

Reforming Delaware County's Code of Ethics and Conflict of Interest Provisions

Restoring Faith in Government

I. Pay-to-Play

- a. Affects all county contracts of \$25,000 or more, or contracts to single entity or person executing a contract with Delaware County (a "Business") aggregating to more than \$25,000 paid in any given calendar year.
- b. Disclosure.
 - i. At bid submission phase – A Business seeking a contract with Delaware County must disclose:
 1. all contributions given to or raised for all Pennsylvania candidates and committees in the past 24 months
 2. all gifts/travel/hospitality to elected Pennsylvania officials in the past 24 months
 3. all consultants hired to try to secure contract; and
 4. all such disclosures shall be done on an electronic, online database.

The provisions of this section shall be enforced and investigated by the Central Purchasing Department.

- ii. Attribution - Because Businesses themselves may not actually make a given contribution or gift, the following rules shall be used to attribute contributions or gifts to a Business (which must thus be disclosed) and shall also apply to determining contributions being made to a candidate or committee:
 1. A contribution made by any parent, subsidiary, or otherwise affiliated entity of a Business ("affiliate");
 2. A contribution made by any person for which they are reimbursed by such Business or affiliate;
 3. A contribution from an officer, director, controlling shareholders or partners of such Business or affiliate, or the spouses of such persons, except that this provision shall not apply to not-for-profit Businesses or affiliates;
 4. A contribution by a political action committee controlled by the Business or affiliate;
 5. A contribution by a political action committee controlled by an officer, director, controlling shareholder or partner of such Business or affiliate (other than a not-for-profit Business or affiliate).
 6. A contribution to any political committee which, during the calendar year in which the contribution is made, itself makes contributions or gives financial support in excess of fifty percent of the committee's total receipts for that calendar year to a particular candidate for nomination or election to any elective County office or to a particular Incumbent, shall be considered a contribution to such candidate or Incumbent.

7. A contribution to a political committee that has listed the names of any candidates on a registration statement filed pursuant to the Election Code (25 P.S. § 3244) shall be considered a contribution to each such candidate.
 8. Any other contribution made not directly to a candidate for nomination or election to any County office or Incumbent, but with the purpose and intent that the entity to whom the contribution is made will, directly or indirectly, make such contribution available to such candidate or Incumbent, shall be considered a contribution to such candidate or Incumbent.
 9. Any contribution solicited by a person shall be considered a contribution by such person, and if a person sponsors or hosts a fundraising event, then any contributions raised at such event shall be considered to be contributions by such person. Any contribution solicited by an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) shall be considered a contribution by such Business, and if any officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) sponsors or hosts a fund-raising event, then any contributions raised at such event shall be considered to be contributions by such Business.
 10. Any contribution for which a person is an intermediary shall be considered as a contribution by such person, and any contribution for which an officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) is an intermediary shall be considered a contribution by such Business. For purposes of this subsection, an "intermediary" means a person who, other than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another person to the recipient of such contribution.
- iii. If under contract, Businesses must update disclosures within one week of new contributions or contract can be voided by Council.
 - iv. All disclosures will be posted in a public online database.
- c. Limits on self-dealing
- i. No member of Council can have significant financial interest in any entity having a contract with the County, including subcontractors, or with subordinate governmental entities when funds must be approved, directly or indirectly, by Council.
 1. A significant financial interest shall be defined as owning at least 10% of the entity or serving as an officer or director of this entity.
 2. This provision extends to spouses with a significant financial interest in any entity having a contract with the County.

- ii. Recusals from votes on contracts require a detailed written statement of reasons for the recusal.

II. Gift ban

- a. No gifts from any person or business who, at the time or within the previous 12 months, seeks legislative or administrative action from Delaware County.
- b. No cash gifts.
- c. No solicitation of any gifts.
- d. No other gifts worth more than \$100/source/year.
- e. Penalties to include:
 - i. Dismissal
 - ii. Demotion
 - iii. Bar from county employment for a period of years
 - iv. Suspension
 - v. Reprimand
 - vi. Civil Penalty/fine
- f. Exceptions
 - i. Food, beverages or entertainment provided at a reception that is open to the public for which no ticket purchase is necessary or invitation required.
 - ii. Promotional offers or discounts on goods, services, drink or entertainment when offered to a large group of employees.
 - iii. Attendance, entertainment, food and beverage at a celebration of a major life event (e.g., wedding, retirement, milestone birthday).
 - iv. Light refreshments – such as soft drinks, coffee, sandwiches, salads – at meetings held at a place of business where necessary to continue the meeting and where served to all participants. Does not apply to meals at outside-the-office venues.
 - v. Payment or reimbursement of an official's or employee's reasonable expenses for admission, travel, lodging, or food and beverage related to attendance at an event, convention, conference, seminar, or fact-finding trip that will benefit Delaware County and is reasonably related to the officer's or employee's official duties or expertise.
 - vi. Items of little intrinsic value – such as greeting cards, water bottles, t-shirts, certificates -- at public appearances, visits, speeches or presentations.
 - vii. Gifts resulting solely from membership in a bona fide charitable, professional, education, labor or trade organization when generally made available to the same class of members of such entities.
 - viii. Gifts resulting solely from a county officer's or employee's spouse's or life partner's business or employment activities.
 - ix. Items that are perishable – such as flowers or food -- and not practical to return.
 - x. Gifts from a government entity.

- xi. “Gifts to the County,” which include gifts that have a legitimate governmental purpose (e.g., conference, training); or cannot be returned to the donor because they are too large or cost-prohibitive; or are received from anonymous donors; or are donated in response to a solicitation of contributions from Delaware County officers or employees to further governmental goals or initiatives without the expectation of private benefit in return or any special treatment promised or accorded.
- xii. Gifts from family members (e.g., parents, children, siblings, aunt, uncle, relative in-laws) when the circumstances make clear that a family relationship is the motivation for giving the gift.
- xiii. Commercially reasonable loans made in the ordinary course of business, e.g., home mortgage.
- xiv. Reportable political contributions.

III. Statement of Financial Interests

- a. Build off state requirements to include amounts of income received (in ranges) from various sources, as exists on the federal level.
- b. Specifically require disclosure of interests involved contracts with Delaware County.

IV. County Hatch Act –These provisions shall not apply to elected officials.

- a. Senior Employees – Defined as the Executive Director and all Department Heads or Chairs/Directors of units set forth in Section 6-15 A and Section 6-15 B of the Administrative Code.
 - i. Forbidden activities
 - 1. May not be a candidate for nomination or election to public office in a partisan election.
 - 2. May not take an active part in partisan political campaigns. For example:
 - a. May not campaign for or against a candidate or slate of candidates.
 - b. May not make campaign speeches or engage in other campaign activities to elect partisan candidates.
 - c. May not distribute campaign material in partisan elections.
 - d. May not circulate nominating petitions.
 - 3. May not take an active part in partisan political management. For example:
 - a. May not hold office in political clubs or parties.
 - b. May not organize or manage political rallies or meetings.
 - c. May not assist in partisan voter registration drives.
 - 4. May not use their official authority or influence to interfere with or affect the result of an election. For example:
 - a. May not use their official titles or positions while engaged in political activity.
 - b. May not invite subordinate employees to political events or otherwise suggest OR ORDER OR ASSIGN to subordinates that

they attend political events or undertake any partisan political activity.

5. May not solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group. For example:
 - a. May not host a political fundraiser.
 - b. May not invite others to a political fundraiser.
 - c. May not collect contributions or sell tickets to political fundraising functions.
 6. WHILE ON DUTY, may not engage in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any county room or building, while wearing a uniform or official insignia, or using any county owned or leased vehicle. For example:
 - a. May not wear or display partisan political buttons, T-shirts, signs, or other items.
 - b. May not make political contributions to a partisan political party, candidate for partisan political office, or partisan political group.
 - c. May not post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
 - d. May not use any e-mail account or social media to distribute, send or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
- ii. Permitted Activities
1. May register and vote as they choose.
 2. May assist in nonpartisan voter registration drives.
 3. May contribute money to political campaigns, political parties, or partisan political groups.
 4. May attend political fundraising functions.
 5. May attend political rallies and meetings
 6. May join political clubs or parties.
 7. May sign nominating petitions.
 8. May campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
 9. May express opinions about candidates and issues. If the expression is political activity, however – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – then the expression is not permitted while the employee is on duty, in any county room or building, while wearing a uniform or official insignia, or using any county owned or leased vehicle.
- b. Less Restricted Employees – Defined as all employees of Delaware County not deemed Senior Employees.
- i. Forbidden activities

1. May not be a candidate for nomination or election to public office in a partisan election.
 2. May not use their official authority or influence to interfere with or affect the result of an election. For example:
 - a. May not use their official titles or positions while engaged in political activity.
 - b. May not invite subordinate employees to political events or otherwise suggest to subordinates that they attend political events or undertake any partisan political activity.
 3. May not solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group. For example:
 - a. May not host a political fundraiser.
 - b. May not collect contributions or sell tickets to political fundraising functions.
 - c. May not knowingly solicit or discourage the participation in any political activity of anyone who has business pending before their employing office.
 4. WHILE ON DUTY, may not engage in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any county room or building, while wearing a uniform or official insignia, or using any county owned or leased vehicle. For example:
 - a. May not distribute campaign materials or items.
 - b. May not display campaign materials or items.
 - c. May not perform campaign related chores.
 - d. May not wear or display partisan political buttons, T-shirts, signs, or other items.
 - e. May not make political contributions to a partisan political party, candidate for partisan political office, or partisan political group.
 - f. May not post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
 - g. May not use any e-mail account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
- ii. Permitted Activities
1. Unlike Senior Employees, less restricted county employees *may* engage in partisan political management and campaigns. Such employees, for example:
 - a. May be candidates for public office in nonpartisan elections.
 - b. May register and vote as they choose.
 - c. May assist in voter registration drives.
 - d. May contribute money to political campaigns, political parties, or partisan political groups.

- e. May attend political fundraising functions.
- f. May attend and be active at political rallies and meetings.
- g. May join and be an active member of political clubs or parties.
- h. May hold office in political clubs or parties.
- i. May sign and circulate nominating petitions.
- j. May campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- k. May campaign for or against candidates in partisan elections.
- l. May make campaign speeches for candidates in partisan elections.
- m. May distribute campaign literature in partisan elections.
- n. May volunteer to work on a partisan political campaign.
- o. May express opinions about candidates and issues. If the expression is political activity, however – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – then the expression is not permitted while the employee is on duty, in any county room or building, while wearing a uniform or official insignia, or using any county owned or leased vehicle.

c. Enforcement – Penalties to include:

1. Firing
2. Demotion
3. Bar from county employment for a period of years
4. Suspension
5. Reprimand
6. Civil Penalty/fine