



City of Philadelphia

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

RESOLUTION NO. 051203

Introduced December 15, 2005

**Councilmembers Kenney, DiCicco,
Council President Verna and Councilmember Nutter**

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter relating to the powers and duties of the City Solicitor to enforce and defend duly enacted ordinances, and providing for the submission of the amendment of the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

The Mayor, The City Representative and Departments, Boards and Commissions under the Mayor

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CHAPTER 4 LAW DEPARTMENT

§4-400. Functions.

The Law Department shall have the power and its duty shall be to perform the following functions:

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(a) Legal Advice. It shall, *subject to the provisions of subsection (e)*, furnish legal advice to the Mayor, to the Council and to all officers, departments, boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and except as otherwise expressly provided, shall supervise, direct and control all of the law work of the City.

(b) Litigation. The Department shall collect by suit or otherwise all debts, taxes and accounts due the City which shall be placed with it for collection by any officer, department, board or commission, and it shall represent the City and every officer, department, board or commission in all litigation. It shall keep a proper docket, or dockets, duly indexed, in which it shall make and preserve memoranda of all such claims, showing whether they are in litigation and their nature and status.

(c) Contracts and Bonds. The Department shall prepare or approve all contracts, bonds and other instruments in writing in which the City is concerned, and shall approve all surety bonds required to be given for the protection of the City. It shall keep a proper registry of all such contracts, bonds and instruments.

(d) Investigation and Law Enforcement. With the approval of the Mayor, the Department shall investigate any violation or alleged violation within the City of the statutes of the Commonwealth of Pennsylvania or the ordinances of the City which may come to its notice, and shall take such steps and adopt such means as may be reasonably necessary to enforce within the City such statutes and ordinances.

(e) Drafting, ~~and~~ Codification *and Enforcement* of Ordinances. Upon request of the Council or of any councilman, or of the Mayor, the Department shall prepare or assist in preparing any ordinance for introduction into the Council, and within two years after the effective date of this charter, it shall prepare and submit to the Council for its consideration, a comprehensive revision and codification of all the general ordinances of the City which are still in effect. *The Department shall render advice to the Council, to any member of Council, or to any City officer, department, board or commission concerning the validity of a bill pending in Council, but once an ordinance has been duly enacted into law in accordance with the procedures set forth in this Charter, such ordinance shall be presumed valid, and the Department shall not render advice or take any other action inconsistent with such presumption of validity, but shall uphold and defend the validity of all ordinances so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction.*

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Explanation:
~~Strikethrough~~ indicates matter deleted by the amendment.
Bold italics indicates matter added by the amendment.