



City of Philadelphia

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

RESOLUTION NO. 080812

Introduced October 23, 2008

Councilmembers Green, Jones, Sanchez and O'Neill

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

RESOLUTION

Proposing amendments to the Philadelphia Home Rule Charter to require the preparation of fiscal impact statements by the Finance Director or City Controller in connection with pending Council legislation; and providing for the submission of the amendments to 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, be it

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

ARTICLE II
LEGISLATIVE BRANCH
The Council – Its Election, Organization, Powers and Duties

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CHAPTER 3
LEGISLATION

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§ 2-310. Fiscal Impact Statements.

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(1) *The Chief Clerk shall forward each bill to the Director of Finance for the purpose of preparation of a fiscal impact statement, or, alternatively, to the Controller, if so directed by the sponsor of any particular bill. This requirement shall not apply to a bill making an appropriation, or a bill amending such a bill. Upon receipt of the fiscal impact statement, the Chief Clerk shall distribute it to all members of City Council as well as make it publically available.*

(2) *A fiscal impact statement shall be prepared on a form established by Council by ordinance, provided, however, that such form shall require, at a minimum, provision of the following information regarding the impact of the bill: estimated changes, because of the bill, on annual City revenue and annual City costs over the forthcoming five-year period; a description of how the estimates were determined, including any assumptions used in determining the estimates; whether appropriations are available in the then-current fiscal year to fund implementation of the bill; and the impact, over the course of the five-year period, that the bill will have on any legally mandated financial plan of the City.*

(3) *The lack of preparation of a fiscal impact statement shall not preclude adoption of a bill.*

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ARTICLE VI

EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES

Director of Finance, Financial Departments, Boards and Commissions, City Treasurer,
Procurement Department, and Board of Pensions and Retirement

CHAPTER 1

DIRECTOR OF FINANCE

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§ 6-110. *Duty to Prepare Fiscal Impact Statements*

The Director of Finance or his or her designee shall, by the latter of 10 days from receipt of a bill forwarded pursuant to Section 2-310 or the first committee hearing on the bill, prepare and provide the Clerk of Council with a fiscal impact statement regarding the bill. If no statement is provided by the deadline, the Director of Finance shall provide the Clerk of Council with an explanation as to why the fiscal impact statement was not provided by the mandated due date, and identify a date no later than 20 days from the original due date when the statement will be provided.

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CHAPTER 4 AUDITING DEPARTMENT

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§ 6-400. Functions.

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

* * *

(e) *Duty to Prepare Fiscal Impact Statements.* The Department shall, by the latter of 10 days from receipt of a bill forwarded pursuant to Section 2-310 or the first committee hearing on the bill, prepare and provide the Clerk of Council with a fiscal impact statement regarding the bill. If no statement is provided by the deadline, the Department shall provide the Clerk of Council with an explanation as to why the fiscal impact statement was not provided by the mandated due date, and identify a date no later than 20 days from the original due date when the statement will be provided.

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ARTICLE VIII PROVISIONS OF GENERAL APPLICATION

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CHAPTER 4 EXECUTIVE AND ADMINISTRATIVE BRANCH

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§ 8-401. Coordination of Work.

The several departments, boards and commissions shall devise a practical and working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions, and shall so far as practicable cooperate with each other in the use of employees, land, buildings, quarters, facilities and equipment. The head of any department or any board or commission may empower or require an employee of another department, board or commission, subject to the consent of the head of such department or of such board or commission, to perform any duty which he or it might require of the

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employees of his or its department, board or commission. Whenever in this charter power is vested in a department, board or commission to inspect, examine, or secure data or information or to procure assistance from any other department, board or commission, *including the power and duty to prepare fiscal impact statements in connection with pending legislation*, a duty is hereby imposed upon the department, board or commission upon which demand is made to render such power effective.

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APPENDIX

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CHAPTER A-2

§ A-200. Schedule.

This charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

(8) *The amendment to this Charter regarding the preparation and filing of fiscal impact statements in connection with legislation shall apply to any bill introduced in Council thirty or more days after approval by the voters of such amendment.*