

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 6, 2011
2:10 p.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY

BILL 110716 - An ordinance amending Chapter
20-600 of The Philadelphia Code, entitled
"Standards of Conduct and Ethics," to include
Life Partners among the family members listed
therein for purposes of application of various
ethical rules...

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2 COUNCILMAN GREENLEE: Good
3 afternoon, everyone, all three of you.
4 This is the Committee on Law and
5 Government.

6 We have a quorum: Councilman
7 Kenney, the Vice-Chair; Councilman Goode;
8 and Councilman Green.

9 Ms. Marconi, will you please
10 read the title of the bill before us
11 today.

12 THE CLERK: Bill No. 110716, an
13 ordinance amending Chapter 20-600 of The
14 Philadelphia Code, entitled "Standards of
15 Conduct and Ethics," to include Life
16 Partners among the family members listed
17 therein for purposes of application of
18 various ethical rules, under certain
19 terms and conditions.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 I have two witnesses on my
23 list, Joan Markman and Brian Sims.
24 Please, both of you can approach the
25 table at the same time.

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2 Anyone else wish to testify?

3 (No response.)

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN GREENLEE:

7 Ms. Markman, you go first, please. We
8 have your statement here, but if you can
9 identify yourself for the record.

10 MS. MARKMAN: Sure. Good
11 afternoon. My name is Joan Markman. I'm
12 the City's Chief Integrity Officer.
13 Thanks for the opportunity to present
14 testimony on this bill, which amends the
15 Ethics Code to include Life Partners
16 among the family members listed in the
17 ethic rules. And thanks, Councilman
18 Green, for introducing the bill on behalf
19 of the Administration and for your input
20 into and language about the scope of this
21 bill.

22 The proposed bill amends the
23 Gifts and Conflict of Interest sections
24 of the Ethics Code. Specifically, it
25 would exempt from the definition of

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2 Prohibited Gifts to a City employee from
3 that employee's Life Partner. This is
4 consistent with rules that allow for
5 gifts between spouses and other family
6 members. For the Conflict of Interest
7 rules, the bill adds Life Partners to the
8 list of family members for whom action by
9 a City employee would constitute a
10 conflict of interest.

11 These changes are necessary to
12 ensure that City employees with life
13 partners are treated the same as their
14 married colleagues.

15 We respectfully request that
16 the Committee report this bill out with a
17 favorable recommendation and a suspension
18 of the rules so that it may be passed
19 this Council session.

20 In short -- I'm going off
21 script here -- this is a no-brainer. So
22 I'm happy to answer any questions that
23 you might have.

24 COUNCILMAN GREENLEE: Is that
25 an official legal term, no-brainer?

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2 MS. MARKMAN: That's an
3 official legal term.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Are there any questions for
7 Ms. Markman?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, Mr. Sims, before you go, just so I
11 don't forget, also Richard Glazer, Chair
12 of the Philadelphia Board of Ethics, has
13 submitted written testimony, which will
14 be made part of the record, and he also
15 is in support of the bill -- or the
16 Ethics Board is in support of the bill.

17 Mr. Sims, please identify
18 yourself for the record.

19 MR. SIMS: Certainly. Thank
20 you. My name is Brian Sims. I am a
21 policy attorney and a civil rights
22 attorney living here in Philadelphia. I
23 have previously served as the staff
24 counsel for Policy and Planning at the
25 Philadelphia Bar Association, and I am

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2 the former Board President of both the
3 Gay and Lesbian Lawyers of Philadelphia
4 and Equality Pennsylvania, the
5 Commonwealth's LGBT advocacy
6 organization. I'm also pleased to see
7 that there is nobody here to testify in
8 opposition to this bill.

9 Mr. Chairman, thank you for
10 allowing me the opportunity to address
11 the members of the Committee about Bill
12 110716 to add Life Partners to the City's
13 ethical regulations. As many of you can
14 attest, Philadelphia City Council has
15 often been the subject of a great deal of
16 complaint from the citizens of the City,
17 both rightly and sometimes wrongly, and
18 City Council is almost always under
19 constant criticism for a number of
20 different issues.

21 Without attempting to lift the
22 pressures that you feel to continue to
23 help the City grow and strengthen, I
24 would like to offer my thanks to you and
25 to Philadelphia City Council. The truth

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2 is that where the state has lagged far
3 behind its contemporaries and its
4 neighbors in recognizing the
5 relationships of all of its citizens with
6 respect and dignity, Philadelphia has
7 instead paved the way.

8 Today, while all LGBT
9 Pennsylvanians live in a state that fails
10 to recognize their committed
11 relationships and families, fails to
12 provide even the most basic civil rights
13 protections and refuses to protect them
14 from common discrimination, LGBT
15 Philadelphians are in many ways in a very
16 different boat.

17 As a proud Philadelphian, I can
18 go to work each day and know that my
19 rights as a gay man are protected. I
20 know that my employer cannot fire me for
21 being white, for celebrating Christmas or
22 for whom I love.

23 This city says that I have
24 every right to access its parks, tour its
25 museums or to be served at any of its

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2 restaurants. Moreover, I'm able to sleep
3 comfortably at night knowing that my
4 landlord can't throw me out for being a
5 gay man or for working on behalf of LGBT
6 civil rights around the Commonwealth.

7 Almost a decade and a half
8 before the federal government signed into
9 law the national Civil Rights Act, the
10 City of Philadelphia established the
11 Commission on Human Relations and, in
12 doing so, began to recognize that
13 protecting all of our rights is not just
14 the morale and ethical thing to do, it is
15 indeed an appropriate step for the City
16 to take.

17 Over the last 60 years, a host
18 of powerful and important additions have
19 been made to the ordinance, and today the
20 rights of lesbian, gay, bisexual and many
21 transgender Philadelphians are afforded
22 protections that they would not find
23 elsewhere. This has happened as a result
24 of countless hours of hard work and
25 lobbying both within City Council over

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the years and from LGBT advocates and allies throughout this city's rich history.

While there is still ground to be gained and certainly a larger voice to have in helping our state pass similar protections for all of the Commonwealth's citizens, the fact that we are discussing a bill of this nature today is indicative of the strength of our local government's commitment to its LGBT citizens.

While much work has been dedicated to the rights of LGBT Philadelphians, today we have the opportunity to expand our responsibilities as well.

Gentlemen, I'm certain that all of you know the definition of Life Partner which this bill references, but allow me to draw your attention to just several of the criteria which our city has established in order to declare and receive recognition of a life partnership.

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2 Section 9-1102 of the City's
3 Fair Practices Ordinance defines a life
4 partnership in part as follows: A
5 long-term, committed relationship between
6 two unmarried individuals of the same
7 gender who are residents of the City of
8 Philadelphia; or one of whom is employed
9 in the City, owns real property in the
10 City, or owns and operates a business in
11 the City; has no other life partner but
12 the other person; has not been a member
13 of a different life partnership for the
14 last 12 months unless the prior life
15 partnership ended as a result of death;
16 agrees to share the common necessities of
17 life and to be responsible for each
18 other's common welfare; and shares at
19 least one residence with the other life
20 partner.

21 Clearly, the City has provided
22 a thoughtful, respectful and thorough
23 definition of Life Partnership in order
24 to be certain that the maximum benefits
25 up to the rights of LGBT Philadelphians

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could be achieved, and today this same definition indicates just why enforcing similarly thoughtful, ethical standards which heterosexual relationships are currently subject to is the right step for Council to take.

As demonstrated by the definition provided for in the City's Fair Practices Ordinance, Philadelphia recognizes that the strength and depth of LGBT relationships are certainly akin to the many relationships already provided for in the City's ethical rules and regulations. In recognizing that such important relationships are no less deserving of many rights, I am equally honored that City Council recognizes that our relationships are worthy of the responsibilities that we all share in making this a city of the utmost conduct and ethics as well.

LGBT people are deserving of all of our rights, and we recognize gladly that we too share the

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2 responsibilities that our straight
3 neighbors and allies have as
4 Philadelphians.

5 Bill 110716 takes a significant
6 and important step towards equality for
7 all Philadelphia's citizens, and I urge
8 you to vote in its favor. I offer this
9 testimony that the City should amend the
10 "Standards of Conduct and Ethics" chapter
11 of The Philadelphia Code, which provides
12 for many of the rules and regulations so
13 important to the operation of an ethical,
14 transparent municipal government in order
15 to include life partners.

16 Thank you very much.

17 COUNCILMAN GREENLEE: Thank
18 you, and thank you for the kind words
19 about City Council. We don't get those
20 all the time.

21 MR. SIMS: Happily, sir.

22 COUNCILMAN GREENLEE: And I
23 will echo -- and I said this the other
24 week when we passed a bill dealing with
25 the LGBT community. I think just a few

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2 years ago, if any bill even mentioned the
3 word "life partners" in it, we would have
4 had people in here protesting. So I
5 think not only I think has government
6 come far, I think the City has come far.

7 MR. SIMS: I would agree
8 completely.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Any questions or comments?

12 (No response.)

13 COUNCILMAN GREENLEE: Thank you
14 very much.

15 Anyone else here to testify on
16 this bill?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, that will conclude the hearing of
20 the Committee on Law and Government.
21 We'll go into the public meeting, and the
22 Chair recognizes Councilman Green
23 regarding this bill.

24 COUNCILMAN GREEN: Thank you,
25 Mr. Chair. I move that Bill 110716 be

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2 reported from this Committee, with a
3 suspension of the rules to allow first
4 reading at our next session of Council,
5 with a favorable recommendation.

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor say aye.

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?

11 (No response.)

12 COUNCILMAN GREENLEE: Hearing
13 none, Bill No. 110716 reported out of
14 this Committee with a favorable
15 recommendation, rules suspension to have
16 first reading at our next session of
17 Council.

18 There being no further business
19 before this Committee, the meeting is
20 adjourned.

21 Thank you all very much.

22 (Committee on Law and
23 Government concluded at 2:20 p.m.)

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1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on December 6, 2011, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
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20 transcript does not apply to any reproduction
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