

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, February 24, 2014
10:15 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILWOMAN MARIAN B. TASCO

BILL 140054 - An ordinance amending Title 20 of The Philadelphia Code, entitled "Officers and Employees," including Chapter 20-600 ("Standards of Conduct and Ethics"), by prohibiting certain gifts, adding and modifying certain definitions...

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COUNCILMAN GREENLEE: Good morning, everyone. This is the Committee on Law and Government. We have established a quorum with Councilman Kenney, Vice Chair of the Committee; Councilman Goode; and Councilman Henon. We have one bill before us today.

Ms. Marconi, will you please read the title of that bill.

THE CLERK: Bill No. 140054, an ordinance amending Title 20 of The Philadelphia Code, entitled "Officers and Employees," including Chapter 20-600 ("Standards of Conduct and Ethics"), by prohibiting certain gifts, adding and modifying certain definitions, establishing penalties and making technical amendments, all under certain terms and conditions.

COUNCILMAN GREENLEE: Thank you. And our first witnesses are?

THE CLERK: Hope Caldwell and Amy Kurland.

COUNCILMAN GREENLEE: Please

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2 approach. As you're coming up, we have
3 gotten, I believe, your testimony.
4 Although it's not that long, we always
5 appreciate any summary of that testimony,
6 because it has been given to the
7 Committee beforehand and it has been made
8 part of the record already.

9 So please identify yourself for
10 the record and proceed.

11 (Witnesses approached witness
12 table.)

13 MS. KURLAND: Good morning.
14 I'm Amy Kurland, Inspector General for
15 the City of Philadelphia.

16 MS. CALDWELL: I'm Hope
17 Caldwell, the Chief Integrity Officer.

18 MS. KURLAND: Good morning.
19 I'd like to thank the Chair, Councilman
20 Greenlee, and members of the Committee on
21 Law and Government for the opportunity to
22 testify here this morning and present the
23 Administration's view on Bill No. 140054.

24 We are very, very pleased to
25 support this bill. It represents a

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2 significant step forward in strengthening
3 and clarifying the gift provisions of The
4 Philadelphia Code. The original
5 provisions were designed to protect the
6 City and the public from the real
7 possibility that certain types of gifts
8 could improperly influence, or appear to
9 improperly influence, City officials and
10 employees. However, over the years, it
11 has become clear that the existing
12 language in that bill could be clearer
13 and provide even more protection against
14 undue influence.

15 In our view, this bill succeeds
16 in making those improvements.
17 Specifically, we are pleased with three
18 very positive and significant changes.

19 First, the bill will replace
20 the vague term "substantial economic
21 value" with a definite sum. We believe
22 that this will make it easier to reach
23 conduct that should be prohibited while
24 maintaining some flexibility within the
25 system.

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2 Second, the bill's restriction
3 of cash or money gifts sends a strong
4 message to City officials and employees.
5 We believe gifts of money raise
6 particularly serious questions of
7 improper influence, and for this reason,
8 the bill's additional restriction
9 represents an important improvement over
10 the current language.

11 Third, City officials and
12 employees should never, under any
13 circumstances, be permitted to solicit
14 gifts from individuals with interests at
15 stake. The bill reflects this policy,
16 and we fully support it.

17 MS. CALDWELL: Furthermore, in
18 discussions with Council and with Ethics
19 Board staff, we've collectively
20 identified a significant and mutually
21 agreeable improvement to the language of
22 the bill as introduced. We understand
23 the bill will be amended to clarify that
24 the gift restriction will apply not
25 merely to anyone with a direct financial

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2 interest in City business, but to anyone
3 seeking official action from a City
4 official or employee. Although this is
5 subtle, we believe that this is a true
6 improvement to the bill. Not only does
7 the addition strike at the heart of the
8 issue, which is the use of gifts to gain
9 improper influence over official
10 activity, but it makes the standards
11 clearer for City officials, employees,
12 the public, and those charged with
13 enforcement. These changes bring in
14 closer alignment -- bring into closer
15 alignment the code and the Mayor's
16 Executive Order on gifts which applies to
17 executive branch employees.

18 For these reasons, the
19 Administration wholeheartedly supports
20 the bill's passage.

21 Of course, we'd be remiss if we
22 did not briefly point out some
23 opportunities for the law to provide the
24 Ethics Board with more prudent
25 flexibility and discretion in its

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2 enforcement of the law.

3 The bill includes a timing
4 component, which is "at the time or in
5 close proximity to the time the gift is
6 received," which could in some cases
7 invite needless argument over the time
8 between the gift and the official action.

9 With regard to the exceptions
10 in Subsection (3) of the bill, certain
11 scope limitations would be helpful to
12 ensure the ability of the Ethics Board to
13 act in clearly objectionable situations.
14 For example, adding words -- adding the
15 words "reasonable" to Section (3)(a) or
16 "incidental" to (3)(f) allows the Ethics
17 Board to distinguish reasonable from
18 extravagant circumstances and properly
19 enforce the spirit of this law.

20 These issues, however, are
21 minor relative to the bill's significant
22 improvement over the current code, and we
23 believe that the Ethics Board will
24 nevertheless be able to enforce the rules
25 appropriately. We reiterate our support

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2 of the bill's passage and look forward to
3 its implementation.

4 We'd like to thank this
5 committee again for the opportunity to
6 testify and would be happy to answer any
7 questions.

8 COUNCILMAN GREENLEE: Thank you
9 both, and thank you for working with
10 Council staff on this issue.

11 Any questions from anyone?
12 (No response.)

13 COUNCILMAN GREENLEE: You made
14 it easy today.

15 MS. KURLAND: Thank you very
16 much.

17 COUNCILMAN GREENLEE: Thank you
18 both very much.

19 Ms. Marconi, our next witness.

20 THE CLERK: Shane Creamer.

21 (Witnesses approached witness
22 table.)

23 MR. CREAMER: Good morning.

24 COUNCILMAN GREENLEE: Good
25 morning. Please proceed.

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2 MR. CREAMER: My name is Shane
3 Creamer. I'm the Executive Director of
4 the Philadelphia Board of Ethics. Thank
5 you for this opportunity to speak on Bill
6 140054 being heard today by the Committee
7 on Law and Government.

8 Bill 140054 would amend the
9 City's gift rule by replacing that rule's
10 current abstract standards with clear,
11 bright-line gift limit of no more than
12 \$99 in the aggregate from sources that
13 have a financial interest that can be
14 substantially affected by a City
15 official. The bill would also ban cash
16 gifts and prohibit City officials from
17 soliciting gifts from those that have a
18 financial interest that can be
19 substantially affected by that official.

20 I understand there is a
21 proposed amendment to the bill that would
22 apply the gift rule to anyone seeking
23 official action from an officer or
24 employee. The Board believes this is an
25 extremely important addition to the

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2 proposed rule.

3 This bill would be a vast
4 improvement over the current gift rule,
5 and the Philadelphia Board of Ethics
6 supports its passage. The Board also
7 commends City Council for taking on this
8 difficult issue in such a thoughtful and
9 earnest manner. We know how difficult it
10 is to strike the right balance with a
11 bright-line gift rule. We are also very
12 appreciative of the opportunity we have
13 had to discuss the bill with Council
14 staffers.

15 As you're aware, the Board has
16 spent the past several months working on
17 a regulation that would interpret the
18 existing ordinance. Throughout that
19 time, the Board studied gift rules in
20 jurisdictions around the country and
21 received extensive public comments. As a
22 result of that process, the Board decided
23 that it would interpret the current
24 ordinance to bar gifts worth more than
25 \$50. However, the Board has put that

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2 regulation on hold due to the
3 introduction of this bill.

4 We have learned that there is
5 no "Goldilocks" gift rule and that
6 policymakers must consider how all
7 components of the gift rule operate
8 together within the compliance context of
9 their particular jurisdiction to arrive
10 at a reasonable and fair balance.
11 Absolute gift bans are both impractical
12 and unreasonable and do not exist
13 anywhere in the country. Bright-line
14 rules set clear boundaries and are easier
15 to comply with than abstract standards.
16 The challenge for policymakers is to set
17 the lines in a way that addresses the
18 common areas of concern but does not
19 extend its prohibition in a way that is
20 impractical, unreasonable or
21 unenforceable. The Board attempted to
22 strike this balance with its proposed
23 regulation, and this bill follows that
24 same basic approach. We think that this
25 is the right approach for Philadelphia.

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2 Significantly, the bill does
3 not include a "friend" exception, which
4 would permit unlimited gifts to City
5 officials from those seeking official
6 action or with financial interest at
7 stake as long as the two could claim to
8 be friends. This exception is often used
9 to mitigate the unreasonable strictness
10 of rules with zero or low dollar limits.
11 However, the Board believes that such an
12 exception can swallow the rule by
13 allowing for unlimited gifts from people
14 who are seeking official action or have
15 an interest a City officer or employee
16 can affect.

17 The Board notes that this bill
18 would create a rule similar to the rules
19 in Los Angeles and San Francisco, which
20 set their gift limit at \$100 with no
21 friend exception. It's our understanding
22 that those cities' gift rules work well.

23 While the Board supports the
24 passage of Bill 140054, it believes that
25 it could be improved in several ways.

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2 First, the Board supports the
3 amendment to the bill to apply the gift
4 rule to anyone who is seeking official
5 action from a City officer or employee.

6 Second, the current draft of
7 the bill includes at Section 20-604(3)(f)
8 an exception for food and beverage
9 provided to all participants in an
10 ordinary course of a meeting. The
11 Board's gift regulation had a similar
12 exception. However, the Board's proposal
13 specifically excluded food and beverage
14 provided at a restaurant. The Board
15 fears that the bill's version of the
16 exception could be used to allow
17 unlimited gifts for meals at restaurants
18 to City officers and employees from those
19 seeking to influence official action.
20 Therefore, the Board recommends amending
21 the bill to add a limitation similar to
22 that found in the proposed regulation.

23 Third, the Board believes that
24 the value of tickets should be the face
25 value or the market value, whichever is

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2 higher. The current draft of the bill
3 only values tickets at their face value.

4 Fourth, the Board recommends
5 adding the word "reasonable" before the
6 hospitality provided at a residence
7 exception in Section 20-604(3)(a).

8 And, finally, the Board
9 recommends adding LLC and LLP to the
10 definition of "person" in Section
11 20-601(20).

12 That concludes my testimony.
13 I'd be happy to answer any questions you
14 may have.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you.

19 Mr. Creamer, this is always a
20 very difficult subject to determine the
21 fine lines.

22 If you're invited to something
23 relative to your position as an elected
24 official in the City, recently -- not
25 recently, but a number of years ago there

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2 was some grief over us being invited to
3 attend the opening of the Kimmel Center
4 where Elton John performed. Where does
5 that -- I mean, if you're a Mayor, you
6 get invited to things all the time as a
7 result of your being in a public office
8 to either cut a ribbon or to attend an
9 event, an opening of an event. How do
10 you determine whether or not that -- is
11 that improper?

12 MR. CREAMER: Well, that may
13 fall within the exception of a benefit to
14 the City. It's a gift that serves a
15 legitimate government purpose. It's in
16 the Exceptions section. So I think your
17 concern is addressed in the legislation.

18 COUNCILMAN KENNEY: But as
19 Executive Director of the Board of
20 Ethics, should we attend nothing or
21 should we attend -- how do we determine
22 what we attend when we're invited to
23 something that -- the only reason I'm
24 being invited is because I'm a City
25 Councilmember At-Large or I'm the Mayor

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2 or I'm the District Attorney. How do you
3 determine what you can attend and what
4 you can't?

5 MR. CREAMER: Well, as an
6 elected official, you make that
7 determination yourself. Other City
8 officials will have to get permission
9 from the Board under the ordinance. But
10 if there is any doubt or any question,
11 you can always seek informal or formal
12 guidance from the Board.

13 COUNCILMAN KENNEY: I'm talking
14 generally, because kind of after the fact
15 it's a little hard, because then you wind
16 up in the middle of some controversy and
17 the Inquirer is writing about you or the
18 Daily News is writing about you.

19 I mean, I'm a graduate of
20 LaSalle University. I get invited to a
21 Big 5 doubleheader at Wells Fargo Center
22 as a result of the fact that I'm both an
23 alum and I'm a Councilmember. Can I go?
24 Can't I go? Does it come into the gift
25 rule or does it not?

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2 This is a very social business.
3 Politics and government is a very social
4 business, so you wind up getting invited
5 to things a lot of times socially. How
6 do you determine whether or not you --
7 without asking you. What's my thought
8 process? What should my thought process
9 be?

10 MR. CREAMER: There are always
11 going to be close calls, and as you point
12 out, I think the gift rule, unlike just
13 about any other rule we have jurisdiction
14 over, is one of the most difficult and
15 most challenging ones to set the right
16 policy initially and then also to enforce
17 and comply with, because it comes at an
18 intersection of normal social behavior
19 and government action and --

20 COUNCILMAN KENNEY: So I guess
21 what you're saying is, the government
22 action is depending or potential
23 government action is what the issue
24 should be, should spin on?

25 MR. CREAMER: Exactly. And

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2 that's what the rule operates on.

3 COUNCILMAN KENNEY: All right.

4 Thank you.

5 COUNCILMAN GREENLEE: Thank

6 you.

7 Any other questions?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, thank you.

11 MR. CREAMER: Thank you.

12 COUNCILMAN GREENLEE: Ms.

13 Marconi, who do we have?

14 THE CLERK: Ellen Kaplan.

15 COUNCILMAN GREENLEE: After
16 Ms. Kaplan, is there anyone else here who
17 wants to testify?

18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, Ms. Kaplan will be our final
21 witness.

22 (Witness approached witness
23 table.)

24 COUNCILMAN GREENLEE: Good
25 morning. Please identify yourself for

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2 the record and proceed.

3 MS. KAPLAN: Good morning. I
4 fully intended to submit written
5 testimony today, but after getting --

6 COUNCILMAN GREENLEE: Just
7 identify yourself for the record.

8 MS. KAPLAN: Pardon me?

9 COUNCILMAN GREENLEE: Identify
10 yourself for the record.

11 MS. KAPLAN: Oh, I'm sorry.
12 I'm Ellen Mattleman Kaplan. I'm the Vice
13 President and Policy Director of the
14 Committee of Seventy. Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 MS. KAPLAN: As I said, I fully
18 intended to submit written testimony
19 today, but after seeing an amendment that
20 I got late Friday afternoon that wiped
21 out some of the things I was concerned
22 about, I decided that I would just come
23 here today to listen and to just verbally
24 express some concerns that the Committee
25 of Seventy has with this proposal. And

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2 obviously you know that the Board of
3 Ethics has grappled in exquisite and I
4 think agonizing detail over what the
5 City's gifts rules should be, and in some
6 respects, the proposal that was
7 introduced today does not reflect what
8 the Board of Ethics agreed upon, which
9 was a \$50 limit on non-cash gifts.

10 It also is not as stringent as
11 the Mayor's Executive Order, and, of
12 course, that order is going to go away as
13 soon as Michael Nutter leaves office and
14 then City employees who now work for the
15 Mayor and who are covered by that
16 Executive Order are going to be covered
17 by the City's gift rule. And we
18 absolutely don't believe there should be
19 two different rules. There should be one
20 citywide gifts rules.

21 The proposal that you have
22 before you improves in a number of ways
23 over the current gifts rules, but we
24 think there's more that you can do and it
25 just shouldn't be enacting a rule that's

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2 better. It should be as best as you can
3 make it.

4 Again, the Committee of Seventy
5 firmly believes the gifts rules should
6 not be \$99. It should be set as \$50.
7 Just one more dollar, by the way, and
8 City employees can enjoy the only City
9 meal to make eater.com's 2013 list of 18
10 of the most expensive dishes and drinks
11 in the world, which is the Barclay
12 Prime's Philly classic cheesesteak with
13 wagyu ribeye, cut down with foie gras and
14 topped with truffled homemade Fontina
15 cheese on a Sesame roll, plus a glass of
16 champagne, so --

17 COUNCILMAN GREENLEE: Any
18 special sauce on that?

19 MS. KAPLAN: You can get an
20 amazing meal. I don't know, have you
21 ever had that meal? I haven't.

22 COUNCILMAN KENNEY: No.

23 MS. KAPLAN: But for \$99, you
24 can pretty much eat at the most expensive
25 places in town.

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2 COUNCILMAN KENNEY: I go to the
3 Terminal.

4 MS. KAPLAN: Again, I know that
5 the Board of Ethics testified today that
6 other cities have a hundred dollar gift
7 rule. For every city that has a hundred
8 dollar gift rule, I can tell you two
9 others that have 50, which also mirrors
10 the federal rules.

11 We strongly, strongly believe
12 that there is no reason why any City
13 employee should get a gift of more than
14 \$50 from anybody with City business or
15 seeking City business.

16 We are also concerned about the
17 provision that allows people who are
18 seeking City business or who have a
19 financial interest in City business from
20 accepting tickets to public events as
21 long as the City employee or elected
22 official -- and it says this right in the
23 ordinance -- do not use the tickets
24 themselves or give them to family members
25 or their government staff members or, if

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2 they're elected officials, to their
3 campaign staff.

4 As I understand it -- and
5 please correct me if I'm wrong -- that
6 means that somebody who has City business
7 can give tickets to the Super Bowl or to
8 a Rolling Stones concert, which, by the
9 way, with \$624 per ticket, according to
10 Forbes, the most expensive concert in the
11 country last year. So does that mean
12 somebody who is a City vendor who has
13 submitted -- who has responded to an RFP,
14 somebody who wants a City job can give
15 tickets to a City employee, they can
16 accept them, but they don't have to -- as
17 long as they don't use them. They can
18 just give it to members of the public.
19 There's nothing in here about disclosure.

20 Let's say for the sake of
21 argument you get those tickets. Does
22 that mean you don't have to report them
23 on your financial disclosure form, which
24 obligates high-level City employees to
25 disclose gifts in excess of \$200, because

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2 you in fact are not getting the gift but
3 giving it to someone else? Are there any
4 implications on the campaign finance
5 ordinance if the gifts are given during
6 an election year? What about City
7 employees who get the tickets and give
8 them away, but don't have to file the
9 City's financial disclosure forms?

10 We're really concerned about
11 the possibility that this loophole could
12 be really abused. At the very least,
13 please include in this proposal that's
14 any City employee who gets someone
15 from -- who gets tickets to public events
16 from someone who has or is seeking
17 official City action, to disclose it to
18 the Board of Ethics and have the list
19 made public.

20 We're also concerned about a
21 provision that allows gifts from outside
22 employers to City officers or employees
23 or to his or her spouse or life partner.
24 Lots of people have second jobs, and
25 there's no problem with that, but the

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2 question is what if they are working for
3 people that have City business or are
4 seeking City business? Should those
5 gifts not be subject to any limitations?
6 We think they should.

7 We're also concerned about the
8 fact that the restrictions do not apply
9 to City employees' closest family
10 members. There are a number of City
11 rules that place restrictions on
12 employees and their closest family
13 members, including the financial
14 disclosure rules. If a close family
15 member gets a gift and it's at the home
16 and enjoyed by a City employee, is that
17 really any different from giving it to a
18 City employee?

19 We also suggest that you take a
20 look at some of the terms in the proposal
21 that we consider to be ambiguous. One
22 that was mentioned earlier had to do with
23 the term "close proximity." Another one
24 has to do with whether the officer or
25 employee can substantially affect City

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2 action. I think it's important to know
3 what that is. Can I give a gift of
4 unlimited value to Derek Green, for
5 example? He can't vote. He can't vote.
6 Only Councilwoman Tasco can vote. Does
7 that mean I can give him a gift; I just
8 can't give it to her?

9 COUNCILMAN KENNEY: You can't
10 give it to Christmas, though. You can
11 only give it to Derek Green.

12 MS. KAPLAN: Pardon me?

13 COUNCILMAN KENNEY: You can't
14 give it to Christmas. You can only give
15 it to Derek Green.

16 MS. KAPLAN: I'm making an
17 example. John -- all right. Fine.
18 Yeah, John. I think you know what I
19 mean.

20 So I think that there are --
21 that there are things to be ironed out.
22 This proposal was just introduced at the
23 end of January. It's already been
24 amended. I happen to have got it on
25 Friday, but I don't even know if other

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2 people got it.

3 Take your time. That's exactly
4 what you did in the spring of 2010 when
5 City Council had a package of campaign
6 finance and ethics ordinances, which lots
7 of people, including the Committee of
8 Seventy, were invited to participate in
9 talking through.

10 I am very happy to talk it
11 through. I would have liked to have been
12 invited to the conversations that led to
13 this proposal. We were not. But I'm
14 happy to work with you. So I would ask
15 this committee please take your time. Do
16 it right. Don't vote today. Give it a
17 little more time.

18 Thank you.

19 COUNCILMAN KENNEY: I have a
20 question.

21 COUNCILMAN GREENLEE:
22 Councilman Kenney.

23 COUNCILMAN KENNEY: If someone
24 gives me three tickets to the --

25 MS. KAPLAN: Pardon me? Would

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2 you -- I hate --

3 COUNCILMAN KENNEY: If someone
4 gives me three tickets to the Diamond
5 Club for Phillies and I give them to a
6 single mother with two kids who probably
7 will never get to the Diamond Club in
8 their lifetime, is that improper?

9 If I get four tickets to an
10 Eagles game and I give them to four nuns
11 who are working with the homeless, is
12 that improper?

13 MS. KAPLAN: I don't think it's
14 improper. I think you should disclose
15 it. But why couldn't you disclose it?
16 And also the thing is, why does the gift
17 have to come from somebody who has City
18 business? You can do it from the Mayor's
19 box.

20 COUNCILMAN KENNEY: I can't get
21 in the Mayor's box. Are you kidding me?
22 I want to take it away and rent it out
23 for the schools. He'll never invite me
24 to the box, trust me.

25 But the point is is that if

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2 someone gives me four tickets to an
3 Eagles game and I give them to four
4 Sisters of Mercy, what's the big deal?

5 MS. KAPLAN: Well, would you
6 disclose that or you wouldn't?

7 COUNCILMAN KENNEY: Why would
8 it even be necessary to disclose it?
9 It's an act of kindness. Acts of
10 kindness don't necessarily need to be
11 disclosed as some kind of governmental
12 benefit. It's just like -- I think what
13 happens, you extrapolate your argument to
14 the ridiculous. I mean, I have done that
15 before. I have sent a mother with two
16 kids, who's on her own, who could never
17 afford to send her kids to a ball game,
18 to the Diamond Club. I've done that, and
19 it made me feel good. So I have to
20 disclose that? Where? Why? I mean, to
21 me it makes no sense.

22 Yeah, if somebody wants to give
23 me a trip to the Super Bowl or send me to
24 the Virgin Islands or send me to a
25 European city, I get it. I totally get

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2 it. But through our interactions in
3 government, in politics, we run into
4 people all the time who are in need, a
5 basketball team that won a championship.
6 All these things are just things we do.
7 It's not like I'm sending my kids there.
8 I'm not like sending relatives there.
9 These are constituents. And people don't
10 get a chance to go to things sometimes,
11 and we sometimes provide them. And
12 sometimes that opportunity comes from a
13 person who may seek business or does
14 business with the City. Why is that a
15 big deal? It's just being nice to
16 people.

17 MS. KAPLAN: If I give you four
18 tickets to a Super Bowl and you give
19 it -- I'm a registered City lobbyist. I
20 shouldn't be giving you -- well, in my
21 opinion, I shouldn't --

22 COUNCILMAN KENNEY: If I give
23 those four tickets to that same four
24 nuns --

25 MS. KAPLAN: If you give the

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2 tickets away, you still know it's coming
3 from me. So you're acting on ethics
4 bills that I care deeply about and you're
5 not -- I'm not saying you. I'm just
6 saying a normal person would think to
7 themselves, Oh, she gave me four Super Bowl
8 tickets.

9 COUNCILMAN KENNEY: If I gave
10 the four Super Bowl tickets to the four
11 nuns --

12 MS. KAPLAN: But what's the
13 problem in just disclosing it?

14 COUNCILMAN KENNEY: -- why does
15 it affect my vote on anything? They're
16 being nice.

17 MS. KAPLAN: But the perception
18 could be that it does affect your vote.

19 COUNCILMAN KENNEY: They're
20 being nice. I'm just a conduit being
21 nice.

22 MS. KAPLAN: But the perception
23 could be that it could affect your vote,
24 it could affect a City employee. Lots of
25 city -- I mean, I just --

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2 COUNCILMAN KENNEY: I just want
3 you to understand that most of the times
4 that we give stuff away, it's to people
5 who can't afford to go places and people
6 who never get the opportunity to go
7 places. You know what it does? It makes
8 me feel good. It doesn't give me any
9 particular advantage. It makes me feel
10 good to take care of people who can't do
11 things for themselves.

12 MS. KAPLAN: I understand that.
13 The City has plenty of tickets to the
14 Eagles, to the Phillies, to the Sixers
15 that Council --

16 COUNCILMAN KENNEY: The Mayor
17 controls them all. The Mayor controls
18 them all.

19 MS. KAPLAN: But City Council
20 gets a lot of those tickets and can give
21 them away.

22 COUNCILMAN KENNEY: I don't get
23 anything.

24 COUNCILMAN GREENLEE: They do?

25 COUNCILMAN KENNEY: And I don't

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2 ask. I don't get anything from the Mayor
3 and I don't ask. As a matter of fact,
4 why shouldn't the Mayor have to disclose
5 the fact of who uses the tickets?

6 MS. KAPLAN: Well, then you
7 maybe change the policy, that the City
8 taxpayers own the Mayor's box. Maybe we
9 shouldn't call it the Mayor's box. We
10 call it the City box.

11 COUNCILMAN KENNEY: It's not
12 the Mayor's box. It's the City box. And
13 I've been advocating for years that it be
14 leased out and paid for by corporations
15 who will donate money to the City or to
16 the school system, and I've not gotten
17 anywhere with that.

18 MS. KAPLAN: Change that
19 policy.

20 COUNCILMAN KENNEY: I've been
21 trying since they built Citizens Bank
22 Park, trust me.

23 COUNCILMAN GREENLEE:
24 Councilman Goode.

25 COUNCILMAN GOODE: Thank you,

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2 Mr. Chairman.

3 You asked a lot of questions.

4 The answers to some of your questions are
5 yes and the answers to the rest of the
6 questions are no. But I can assure you
7 that I know the answers to all of the
8 questions before I vote on this bill.

9 MS. KAPLAN: If you could just,
10 excuse me, do me a favor. I just want to
11 say, I wear hearing aids. It's very hard
12 for me to hear in this high Chambers, so
13 if you could talk up, I'd appreciate it.

14 COUNCILMAN GOODE: I said you
15 asked a lot of questions. Some of the
16 answers are yes and some of the answers
17 are no, but I can assure you that I know
18 the answers to all the questions that you
19 asked before I vote on this bill.

20 MS. KAPLAN: So you just want a
21 yes or a no answer? Okay.

22 COUNCILMAN GOODE: You weren't
23 paying attention.

24 MS. KAPLAN: Well, I am paying
25 attention, with all due respect. I have

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2 a hard time hearing you. Okay? Go
3 ahead.

4 COUNCILMAN GOODE: So what do
5 you think I said?

6 MS. KAPLAN: Pardon me?

7 COUNCILMAN GOODE: What do you
8 think I said?

9 MS. KAPLAN: I thought you said
10 that you're going to ask me questions
11 that you know the answer to.

12 COUNCILMAN GOODE: I said you
13 asked a lot of questions.

14 MS. KAPLAN: Yes.

15 COUNCILMAN GOODE: Some of the
16 answers are yes. Some of the answers are
17 no.

18 MS. KAPLAN: Okay.

19 COUNCILMAN GOODE: But because
20 you don't know all the answers to the
21 questions doesn't mean that I or we don't
22 know the answers to the questions. So we
23 can very well be prepared to vote.

24 But I have one question of you
25 for the record which I think is very

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2 relevant. What do you think the role of
3 City Council is versus the role of the
4 Board of Ethics?

5 MS. KAPLAN: I think the role
6 of City Council is to enact, in this
7 context, enact the gift rules. The role
8 of the Board of Ethics --

9 COUNCILMAN GOODE: In general.

10 MS. KAPLAN: In general, City
11 Council enacts legislation. The role of
12 the Board of Ethics is to administer and
13 enforce the City's ethics and campaign
14 finance laws. And it was in that spirit
15 that the Board grappled for months with a
16 proposed gifts regulation that was not
17 designed to change the City's gift laws,
18 but rather to interpret them, because I
19 think as probably everybody in this room
20 could agree, the rules are --

21 COUNCILMAN GOODE: The role of
22 the Board of Ethics with regard to
23 campaign finance was assigned through
24 provisions within the code. The role of
25 the Board of Ethics under the Home Rule

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2 Charter is spelled out clearly. So my
3 question to you is, what is the role of
4 the Board of Ethics versus the role of
5 City Council according to the Charter?
6 That's a general question, not just
7 related to this matter.

8 MS. KAPLAN: The role of the
9 Board of Ethics again is -- it's your job
10 to make laws. It's the job of the Board
11 of Ethics to administer and enforce the
12 ethics and campaign finance laws.

13 COUNCILMAN GOODE: Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 The record will reflect that
17 Councilwoman Tasco, a member of the
18 Committee, is present.

19 Any other questions?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, no one else here to testify, that
23 will conclude the hearing of the
24 Committee on Law and Government. We will
25 now go into our public meeting.

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2 Councilman Kenney, a motion on
3 the amendments, please.

4 COUNCILMAN KENNEY: Thank you,
5 Mr. Chairman. I move that Bill No.
6 140054 be amended accordingly to the
7 amendments circulated to members of the
8 Committee.

9 (Duly seconded.)

10 COUNCILMAN GREENLEE: It's been
11 moved and seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Hearing
17 none, Bill No. 140054 is amended.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman. I move that Bill No.
21 140054, as amended, be reported out of
22 this committee favorably and a request
23 made for rules suspension to allow first
24 reading at our next Council session.

25 (Duly seconded.)

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2 COUNCILMAN GREENLEE: It's been
3 moved and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN GREENLEE: Opposed?

7 (No response.)

8 COUNCILMAN GREENLEE: Hearing
9 none, Bill No. 140054, as amended, is
10 reported out of this committee favorably
11 with a rules suspension to allow for
12 first reading at our next session of
13 Council.

14 That concludes the business of
15 the Law and Government Committee today.
16 Thank you all for your participation.

17 (Committee on Law and
18 Government concluded at 10:45 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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