

## Legislation Text

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September 11, 2003

**TO THE PRESIDENT AND MEMBERS OF THE  
COUNCIL OF THE CITY OF PHILADELPHIA:**

I am returning herewith as disapproved Bill No. 030340, passed by the Council on June 12, 2003. I am also returning herewith Bill No. 030339 unsigned, and thus it will go into law without my signature.

Bill No. 030340 would purport to make certain health and welfare benefits available to all pension-eligible employees of the City. (The bill would provide continued health coverage to certain employees with ten years of service, for five years after retirement.) The bill exceeds the powers of City Council as, under the Home Rule Charter, the power to establish health and welfare benefits for most City employees rests in either the Civil Service Commission or the Administrative Board; Council's power to provide health and welfare benefits to City employees is limited only to certain elected and high-ranking City officials, including members of City Council, and employees of the Council. Because the bill would sweep far more broadly than Council is empowered under the Charter, I cannot allow this bill to become law. Health and welfare benefits are carefully determined by the Administrative Board and the Civil Service Commission, taking into account, among other things, fiscal constraints.

Bill No. 030339 purports to provide certain different health and welfare benefits to all pension-eligible employees of the City. (The bill would provide to the family of certain employees who die while still in City service certain continued health coverage.) This bill likewise exceeds the powers of Council under the Charter, but this bill, unlike Bill No. 030340, contains a carefully worded severability provision making clear that, if any provisions or applications of the bill are unlawful, the remainder of the bill nonetheless remains effective. Therefore, because Council has the power to legislate with respect to a limited number of designated City officials, including primarily members of Council and their staff, this bill, if allowed to become law, would be effective with respect to that narrow class of City employees. Because I believe it appropriate for Council to exercise its authority to determine its own benefits, I will allow this bill to become law without my signature. I cannot sign this bill, though, because, for the most part, the bill far exceeds Council's powers.

Respectfully submitted,  
John F. Street  
Mayor