people in their community . . . they are the ones who are feet on the ground and deal with problems in the community.” We should be celebrating the service of committee-people, and encouraging more people to engage in this kind of public service, not denigrating it.

Philadelphia has several laws that protect city employees from retaliation for making credible reports of abuses and waste in government – but they only apply in certain circumstances.

18. I will support passage of a comprehensive whistleblower law that provides sufficient protections for city employees who make good faith complaints about perceived wrongdoing in government.

Yes

The City Charter requirement that all City Council meetings be open and accessible to the public at all times has often been sidestepped, with important deliberations effectively happening behind closed doors or meetings scheduled at times when most members of the public are unable to attend.

19. I will support promoting greater public access to, and participation in, meetings and hearings

convened by City Council and its committees – including holding more sessions during evening hours and in locations throughout the city.

Yes. I very much support and have helped lead efforts to make City government more accessible and responsive to citizens. My “Open Government Philadelphia” policy platform (available on my website, www.greenforphiladelphia.com) contains specific recommendations to make government more open, transparent, and efficient. I support having some sessions in the evenings and also holding sessions in neighborhood venues -- all to support increased public engagement.

Annual disclosure statements that City Council members are required to file with the state and city are open to the public – but the public has to go to the Records Department in City Hall to see the city forms.

20. I will support legislation that requires all annual city financial disclosure statements to be publicly available online.

Yes -- this is one of the components of my “Open Government Philadelphia” proposal.

21. I will support making additional information about City Council and its staff publicly available on Council’s website, including names, positions, salaries, membership on boards and commissions inside or outside government, and positions held in any political party and/or political organization.

Yes

The independent Board of Ethics received a strong mandate from the citizens of Philadelphia to regulate the ethical conduct of city government.

22. I will support sufficient funding for the Board of Ethics to operate effectively, including, but not limited to, the resources necessary to carry out its oversight of the city’s new lobbying law.

Yes -- during the recent Ethics Board budget hearing I stated publicly my support for providing the Board with sufficient additional resources to enable it to carry-out the new lobbyist registration/reporting law. I should note that the Ethics Board requested additional funding for this purpose from the Nutter Administration in the budget preparation process; the Administration denied the request.

An executive order places strict limitations on the solicitation or acceptance of gifts, gratuities and favors by officials in the executive and administrative branches of government.

23. I will support strengthening the current rules on the acceptance of gifts by enacting permanent and clear guidelines applicable to the entire city workforce that would allow gifts up to an explicit dollar

value, with limited exceptions.

Yes

An office of the Inspector General is currently part of the executive branch and has no authority to investigate wrongdoing by other elected officials.

24. I will support the creation within the City Charter of an independent Inspector General with authority to investigate corruption, fraud, waste or dishonest practices throughout city government, including City Council.

Yes, with two qualifications. First, if “independent” means not appointed by the Mayor (I do not support a executive branch appointee having the authority to investigate the co-equal, legislative branch of government). Second, if the independent Inspector General has clearly articulable duties that differ from those of pre-existing investigatory/oversight entities, such as the City Controller, Board of Ethics, and District Attorney.

If you would like to supplement your responses to the questions above with any additional ideas or statements, please feel free to provide further comments below.