



City of Philadelphia

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

RESOLUTION NO. 120766

Introduced September 27, 2012

Councilmember Squilla

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

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the line item appropriation of certain amounts in the annual operating budget ordinance, and to require the expenditure or encumbrance of amounts so appropriated under certain terms and conditions, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (Act of April 21, 1949, P.L. 665, § 6, 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 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.

Note:

Italics indicates matter added by this amendment.

~~Strikethrough~~ indicates matter deleted by this amendment.

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

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CHAPTER 3
LEGISLATION

City of Philadelphia

RESOLUTION NO. 120766 continued

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§ 2-300. The Annual Operating Budget Ordinance.

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(2) The annual operating budget ordinance shall provide for discharging any deficit and shall make appropriations to the Council, the Mayor, and all officers, departments, boards and commissions which form a part of the executive or administrative branch of the City government, and for all other items which are to be met out of the revenue of the City. *Up to ten percent, in aggregate, of all such appropriations may be for such specific purposes as the operating budget ordinance may set forth with respect to each office, department, board or commission. All other such appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, board or commission:*

- (a) Personal services;
- (b) Materials, supplies and equipment;
- (c) Debt service;

(d) Such additional classes as the Mayor shall recommend in his proposed annual operating budget ordinance.

* * *

(6) The annual operating budget ordinance may be amended after its passage to authorize the transfer of items but the aggregate of the appropriations made by it may not be increased and transfers of *lump sum* budget items may not be made during the last four months of any fiscal year, except upon the recommendation of the Mayor. *In no event shall the aggregate of appropriations for specific purposes exceed ten percent of the aggregate of the appropriations made by the annual operating budget ordinance.*

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ARTICLE VIII PROVISIONS OF GENERAL APPLICATION

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City of Philadelphia

RESOLUTION NO. 120766 continued

CHAPTER 1 FISCAL AND BUDGETARY MATTERS

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§ 8-102. Estimates of Current Expenditures by Departments, Boards and ~~Commissions~~.
Commissions; Expenditure of Specific Appropriations.

(1) In order to enable the Mayor to avoid deficits and to check on performance, each officer, department, board and commission of the City, or other agency receiving a City appropriation shall from time to time as requested by the Mayor prepare and submit to him through the Director of Finance for approval or disapproval an estimate of the amount of money required for each activity or function to be carried on by him or it during the ensuing month, quarter or such other period of the current fiscal year as the Mayor shall prescribe. ~~If~~ *Subject to subsection (3), if* such estimate does not meet with the approval of the Mayor, it shall be revised in accordance with the Mayor's direction and resubmitted for approval; but the Mayor shall not reduce the estimates of the City Council or of the Auditing Department without their consent nor the estimates of the Personnel Director and the Civil Service Commission below one-half of one percent of the amount to be expended for compensation for civil service employees.

(2) After the approval of any such estimate, it shall be unlawful for the Director of Finance to approve the expenditure or encumbrance of any appropriation or part thereof except in accordance with such estimate, unless the same be revised with the approval of the Mayor.

(3) *Notwithstanding subsections (1) and (2), neither the Mayor, nor any officer, department, board or commission of the City shall fail to expend or encumber fully, and for the purpose specified, the amount of any appropriation for a specific purpose, except as authorized by ordinance, or where the Mayor finds that such expenditure or encumbrance would be impracticable. A finding of impracticability by the Mayor may be overridden by ordinance no later than the first meeting of Council not less than 90 days after the end of the fiscal year.*

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RESOLUTION NO. 120766 continued