

ORDINANCE NO. 15781

FILE OF CITY COUNCIL

BILL NO. 116

November 17, 2021

AN ORDINANCE

Whereas, the City Council supports full transparency in the awarding of contracts; and

Whereas, City Council finds that prior discussions with interested parties or businesses prior to the awarding of contract or expenditure of funds can be seen as a quid quo pro giving preferential treatment in the awarding of contracts; and

Whereas, the former Managing Director was indicted for providing an RFP to a Department Director from a company that planned to bid on the contract; and

Whereas, City Council is desirous of enacting legislation to prevent such conflicts with the following legislation.

Amending Chapter 36, Code of Ethics by adding C to Inappropriate Direction of the City Fund § 36 – 2, Conflict of Interest.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the following be added as C, Inappropriate Direction of City Funds to Chapter 36, Code of Ethics, § 36 – 2, Conflict of Interest.

Article 171.17 Inappropriate Direction of City Funds

~~_____ No city employee or elected official shall engage in conduct that gives a potential bidder in future business transactions an advantage in the procurement of city funds including ARPA funding. City policies relating to procurement must be followed in all cases. City employees and elected officials shall also be prohibited from acting as a conduit for such activity and shall immediately disclose such behavior to the City Clerk who shall forward the disclosure to the City's Ethics Board and to City Council in the advent the employee or official becomes aware of such activity.~~

C. Inappropriate Direction of City Funds

- (1) Charter:*** Consistent with Section 1101 of the Home Rule Charter: City employees, City officials and City agencies, shall not: 1) act in a private capacity, or on behalf of a private party, on matters dealt with the City of Allentown; 2) disclose or use any confidential, privileged or proprietary information, gained by reason of the persons or agencies official position, for personal gain or for

the gain of particular individuals, entities or groups. However, information may be disclosed if: 1) it is a matter of public knowledge; 2) is available to the public upon request.

- (2) **No Unfair Advantages.** No city employee or elected official shall engage in conduct that gives a potential provider of services to the City an advantage in the procurement or selection process. No city employee or elected official shall engage in conduct that gives the potential recipient of government funds an advantage over another recipient.
- (3) **Mandatory Disclosure.** Officials and employees who have had communications of any kind with individuals or entities seeking to do work for the City, or seeking to receive government funds, must disclose those communications to the City Clerk prior to the government taking action in designating who will conduct the service, receive the contract or receive the funds. Such disclosure will take place on an electronic or paper form or process to be prepared jointly by the Administration and Council.
- (4) **Conformance with Existing Laws.** City policies relating to procurement, service selection, and fund awarding must be followed in all cases as required by law.
- (5) **Duty to not assist in inappropriate conduct.** City employees and elected officials shall also be prohibited from acting as a conduit that facilitates unfair advantages or avoids mandatory disclosures. Each City Official or Employee shall immediately disclose violations of the above requirements to the City Clerk who shall forward the disclosure to the City's Ethics Board for appropriate consideration.

SECTION TWO: Any activity currently being engaged in relating to the above prohibition shall cease immediately.

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

AMENDMENT TO SUBSTITUTE THE LANGUAGE NOTED BELOW PASSED, 7 - 0

Change this to comply with new code numbering, change to make this § 36-15 and number the ones that follow appropriately.

	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Daryl Hendricks	X	
Natalie Santos	X	
Joshua Siegel	X	
Ed Zucal	X	
Cynthia Y. Mota, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on February 2, 2022 and signed by the Mayor on February 4, 2022.



CITY CLERK