



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 200491-A (As Amended on Floor 10/1/2020)

Introduced September 17, 2020

Councilmember Oh

RESOLUTION

Calling on the Kenney administration to develop a plan to be more inclusive of City Council when creating and implementing emergency public safety measures and restrictions.

WHEREAS, On September 14, 2020, a judge on the United States District Court for the Western District of Pennsylvania struck down Governor Tom Wolf's restrictions on gatherings and forced business closures as unconstitutional; and

WHEREAS, The ruling states in part, "Even in an emergency, the authority of government is not unfettered. The liberties protected by the Constitution are not fair-weather freedoms"; and

WHEREAS, Governor Tom Wolf, along with Pennsylvania Health Secretary Rachel Levine, implemented these restrictions without consent or approval from the State legislature; and

WHEREAS, Similarly in Philadelphia, Mayor Jim Kenney and City Health Commissioner Thomas Farley, have implemented sweeping guidelines and restrictions without consulting the City's legislative body; and

WHEREAS, The Court's ruling went on to say that the State was, "Exercising raw governmental authority in a way that could (and did) critically wound or destroy the livelihoods of so many, the people of the Commonwealth at least deserved an objective plan"; and

WHEREAS, Despite this condemnation from the Court, the Kenney administration stated shortly thereafter it would have no bearing on the City's current restrictions on gatherings and businesses; and

WHEREAS, In light of this Court ruling, the Kenney administration must develop a plan to be more inclusive of the City's duly elected legislative body when implementing sweeping guidelines; and

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RESOLUTION NO. 200491-A, as amended continued

WHEREAS, Decisions over public safety, economic stability, and freedom of expression should require inclusion and approval of the Council; and

WHEREAS, As the Court ruling states, even in times of crisis, citizens deserve objective plans, not undisputable decrees from the executive branch; now, therefore, be it

RESOLVED BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the Kenney administration to develop a plan to be more inclusive of City Council when creating and implementing emergency public safety measures and restrictions.