

## Legislation Details (With Text)

**File #:** 030231      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** ADOPTED

**File created:** 4/10/2003      **In control:** Committee on Law and Government

**On agenda:**      **Final action:** 5/1/2003

**Title:** Proposing an amendment to the Philadelphia Home Rule Charter to create the Office of the Insurance Public Advocate, and providing for the submission of the amendment to the electors of Philadelphia.

**Sponsors:** Councilmember DiCicco, Councilmember Kenney, Councilmember Nutter, Councilmember Goode, Councilmember Mariano, Councilmember Ortiz, Councilmember Miller, Councilmember Krajewski, Councilmember Tasco, Councilmember Blackwell, Council President Verna, Councilmember Rizzo, Councilmember Cohen, Councilmember Reynolds Brown

**Indexes:** PHILADELPHIA HOME RULE CHARTER

**Code sections:**

**Attachments:** 1. Resolution No. 03023101.pdf

Date	Ver.	Action By	Action	Result	Tally
5/1/2003	1	CITY COUNCIL	READ		
5/1/2003	1	CITY COUNCIL	ADOPTED	Pass	14:0
4/25/2003	1	CITY COUNCIL	FAVORABLY RECOMMENDED; CONSIDERATION AT NEXT STATED COUNCIL MEETING		
4/22/2003	0	Committee on Law and Government	HEARING HELD		
4/22/2003	0	Committee on Law and Government	AMENDED		
4/22/2003	1	Committee on Law and Government	REPORTED FAVORABLY		
4/22/2003	0	Committee on Law and Government	HEARING NOTICES SENT		
4/10/2003	0	CITY COUNCIL	Referred		
4/10/2003	0	CITY COUNCIL	Introduced	Pass	

Proposing an amendment to the Philadelphia Home Rule Charter to create the Office of the Insurance Public Advocate, 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 (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 III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1  
OFFICERS, DEPARTMENTS, BOARDS,  
COMMISSIONS AND OTHER AGENCIES

Section 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated. The executive and administrative work of the City shall be performed by:

(a) The following elected or appointed officers:

\* \* \*

*Insurance Public Advocate.*

\* \* \*

CHAPTER 2  
ELECTION OR APPOINTMENT

\* \* \*

*Section 3-209. Insurance Public Advocate. The Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint the Insurance Public Advocate.*

\* \* \*

CHAPTER 4  
TERMS OF OFFICE

\* \* \*

*Section 3-405. Insurance Public Advocate. The Insurance Public Advocate shall serve for a term of five (5) years, and may be removed by the Mayor prior to the expiration of a term only for cause. Before the Insurance Public Advocate is removed, the Insurance Public Advocate must be provided with a written statement of the reasons for removal, and shall be given the opportunity for a hearing before the Mayor.*

\* \* \*

CHAPTER 6  
COMPENSATION

Section 3-600. The Mayor and Other Officers. Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

\* \* \*

*Insurance Public Advocate, \$100,000.*

\* \* \*

ARTICLE IV  
EXECUTIVE AND ADMINISTRATIVE  
BRANCH POWERS AND DUTIES

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

\* \* \*

CHAPTER 9  
INSURANCE PUBLIC ADVOCATE

*Section 4-900. Powers and Duties. The Insurance Public Advocate shall have the power and its duty shall be to perform the following functions:*

- (a) Represent the interests of Philadelphia insurance consumers.*
- (b) Investigate insurance rate disparities affecting Philadelphia insurance consumers, investigate any unlawful practices in the Philadelphia insurance market, and pursue all legal, political and economic remedies as appropriate.*
- (c) Appear as a party representing Philadelphia insurance consumers in administrative and judicial proceedings, including either intervening in or initiating litigation on behalf of Philadelphia insurance consumers through administrative rate challenges and/or private litigation. Notwithstanding any other provision of this Charter to the contrary, the Insurance Public Advocate may, at his or her discretion, and subject to the availability of appropriations, use the services of the Law Department or the services of attorneys who are appointed to the office of the Insurance Public Advocate pursuant to subsection 4-900(g), or retain the services of private counsel, to represent the Insurance Public Advocate in such matters.*
- (d) Initiate consumer education programs and rate-shopping guidelines tailored to Philadelphia insurance consumers.*
- (e) Take or recommend action to stimulate insurance market competition in Philadelphia, with the goal of lowering premiums for Philadelphia insurance consumers.*
- (f) Lobby for an insurance consumer Bill of Rights, and lobby for other legislative and administrative reform on behalf of Philadelphia insurance consumers.*
- (g) Appoint and fix the compensation of such employees as may be required for the proper conduct of the work of the office of the Insurance Public Advocate. The number and compensation of such employees shall not be subject to the approval of any other officer.*

\* \* \*

ARTICLE VIII  
PROVISIONS OF GENERAL APPLICATION

\* \* \*

CHAPTER 4  
EXECUTIVE AND  
ADMINISTRATIVE BRANCH

Section 8-400. Certain General Provisions to Apply to Certain Officers. All of the provisions of this charter which apply generally to department heads or departments, boards and commissions shall apply to the Mayor, the Managing Director, the Director of Finance, the City Treasurer, the City Representative, *the Insurance Public Advocate* and the Personnel Director and to their offices.

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**Explanation:**

*Italics* indicate new matter added.