

**COUNTY OF DELAWARE
PENNSYLVANIA**

ORDINANCE No. 2020-5

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 6-12 OF THE ADMINISTRATIVE CODE TO EXPAND THE CATEGORIES OF GIFTS WHICH ARE PROHIBITED FOR COUNTY ELECTED OFFICIALS AND CERTAIN EMPLOYEES.

WHEREAS, pursuant to Section 6-121 of the Administrative Code (the Code”) of the County of Delaware, Commonwealth of Pennsylvania (the “County”), the Code may be amended by ordinances of the County Council; and

WHEREAS, Section 6-12.B(1) of the Code limits acceptance of certain gifts by all elected and appointed officers, the Executive Director and department heads, and all County employees; and

WHEREAS, County Council believes that a more expansive limitation on acceptance of gifts is necessary for elected and certain employees, in order to meet the highest levels of ethical compliance which County residents have a right to expect;

IT IS HEARBY, ENACTED AND ORDAINED BY County Council of Delaware County, Commonwealth of Pennsylvania as follows:

SECTION 1. The Code shall be amended to add a new Section 6-12.C to read as set forth below:

C. Additional Ban on Accepting Gifts for County elected officials and certain senior managers.

(1) Gift Ban. In addition to the limitation imposed by Section 6-12.B(1), no member of Council, nor the District Attorney, Sherriff, Controller, Register of Wills, Executive Director, County Solicitor, nor any employee responsible as a department head for any of the County units listed in Section 6-15.A or 6-15.B of the Code, shall accept gifts which violate the following limitations.

- (a) No gifts from any person or business who, at the time or within the previous 12 months, seeks or has sought legislative or administrative action from Delaware County.
- (b) No cash gifts.
- (c) No solicitation of any gifts.
- (d) No other gifts worth more than \$250 per source per year.

A “gift” for purposes of this Section 6-12.C. is a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value given to, or for the benefit of, an officer or employee, unless consideration of equal or greater value is received.

(2) Exceptions. The following are exceptions to the limitations set forth in Subsection (1).

- (a) Food, beverages or entertainment provided at a reception that is open to the public for which no ticket purchase is necessary or invitation required.
- (b) Promotional offers or discounts on goods, services, drink or entertainment when offered to a large group of employees.
- (c) Attendance, entertainment, food and beverage at a celebration of a major life event (e.g., wedding, retirement, milestone birthday).
- (d) 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.
- (e) 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.
- (f) Items of little intrinsic value – such as greeting cards, water bottles, t-shirts, certificates -- at public appearances, visits, speeches or presentations.
- (g) 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.
- (h) Gifts resulting solely from a county officer's or employee's spouse's or life partner's business or employment activities.
- (i) Items that are perishable – such as flowers or food -- and not practical to return.
- (j) 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, and gifts from a personal friend, so long as such individual, nor any member of that individual's immediate family, has had a contracted relationship with the County in the past 24 months.
- (k) Commercially reasonable loans made in the ordinary course of business, e.g., home mortgage.
- (l) Reportable political contributions.

(3). Penalties. The following penalties shall apply for violations of the limitations in Subsection (1).

- (a) Violation of this provision by County elected officials shall be subject to a vote of censure by the Council, and a fine of up to \$1,000.00.
- (b) Violation of this provision by regulated employees shall be subject to any and all of the following punishments:
 - (A) Reprimand
 - (B) Suspension
 - (C) Demotion
 - (D) Dismissal
 - (E) Bar from County Employment for Up to Four Years.
 - (F) Assessment of Civil Fine of up to \$1,000.00.

(4). Administration

Violations of this Section 6-12.C by regulated employees shall be reported to the County Solicitor. The County Solicitor shall establish a panel consisting of the County Solicitor, the Controller and the Executive Director (the "Panel") which shall investigate the alleged violation, make findings of fact and recommend any sanction it deems appropriate, as provided for in Subsection (3). In the event any member of the Panel is the subject of the complaint, Council shall appoint a replacement to the Panel. If the County Solicitor is the subject of the complaint, such complaint should be submitted to the Executive Director for administration in compliance with this Subsection.

The Panel shall make a recommendation to Council as to the appropriate sanction. Council shall then approve the sanction to be assessed for a violation taking into account the findings and recommendation of the Panel.

SECTION 2. This Ordinance shall take effect on the on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania,
this day of 2020.

COUNTY OF DELAWARE

Brian P. Zidek, Chair

Dr. Monica Taylor, Vice Chair

Kevin M. Madden

Elaine Paul Schaefer

Christine A. Reuther

Attested:

Anne M. Coogan
County Clerk