



Legislation Details (With Text)

**File #:** 2020-0846      **Version:** 1

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 10/23/2020      **In control:** Committee on Finance and Law

**On agenda:** 10/27/2020      **Final action:** 11/9/2020

**Enactment date:** 11/9/2020      **Enactment #:** 36

**Effective date:** 11/12/2020

**Title:** Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title I: Administrative, Article XI: Human Resources, Chapter 197: Code of Conduct, § 197.07: Offering, Soliciting, or Accepting Gifts to define procedures for the presentation of gifts to public officials by foreign or domestic dignitaries.

**Sponsors:** Corey O'Connor

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

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/12/2020	1	Mayor	Signed by the Mayor	
11/9/2020	1	City Council	Passed Finally	Pass
11/2/2020	1	Standing Committees	Affirmatively Recommended	Pass
10/27/2020	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title I: Administrative, Article XI: Human Resources, Chapter 197: Code of Conduct, § 197.07: Offering, Soliciting, or Accepting Gifts to define procedures for the presentation of gifts to public officials by foreign or domestic dignitaries.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Code of Ordinances is hereby amended and supplemented at Title I: Administrative, Article XI: Human Resources, Chapter 197, § 197.07: Offering, Soliciting, or Accepting Gifts as follows:

- (a) *General rule on soliciting gifts.* A Public Official, Public Employee, or City Employee shall not solicit anything of value from any person or entity that the Public Official, Public Employee, or City Employee knows, or has reason to know, is an Interested Party, subject to the exception in subsection (d)(1), and subsection (i).
- (b) *General rule on accepting gifts.* A Public Official, Public Employee or City Employee shall not accept anything of value from any person or entity that the Public Official, Public Employee or City Employee knows, or has reason to know is an Interested Party, subject to the exceptions in subsection (d).
- (c) *General rule on offering gifts.* No interested party shall offer or give anything of value to a Public Official, Public Employee, or City Employee subject to the exceptions in (d or g).

(d) *Exceptions.*

- (1) Any gift occasioned by an immediate family relationship.
- (2) Complimentary food and refreshment of nominal value, not to exceed four (4) times per year from the same organization or individual.
- (3) When offered by the sponsoring organization, and attended by the Employee in an official capacity, admission, attendance, food and refreshment at a public event or ceremony sponsored by a non-profit organization, or by a civic, political, community, sports or cultural organization. This exception is limited to two (2) tickets per employee per event, not to exceed four (4) events per year from the same organization or individual. These gifts are subject to the gift disclosure rules set forth in Section (e).
- (4) Accompaniment as an immediate family member or spouse to a public event or ceremony where the immediate family member or spouse is acting in an official capacity.
- (5) Memberships, events or admissions associated with any boards on which an Employee serves either in his/her official capacity or as a private citizen.
- (6) A nonpecuniary award publicly presented, in recognition of public service.
- (7) Gifts from one (1) City Employee to another in recognition of a special occasion, illness or holiday.
- (8) Gifts of nominal value in recognition of a special occasion such as the birth of child, marriage or retirement.
- (9) Nonpecuniary gifts of nominal value.
- (10) Reasonable expenses for travel and accommodation where the travel is business related.

(e) *Electronic gift disclosure.* In addition to the financial disclosure requirements set forth in the Pennsylvania Public Official and Employee Ethics Act, Public Officials and Public Employees employed by the City of Pittsburgh shall disclose any gifts received:

- (1) Which exceed one hundred dollars (\$100.00) in value per gift or aggregated together from any one (1) source (an individual or an organization) unless from immediate family members.
- (2) Such gifts shall be reported on a form developed by The Department of City Information Systems, to the webmaster of the City of Pittsburgh internet site. The report shall include a description of the gift and its approximate value, and the name and employer of the donor.
- (3) The Department of City Information Systems will maintain an on-line database reflecting all gifts reported under subsection (c). The list will be updated no less frequently than monthly.

(f) *Ethics Board review of gifts valued at five hundred dollars (\$500.00) or higher.* The Ethics Board will designate two (2) members (hereinafter the Subcommittee) who will evaluate the propriety of gifts valued at five hundred dollars (\$500.00) or more. The subcommittee members will rotate their duties on a quarterly basis, according to the initials of the Board members' last names. Contact information for the Subcommittee will be posted on the City's website. Requests for approval of gifts valued at five hundred dollars (\$500.00) or more shall be made in written hard copy or e-mail to the Subcommittee, and shall specify the nature of the gift, its approximate value, the name and employer of the donor, the public purpose of the gift, and any other material facts. The Subcommittee will evaluate the propriety of the gift according to the following criteria:

- (1) The value of the gift and its relation, if any, to the Employee's official functions;
- (2) The public purpose of the gift.

The Subcommittee will issue a written opinion within twenty-one (21) days unless the Employee requests a shorter timeline. The opinion will include all material facts relied on by the Subcommittee, and articulate a basis for the decision. All opinions will be posted on the City's website. The Employee will have the right to appeal the decision to the entire Ethics Hearing Board. Gifts from immediate family members are exempt from this subsection.

- (g) *Gifts to family members.* Members of a Public Official, Public Employee, or City Employee's immediate family may accept a gift from an Interested Party which arises from an independent relationship of the family member, if it cannot reasonably be inferred that the gift was intended to influence the Public Official, Public Employee or City Employee in the performance of his or her duties. In order to protect the public official, public employee or city employee, voluntary disclosure of such gifts from interested parties to immediate family members above one hundred dollars (\$100.00) is highly recommended. However, failure to disclose such gifts shall not be the basis for an Ethics Complaint under this Chapter
- (h) *Effects of State Law.* The prohibitions expressed in this section are in addition to the regulation of gifts expressed in the Pennsylvania Public Official and Employee Ethics Act, including the prohibition on undue influence and all applicable financial disclosure requirements.
- (i) *Solicitation of donations.* A Public Official, Public Employee or City Employee may solicit donations to the City in compliance with State law for charitable purposes, such as the Pittsburgh Promise, or to solicit donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other charitable needs.

**(j) Gifts from Dignitaries. Gifts of value from foreign or domestic dignitaries presented to a Public Official, while acting in their capacity as such, shall be considered gifts to the residents of the City of Pittsburgh and thus City property, and will thereafter be cataloged, value estimated, and may be displayed from time to time as such.**

- (1) All gifts of this type presented to a Public Official shall be reported to the Ethics Hearing Board, which shall catalog it.**
- (2) Gifts of this type of nominal value, as determined by this Chapter, shall be exempt.**