

Legislation Text

File #: 020518, **Version:** 0

Urging the Mayor and City Solicitor to fully defend the validity of the Life Partnership legislation; authorizing City Council to file an amicus brief in support of the legality of these measures; and, requesting that the Law Department represent City Council in this matter and, if the Law Department declines to render such services to City Council, authorizing the retention of outside counsel to provide such services.

WHEREAS, Philadelphia City Council passed on May 7, 1998 and Mayor Rendell signed into law on May 19, 1998 Bill Nos. 970745, 970749 and 970750 which prohibit discrimination on the basis of marital status and provide for equal treatment with respect to certain city benefits for Life Partners; and

WHEREAS, The legality of these City ordinances have been challenged in state court; and

WHEREAS, The Common Pleas Court ruled on October 5, 2000 that these ordinances were legal and constitutional; and

WHEREAS, On August 29, 2002, the Commonwealth Court reversed the lower court's ruling and held that Ordinance Nos. 970749 and 970750 were invalid; and

WHEREAS, The City should defend the validity of these measures to the fullest extent provided through the court system; and

WHEREAS, The City has thirty days from the date of this decision to file a petition to appeal to the State Supreme Court; and

WHEREAS, Mayor Street recently announced the City's intention to file such petition; and

WHEREAS, The City was joined by a total of seventeen amici curiae in the lower courts and fully expects to have the support of these same organizations if the matter is heard by the State Supreme Court; and

WHEREAS, City Council should join in this effort and submit an amicus brief in light of the significant home rule charter issues raised by the Commonwealth Court's ruling and the underlying fairness of the Life Partner legislation; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Mayor and City Solicitor are urged to fully defend the validity of the Life Partnership legislation; City Council is authorized to file an amicus brief in support of the legality of these measures; and, that the Law Department is requested to represent City Council in this matter and, if the Law Department declines to render such services to City Council, that the retention of outside counsel to provide such services is authorized.