



# Committee of Seventy

## **Public Comment on Regulation No. 5 November 15, 2023**

The Committee of Seventy is appreciative of the Board of Ethics' work on Proposed Regulation No. 5, which seeks to provide clarity and assemble into a single resource the Board of Ethics' various opinions and interpretations on the City's conflict of interest laws. We recognize that in issuing this regulation, that the Board is constrained to the four corners of the Philadelphia Code governing conflicts of interest. While we are supportive of efforts to provide guidance on the current law through the regulatory process, we hope that this is just the first step in strengthening and clarifying the City's conflict of interest rules.

As with every law, the City's laws governing conflicts of interest should be regularly reviewed and debated. Hindsight with the chance to effect change is a rare opportunity, but one that allows us to ask and answer three very important questions. First, is the law, as written, effective in preventing the wrong or behavior we are seeking to avoid? Second, is compliance with the law overly burdensome, or is there an easier or more effective way to accomplish our purpose? And lastly, are there any unintended consequences to the law that can and should be mitigated?

We hope that the Board of Ethics' proposed regulation and the accompanying public process will be the start of a larger conversation regarding the City's Ethics Code. Various bills have been introduced into Council over the years that would both expand coverage and provide clarity on the conflict of interest rules governing city officials and employees. Unfortunately, these bills did not receive consideration.

While ethics rules are often looked at as a burden on those who must abide by them, we believe that a well-defined and robust ethics scheme benefits all. It provides the general public protection and assurance that decisions are being made for the well-being of the citizenry. It provides those seeking to do business with the city well-articulated rules on prohibited versus acceptable behavior. Lastly, it provides employees and officials clear guidelines and offers protections from improper third-party interests.

With that being said, the Committee of Seventy supports the proposed regulation and hopes that today's action is only the beginning of the conversation. The majority of our current ethics rules were passed decades ago, and while some updates have been made over the years, a thorough review and revisitation of the ethics code is long overdue. The Committee of Seventy is committed to serving as a partner and resource to City Council and the Board of Ethics to ensure that the governing laws are both effective at prohibiting unethical behavior, but also are written in a way to provide for ease of compliance by public employees, officials and those with business before the City.

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