



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Veto was Sustained

**File created:** 10/18/2011      **In control:** City Council

**On agenda:**      **Final action:** 12/30/2011

**Enactment date:**      **Enactment #:**

**Effective date:**

**Title:** Ordinance supplementing the Pittsburgh Code Title One, Administrative; Article XI, Personnel; by creating Chapter 196, Limitations on Use of Franking and adding language to regulate and limit the use of franking in City government.

**Sponsors:** Natalia Rudiak, William Peduto, Douglas Shields

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:** 1. 2011-2204.doc, 2. 2011-2204 VERSION 2.doc, 3. 2011-2204 VERSION 3.doc, 4. 2011-2204 VERSION 4.doc

Date	Ver.	Action By	Action	Result
12/30/2011	4	City Council	Overridden	Fail
12/20/2011	4	Mayor	VETOED	
12/13/2011	4	City Council	Passed Finally	Pass
12/7/2011	4	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
11/29/2011	4	City Council	RECOMMITTED	Pass
11/29/2011	4	Standing Committees		
11/29/2011	4	Standing Committees		
11/21/2011	2	Standing Committees	Affirmatively Recommended as Amended	Pass
11/21/2011	3	Standing Committees	AMENDED	Pass
11/16/2011	2	Standing Committees	Held in Committee	Pass
11/2/2011	2	Standing Committees	Held in Committee	Pass
10/26/2011	2	Standing Committees	Held in Committee	Pass
10/26/2011	2	Standing Committees	AMENDED	Pass
10/18/2011	1	City Council	Read and referred	

Ordinance supplementing the Pittsburgh Code Title One, Administrative; Article XI, Personnel; by creating Chapter 196, Limitations on Use of Franking and adding language to regulate and limit the use of franking in City government.

**Now therefore be it resolved that the City Council enacts as follows:**

**Section 1.** The Pittsburgh City Code is hereby amended by creating Title One: Administrative, Article XI: Personnel, Chapter 196: Limitations on Use of Franking, which shall read:

## CHAPTER 196 - Limitations on the use of Franking

### 196.1 Purpose

To ensure that public funds at the discretion of an elected official are used for the benefit of the elected official's constituents and not primarily for the political or personal benefit of any elected official in the City of Pittsburgh.

### 196.2 Definitions

The following definitions shall apply to all parts of this chapter:

(a) ***Elected Official.*** Any elected officeholder in the City of Pittsburgh who holds the office of Mayor, Controller, member of City Council, or any other office that may be elected in a similar manner.

(b) ***Franking.*** Any use of public funds to send a mass physical mailing within a certain political jurisdiction that includes any of an Elected Official's name, title, website, contact information, or picture, or invites a person or persons to attend an event or meeting where an Elected Official will officially participate.

(c) ***Mass Physical Mailing.*** Any mailing that is sent to more than fifty (50) registered voters or more than fifty (50) households, where each mail piece is identical or nearly identical in its content, and where all pieces of mail in the mailing can reasonably be expected to be delivered to all recipients within a time-span of one week. All Mass Physical Mailings must include the sentence, "Paid for with Taxpayer Money," on the mailing.

(d) ***Political Message.*** Any message that (1) asks a person to vote for or against any candidate or ballot measure, (2) asks a person to support or oppose a candidate or ballot measure in any way, (3) asks a person to volunteer or donate anything of value to any political committee, (4) asks a person to attend an event or meeting where any of the above activities will take place, or (5) that is primarily a biographical description of the elected official.

### 196.3 Franking Permitted

An Elected Official in the City of Pittsburgh may take advantage of franking privileges to communicate important public service information to their constituents pursuant to their duties as elected representatives of City residents and in accordance with all state ethics laws and guidelines.

### 196.4 ~~[Restrictions by Location]~~ Equal Budget Allocation

~~An Elected Official may only utilize his/her franking privileges to mail individuals who reside within the official boundaries of the political jurisdiction that they were elected to represent, individuals who operate businesses within the official boundaries of the political jurisdiction that they were elected to represent, or members of community development corporations, or community-based non-profits who operate within the territorial boundaries of the political jurisdiction that they were elected to represent. Franking privileges may not be used to mail individuals who [reside outside of the official boundaries of the political jurisdiction that they were elected to represent.] do not meet the above criteria.~~

A franking budget for City Council shall be included in the City's annual operating budget. Each Council member shall receive a separate allocation for franking which shall be equal in ~~size to each other~~

Councilmember's franking allocation] relative proportion to the number of occupied housing units per council district as determined by the most recent decennial census and as divided the decennial census' corresponding council district map.

### **196.5 Restrictions by Timing**

An Elected Official may not utilize their franking privileges on the date of, or sixty (60) days immediately prior to, any federal, state, or local election.

Additionally, an Elected Official may not utilize their franking privileges on the date of, or ninety (90) days immediately prior to, any federal, state, or local election where they will appear on the ballot as a candidate for public office.

### **196.6 Restrictions by Content**

An Elected Official may only use their franking privileges to inform their constituents of basic functions or activities of City government or City services, or to inform them of the time, location, and purpose of any official public hearing or any public meeting in so far as such a message complies with the restrictions detailed in this chapter. An Elected Official may not use their franking privileges to send mail pieces that include any type of Political Message to any person.

### **196.7 Department Director Responsibility for Mailings**

Department Directors shall be responsible for all Mass Physical Mailings that originate from their Departments. Department Directors shall ensure that all Mass Physical Mailings that originate from their departments do not include an elected official's name, title, website, contact information, or picture, or invite a person or persons to attend an event or meeting where an Elected Official will officially participate, without the Elected Official's expressed written consent.

Department Directors shall ensure that no Mass Physical Mailings are sent that include an Elected Official's name, title, website, contact information, or picture, or invite a person or persons to attend an event or meeting where an Elected Official will officially participate, on the date of, or sixty (60) days immediately prior to, any federal, state, or local election, unless the Elected Official included in the Mass Physical Mailing will appear on the ballot, in which case no such mailings shall be sent on the date of, or ninety (90) days immediately prior to, the federal, state, or local election where the Elected Official will appear on the ballot as a candidate for public office.

### **196.8 Jurisdiction of the Ethics Hearing Board**

Violations of this chapter shall be subject to review by the City of Pittsburgh Ethics Hearing Board pursuant to City law.