



City of Philadelphia

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

BILL NO. 051197

Introduced December 15, 2005

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

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

AN ORDINANCE

Providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a Resolution approved by Council proposing an amendment of the Philadelphia Home Rule Charter relating to the powers and duties of the City Solicitor to enforce and defend duly enacted ordinances, and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. There shall be submitted for the approval or disapproval of the qualified electors of the City of Philadelphia at the election to be held May 16, 2006, the amendment to the Philadelphia Home Rule Charter contained in Resolution No. 051203 approved by Council on _____, 2006, and filed in the Office of the Clerk of Council.

SECTION 2. There shall be placed on the ballot the following question to be answered "Yes" or "No" by the qualified electors participating in the election:

Shall the Philadelphia Home Rule Charter be amended to provide that once an ordinance has been enacted into law, the Law Department shall defend such ordinance against challenge, and shall not give advice or take any other action inconsistent with the presumption that such ordinance is valid unless a court rules otherwise?

SECTION 3. The Clerk of Council is hereby directed to have printed in pamphlet form, in sufficient number for general distribution, the proposed amendment to the Philadelphia Home Rule Charter as set forth in Resolution No. 051203 together with the ballot question set forth in Section 2 of this Ordinance.

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SECTION 4. The Clerk of Council is hereby directed to cause to be published in three (3) newspapers of general circulation in the City and in the Legal Intelligencer the proposed amendment to the Philadelphia Home Rule Charter, together with the ballot question set forth in Section 2 of this Ordinance, once a week during the three (3) weeks preceding the election on May 16, 2006; and further, at such other time and in such other manner as she may consider desirable.

SECTION 5. The Mayor is hereby authorized and directed to issue a proclamation giving at least thirty (30) days' notice of such election. The Clerk of Council shall cause a copy of the proclamation to be published, together with the notice provided for in Section 4 of this Ordinance.

SECTION 6. The appropriate officers are authorized and directed to take such action as may be required for the holding of an election on the ballot question set forth in Section 2 of this Ordinance as provided for by the laws of the Commonwealth of Pennsylvania.