

Legislation Text

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Authorizing requests to the Law Department to represent City Council in appeals from decisions of the Philadelphia Zoning Board of Adjustment and, if the Law Department declines to render such services to City Council, authorizing the retention of outside counsel to provide such services.

WHEREAS, The Philadelphia Zoning Board of Adjustment (“ZBA”) has jurisdiction over a variety of matters arising under Title 14 of The Philadelphia Code (the “Zoning Code”); and

WHEREAS, Decisions of the ZBA directly affect the legislative policy of City Council as expressed in the Zoning Code and in other duly enacted ordinances and resolutions; and

WHEREAS, For that reason, City Council wishes to be able to participate in appeals from ZBA decisions, whether to appeal from ZBA decisions contrary to the legislative policy of City Council, or to support the decisions of the ZBA that are consistent with the legislative policy of City Council; and

WHEREAS, Section 2-105 of the Philadelphia Home Rule Charter provides that “[i]n the event the Law Department declines to advise or render legal services to the Council in any matter . . . the Council may employ and fix the compensation of counsel of its own selection to handle such matter”; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the President of City Council may from time to time designate a member of City Council to serve as the designated representative of City Council with authority to request the Law Department to represent City Council in an appeal from a particular decision or decisions of the Philadelphia Zoning Board of Adjustment, and with authority to take any other actions necessary to carry out the intent of this Resolution.

FURTHER RESOLVED, That if the Law Department declines any request to represent City Council pursuant to this Resolution, then the Council hereby authorizes the retention of outside counsel to represent City Council in such matter.