



Text File

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Committee: Committee on Finance and Law

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Ordinance amending and supplementing Section 197.09 of the City Code under Article XI of Title One: Administrative, by clarifying the discretionary roles of the Mayor's Office, City Council, and the Ethics Hearing Board in managing the **personnel and** budgetary expenses of the Ethics Hearing Board, ~~and eliminating the role of the Ethics Hearing Board in determining the terms and conditions of their staff's employment.~~

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

Section 1.

Section 197.09 ETHICS HEARING BOARD.

(a) There is hereby established an Ethics Hearing Board composed of nine (9) members. Pursuant to Section 214 of the Pittsburgh Home Rule Charter, the Mayor shall appoint the members of the Ethics Hearing Board subject to the approval of Council. Each member shall be a resident of the City. All members shall hold a reputation of personal integrity and honesty, with their experience and qualifications published on the Board's website. It is strongly preferred that the membership reflect the City's diversity in regard to race, color, creed, religion, gender, familial status, sexual orientation, national origin, gender identity, age and disability.

(b) The Ethics Hearing Board shall periodically recruit prospective members from the community and from Nominating Panel referrals sourced within and outside their organization. The Board shall collect resumes of candidates who have been identified by the Executive Director as being impartial, well-qualified, capable of legal analysis, and available to commit to the duties and obligations of this important public service. ~~The~~ From this collection of qualified candidates, prospective members shall be recommended to the Mayor by a Nominating Panel. The Nominating Panel shall be considered an informal advisory board to the Mayor and shall therefore not be subject to appointment or confirmation by City Council. The Nominating Panel shall consist of the following members:

- (1) The Allegheny County Bar Association shall nominate one (1) current or retired individual with experience in ethics training, has published in the topic of ethics, or who is bound by a code of ethics.
- (2) The dean of the University of Pittsburgh School of Law or the dean of the Duquesne University School of Law, in alternating order (one (1) member at a time) shall nominate, on a rotating basis, a current or former, full-time or part-time tenured or adjunct faculty member from their law school who has taught a course in professional ethics or who has published or performed services in the field of professional ethics. The University of Pittsburgh shall be the first to nominate.
- (3) The Pittsburgh Chamber of Commerce shall nominate one (1) current or retired individual with

an ethics background or experience in a field relevant to the Ethics Hearing Board's work.

(4) The Allegheny County Labor Council shall nominate one (1) individual whose union is represented in the City of Pittsburgh with a preference to a former elected official for such union.

(5) The Pittsburgh Council on Higher Education (PCHE) shall nominate one (1) current or retired individual with ethics background or experience. Such individual may include a certified public accountant, former judge, former government executive with ethics experience, a health care professional, a bioethicist, a journalist, a former police officer or other individual with experiences relevant to the Ethics Hearing Board's work.

(6) The Urban League shall nominate one (1) current or retired individual with an ethics background or experience in a field relevant to the Ethics Hearing Board's work.

(7) The Greater Pittsburgh Non-Profit Partnership shall nominate one (1) current or retired individual with an ethics background or experience in a field relevant to the Ethics Hearing Board's work.

(8) The President of City Council shall nominate one (1) person with an ethics background or experience in a field relevant to the Ethics Hearing Board's work.

(9) The Mayor shall appoint one (1) person with an ethics background or experience in a field relevant to the Ethics Hearing Board's work.

(c) After considering the nominees, the Mayor may either appoint the nominees as members of the Board or reject one (1) or more nominees and transmit reasons for rejection to Council and the Board in writing. If the Mayor rejects a nominee, the member of the Nominating Panel whose nominee was rejected will nominate another individual. Once the Mayor is satisfied with the qualifications of a nominee, the Mayor will appoint the nominee as member of the Ethics Hearing Board, subject to confirmation by Council.

(d) Each member of the Ethics Hearing Board shall serve for a term of three (3) years or until a successor is appointed by the Mayor following the process stated in (b) and (c) above. Upon expiration of the term, the member shall remain on the Board until a successor has been appointed. The terms of the members shall be staggered so that only three members are up for reappointment each year.

(e) The position of a member of the Ethics Hearing Board shall be deemed vacated:

(1) Upon the Board member ceasing to comply with the Board's bylaws, or be a City resident and appointment of their successor;

(2) Upon a written resignation of the Board member and appointment of their successor;

(3) Upon removal of the member for good cause by a majority vote of the Board. Good cause includes but is not limited to, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this Section, or of ordinances or laws relating to

ethical matters after written notice and opportunity for reply.

- (f) No individual while a member or employee of the Ethics Hearing Board shall:
- (1) Hold or campaign for any other public office;
 - (2) Hold office in any political party or political committee; or
 - (3) Hold a position of employment or appointment with any governmental body or organization that the Board finds to be incompatible with the fiduciary duties owed to the Ethics Hearing Board.
- (g) Five (5) members, or a majority of the filled seats, of the Ethics Hearing Board shall constitute a quorum for the transaction of business and a majority vote of those present at any meeting is sufficient for any official action, except for hearings and as otherwise provided herein. The recommendation of disciplinary action, as outlined in Section 197.16, shall require the affirmative votes of a majority of the non-conflicted members.
- (h) Members of the Ethics Hearing Board shall serve without compensation except that they may be reimbursed for reasonable expenses related to attending meetings of the Ethics Hearing Board up to fifteen dollars (\$15.00) (in 2015 dollars) per meeting, or the equivalent thereof for shared expenses or trainings. The Board shall ~~create an annual budget to~~ employ and direct the work of persons and employees as may be necessary whose salary, together with the necessary expenses of the Ethics Hearing Board, shall be provided ~~by~~ for at the discretion of Council and the Mayor by proper annual appropriation. The Ethics Hearing Board ~~shall control the terms and conditions of their staff's employment, and provide just cause for adverse employment actions. The Board~~ shall elect a chairperson and vice-chairperson and other officers as needed.
- (i) Expired terms or vacancies occurring on the Ethics Hearing Board shall be filled in the following manner:
- Upon thirty (30) days of the anticipated expired term or vacancy, the Ethics Hearing Board, through its Chair, will notify the Nominating Panel, the Mayor, City Council, the City Clerk and the City Solicitor of the vacancy. The vacancy will, within sixty (60) days, be filled for the unexpired portion of the term in the same manner as regular appointments. Any person appointed to fill a vacancy on the Ethics Hearing Board must meet the qualifications and limitations set forth in this Section.
- (j) No resident who has been convicted of an infamous crime under the Pennsylvania Constitution, who is incapable of being a witness or juror, who has been disbarred from any professional organization for reasons involving honesty and integrity, or who has been disciplined by the Ethics Hearing Board shall serve as a Board member, Executive Director or staff of the Ethics Hearing Board.
- (k) The Ethics Hearing Board shall adopt rules and regulations for its operations and procedures as it deems necessary to administer, implement and enforce this Chapter, including fact-specific waivers. The Board shall also adopt rules and regulations to further interpret the Chapter.