



Text File

**Introduced:** 3/2/2018

**Bill No:** 2018-0244, **Version:** 1

**Committee:** Committee on Finance and Law

**Status:** Passed Finally

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title I: Administrative, Article XI: Human Resources, by adding Chapter 196: Public Accessibility of Conflict of Interest Documentation.

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

**Section 1.** The City Code is hereby amended at Title I: Administrative, Article XI: Human Resources, Chapter 196, by adding the following:

**Chapter 196: PUBLIC ACCESSIBILITY OF CONFLICT OF INTEREST DOCUMENTATION**

**§ 196.01 - PURPOSE**

A. The purpose of this Chapter is to ensure that those with a bona fide interest in the affairs, business, or activity of the City of Pittsburgh may access information relevant to a potential conflict of interest as it relates to the Offices of Mayor, City Controller, and City Council, and to encourage greater transparency on the part of these officeholders to the benefit of the public.

**§ 196.02 - DEFINITIONS**

A. **Candidate Committee:** The political committee, any money or assets associated with it, and any associated bank account into which all contribution in support of a campaign for City elected office shall be made, and out of which all expenditures shall be made.

B. **City Elected Office:** The offices of Mayor, City Controller, and City Council.

C. **Conflict of Interest:** The exertion of influence with respect to property or a business with which an individual holding City elected office or a member of their direct family is associated.

D. **Disclosure of Interests:** The disclosure that, per the City of Pittsburgh Home Rule Charter, Article VII: General Provisions, Chapter 801: Disclosure of Interests, all holders of City elected office shall file yearly with

the City Controller that contains the following information:

1. The names of all business or non-profit corporations, associations, partnership, joint ventures, estates, proprietorships, trusts business activities and organizations, other than religious organizations and religious corporations:

a. With which the official has any connection as an owner, officer, employee, consultant, contractor, creditor, shareholder, member, partner, joint venture, trustee, beneficiary or participant; or

b. In which the official has any financial or property interest in any form, whether a legal interest or equitable interest or otherwise: stating as to each name, the nature of the connection or interest.

2. A brief description of all legal and equitable interests of any degree in real property held by the official;

3. A statement of the remaining amounts of any funds and contributions related to the officials most recent nomination and election, and by whom and how held; and

4. The names of all creditors of the official and debts as to which the official is co-signer, surety or guarantor in excess of \$1,000.

**E. Lobbying Activities:** Includes the following and similar compensated conduct taken on behalf of the City of the Pittsburgh for the purposes related to communication, legislation, and regulation:

1. Engaging in, either personally or through an agent, written or oral direct communication with state and / or federal government officials; and

2. Drafting ordinances, resolutions, or regulations; and

3. Providing advice or recommending strategy to a client or others; and

4. Research, investigation, and information gathering; and

5. Seeking to influence the position of state and / or federal government officials by any means, including but not limited to engaging in community, public, or press activities; and

6. Attending or monitoring state and / or federal government meetings, hearings, or other events.

**F. Lobbyist:** Any individual who is compensated to spend thirty (30) or more hours in any consecutive three-month period engaged in lobbying activities which include at least one (1) direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person. Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Section or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual becomes entitled to receive compensation when the individual agrees to provide services regulated by this Section, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

1. Exemptions: The following persons are exempt from this definition for the purposes of this Chapter:

- a. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.
- b. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Section.
- c. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.
- d. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons

covered by Subsections (e) and (f), this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.

e. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.

f. Any person employed by an organization described in Subsection (e) with respect to his or her activities as an employee of the organization.

**G. Outside Employment:** Employment for which an individual who holds City elected office receives compensation.

**H. Plain Language:** Writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience, wherein best practices include:

1. Being clear and concise, including only important and directly relevant information; and
2. Using simple language, written for an 8th grade audience; and
3. Defining the purpose of the document and the application or submission process; and
4. Understanding and writing for the audience, taking into consideration their needs and presumed knowledge about the topic; and
5. Using the active voice; and
6. Keeping sentences and paragraphs short; and
7. Organizing material in a logical order; and

8. Designing the document with headings, space, and bulleted lists, and other features to make information easy to find; and

9. Making any submission process clear, intuitive, and as easy as possible, with the option to submit documents through online forms.

**I. Publicly-Accessible:** Easily accessed by any individual or organization that has an interest in the affairs, business, or activity of the City.

**J. Salary:** The compensation that an individual who holds City elected office receives for their employment by the City.

**K. Statement of Affiliations:** A description of any contractual, business, or appointment relationship with:

1. The City or any of its departments, agencies, boards, commissions, or authorities; or
2. Any professional, trade, or certificate organizations.

**L. Web Page:** A publicly-accessible online internet web page hosted through the City's primary website.

## § 196.03 - COLLECTION

A. This information shall be collected yearly by the Office of the City Controller.

1. The City Controller shall, as necessary and appropriate, circulate requests for information to individuals who:

- a. Hold City elected office; and / or
- b. Are registered as lobbyists with the City, per Title I: Administrative, Article VII: Procedures, Chapter 161: Contracts, § 161.37: Lobbyist Registration of the Pittsburgh Code of Ordinances; and / or
- c. Engage in lobbying activities on behalf of the City, as defined in § 196.02(E) of this Chapter.

2. The City Controller shall, at their discretion, decide the appropriate submission date for this information.

3. No Section of this Chapter shall be construed as to conflict with, supersede, negate, or diminish reporting requirements for comparable information required for submission by individuals who hold City elected office elsewhere in the Pittsburgh Code of Ordinances.

B. Where relevant and possible, the City Controller may choose to allow for concurrent collection periods for information required for reporting both by this Chapter and other relevant Chapters of the Pittsburgh Code of Ordinances.

C. The City Controller shall collect the following information from individuals who hold City elected office:

1. The name of any candidate committee associated with an individual holding City elected office; and
2. A disclosure of interests; and
3. The name of employers through which individuals who hold City elected office hold outside employment; and
4. The salary that an individual who holds City elected office receives.
5. A Statement of Affiliations.

D. The City Controller shall collect the names and employers of individuals who engage in lobbying activities on behalf of the City in exchange for compensation.

E. Pursuant to Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts, § 161.37: Lobbyist Registration, the City Controller shall collect the names and other relevant information of individuals registered as lobbyists on behalf of clients with business related to issues before the City.

## **§ 196.04 - PUBLIC ACCESSIBILITY**

A. The Office of the City Controller shall create, publish, and maintain a publicly-accessible web page containing the information collected, per § 196.03.

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B. The Office of the City Controller shall make every reasonable effort to keep this web page up-to-date.

C. The Office of the City Controller shall make every reasonable effort to present this information in plain language, as defined in this Chapter.

#### **§ 196.04 - SEVERABILITY**

A. Severability is intended throughout and within the provisions of this Chapter.

1. If any section, subsection, sentence, clause, phrase or portion of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter.