

Legislation Text

File #: 071090, **Version:** 0

Authorizing Council to retain counsel to file a lawsuit compelling the Commonwealth of Pennsylvania to carry out its constitutional and court-ordered obligation to fund the unified judicial system, including the First Judicial District, and seeking reimbursement from the Commonwealth, with interest, of all funding the City has provided to the First Judicial District since the January 1, 1998 deadline imposed by the Pennsylvania Supreme Court.

WHEREAS, In *County of Allegheny v. Commonwealth of Pennsylvania*, 517 Pa. 65 (1987), the Pennsylvania Supreme Court held that the Pennsylvania statutory scheme obligating the counties to fund the Commonwealth's unified judicial system violated the Pennsylvania Constitution; however, instead of ordering immediate enforcement of its decision, the Court afforded the Pennsylvania General Assembly the opportunity to enact appropriate funding legislation; and

WHEREAS, The Pennsylvania General Assembly failed to enact any legislation in response to the Court's 1987 decision. Nine years later, in *Pennsylvania State Association of County Commissioners v. Commonwealth of Pennsylvania*, 545 Pa. 324 (1996), the Pennsylvania Supreme Court ordered the General Assembly to "enact a funding scheme for the court system on or before January 1, 1998." The Court appointed a Master to make recommendations to the Court as to how to implement its ruling; and

WHEREAS, Despite the Court's 1996 order requiring the General Assembly to enact a court funding scheme no later than January 1, 1998, the General Assembly to date has failed to carry out its constitutionally-mandated and court-ordered responsibility to fund the First Judicial District; and

WHEREAS, Since the court-imposed January 1, 1998 deadline for the Commonwealth to assume funding of the courts, the City of Philadelphia has provided funding to the First Judicial District in excess of \$1.1 billion. Funding for Fiscal Year 2008 alone totaled \$114.5 million; and

WHEREAS, The monies the City has been unconstitutionally compelled to provide to the First Judicial District could have been used to meet the many needs of the City and its residents; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

That Council is authorized to retain counsel to file a lawsuit compelling the Commonwealth of Pennsylvania to assume its constitutional obligation to fund the First Judicial District in compliance with *County of Allegheny v. Commonwealth of Pennsylvania*, 517 Pa. 65 (1987) and *Pennsylvania State Association of County Commissioners v. Commonwealth of Pennsylvania*, 545 Pa. 324 (1996), and seeking reimbursement from the Commonwealth, with interest, of all funding the City has provided to the First Judicial District since the January 1, 1998 court-ordered deadline for the Commonwealth to enact a court funding scheme.

November 29, 2007

**Councilman Frank DiCicco
1st District Councilman**

