

## Legislation Details (With Text)

**File #:** 100360      **Version:** 0      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 5/20/2010      **In control:** Committee on Law and Government

**On agenda:**      **Final action:** 9/30/2010

**Title:** Amending Title 2 of The Philadelphia Code, entitled "City-County Consolidation," by abolishing the Office of the Clerk of Quarter Sessions and reassigning its powers, functions and duties; amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by providing for pension and retirement rights for certain employees of the Office; and making conforming, technical changes to The Philadelphia Code; all under certain terms and conditions.

**Sponsors:** Council President Verna, Councilmember Tasco

**Indexes:** RETIREMENT CODE

**Code sections:**

**Attachments:** 1. CertifiedCopy10036000.pdf

Date	Ver.	Action By	Action	Result	Tally
10/12/2010	0	MAYOR	SIGNED		
9/30/2010	0	CITY COUNCIL	PASSED	Pass	16:0
9/30/2010	0	CITY COUNCIL	READ		
9/23/2010	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
9/23/2010	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
9/23/2010	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
9/22/2010	0	Committee on Law and Government	HEARING NOTICES SENT		
9/22/2010	0	Committee on Law and Government	HEARING HELD		
9/22/2010	0	Committee on Law and Government	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/20/2010	0	CITY COUNCIL	Referred		
5/20/2010	0	CITY COUNCIL	Introduced (By Request) and Referred	Pass	

Amending Title 2 of The Philadelphia Code, entitled "City-County Consolidation," by abolishing the Office of the Clerk of Quarter Sessions and reassigning its powers, functions and duties; amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by providing for pension and retirement rights for certain employees of the Office; and making conforming, technical changes to The Philadelphia Code; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 2 of The Philadelphia Code is hereby amended to read as follows:

TITLE 2. CITY-COUNTY CONSOLIDATION.

CHAPTER 2-100. CITY-COUNTY CONSOLIDATION.

\* \* \*

§2-105. Clerk of the Court of Quarter Sessions.

(1) The *Office of the Clerk of the Court of Quarter Sessions* [shall continue to be elected as provided by law and shall continue to exercise such powers and perform such duties as provided by law.] *is abolished and all the powers, functions and duties of that Office, or such powers and duties not performed by the First Judicial District by either agreement or court order, shall be exercised and performed by the Department of Records, or such other Department under the authority of the Managing Director as may be designated by the Managing Director.*

[(2) Vacancies. Any vacancy in the office of the Clerk of Quarter Sessions shall be filled by appointment of the Mayor with the consent of the Council of the City until the next municipal election held not less than sixty (60) days after the vacancy occurs at which time an election shall be held to fill the vacancy for the balance of the unexpired term. In the event of the death of any person elected as Clerk of Quarter Sessions prior to his taking office, it shall constitute a vacancy in that office.]

*(2) The provisions of Chapter A-1 of the Appendix to the Home Rule Charter shall apply to the changes made by this Section as if the Office of Clerk of Quarter Sessions had been abolished and its functions transferred to the Department of Records by the Home Rule Charter.*

SECTION 2. Title 22 of The Philadelphia Code is amended to read as follows:

TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE.

CHAPTER 22-100. GENERAL PROVISIONS.

\* \* \*

§ 22-105. Definitions.

\* \* \*

(41) Separate from service. To cease to be a City employee due to death, resignation, retirement or discharge from service with the City; *but not including resignation or discharge from employment in the Office of the Clerk of Quarter Sessions or its successor agency, when that resignation or discharge is followed within five business days by employment by the First Judicial District, provided that the First Judicial District is a participant in the City of Philadelphia Public Employee Retirement System at the time of initial employment thereby.*

\* \* \*

SECTION 3. Chapter 10-800 of The Philadelphia Code is amended to read as follows:

CHAPTER 10-800. SAFETY.

\* \* \*

§ 10-836. Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others.

\* \* \*

(d) The applicant for the warrant shall file a copy of the application for a warrant and all affidavits upon which the warrant is based with the [clerk of quarter sessions of the] Court of Common Pleas for Philadelphia County no later than the next business day following the execution of the warrant. Prior to execution of the warrant, the [clerk of quarter sessions] *court* shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms temporarily removed.

\* \* \*

§ 10-836a. Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others.

\* \* \*

(d) The applicant for the warrant shall file a copy of the application for a warrant and all affidavits upon which the warrant is based with the [clerk of quarter sessions of the] Court of Common Pleas for Philadelphia County no later than the next business day following the execution of the warrant. Prior to execution of the warrant, the [clerk of quarter sessions] *court* shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms temporarily removed.

\* \* \*

SECTION 4. Section 20-305 of The Philadelphia Code is amended to read as follows:

§ 20-305. Compensation of Certain Elected Officials.

pard Subject to the cost of living provisions set forth in § 20-308, the annual salaries of the elected officials shall be as follows:

\* \* \*

(4) [Clerk of Quarter Sessions. The annual salary of the Clerk of Quarter Sessions shall be ninety-eight thousand dollars (\$98,000).] *Reserved.*

\* \* \*

SECTION 5. Chapter 20-1000 of The Philadelphia Code is amended to read as follows:

CHAPTER 20-1000. POLITICAL CONTRIBUTIONS AND EXPENDITURES.

§ 20-1001. Definitions.

For purposes of this Chapter, the following definitions shall apply:

(5) City elective office. The offices of Mayor, District Attorney, City Controller, Register of Wills, Sheriff, [Clerk of Quarter Sessions,] City Commissioner or City Council.

\* \* \*

§ 20-1002. Contribution Limitations.

\* \* \*

(3) During those calendar years in which a covered election is not occurring, candidates shall be limited in receiving political committee contributions as follows:

\* \* \*

(iii) candidates for City Council, Register of Wills, Sheriff [, Clerk of Quarter Sessions Court] and City Commissioner may receive political committee contributions totaling no more than seventy-five thousand dollars (\$75,000) per year.

\* \* \*

§ 20-1004. Candidate Expenditure Limitations.

(1) Expenditure Contract.

(a) Effective for the elections for District Attorney and City Controller in the year 2005, and Mayor, Register of Wills, Sheriff, [Clerk of Quarter Sessions Court,] City Commissioner and City Council in the year 2007 and thereafter, a candidate seeking election to any of said offices may sign a contract with the Election Reform Board to abide by limitations on expenditures.

\* \* \*

(2) Expenditure Limitations. A candidate who signs an expenditure contract in accordance with this Chapter shall not make expenditures per covered election in excess of the following amounts:

\* \* \*

[Clerk of Quarter Sessions Court \$250,000]

\* \* \*

SECTION 6. Sections 1, 3, 4 and 5 of this Ordinance shall be effective July 1, 2010. Section 2 of this Ordinance shall be effective immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.