

## Legislation Text

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**File #:** 200491-AA, **Version:** 2

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Calling on the Kenney administration to develop a plan to be more inclusive of City Council when creating and implementing emergency public safety measures and restrictions.

WHEREAS, Since the outbreak of COVID-19 in March, Mayor Jim Kenney and City Health Commissioner Thomas Farley have implemented emergency orders aimed at reducing the rate of COVID-19 transmission in the City. These measures included but are not limited to: limits on public gatherings and mandatory closures of certain businesses; and

WHEREAS, These emergency measures were implemented with the suspension of the traditional regulatory process outlined in Section 8-407 of the Home Rule Charter, and without the input or approval the City's duly elected legislative body; and

WHEREAS, Such orders have a significant impact on the everyday activities of city residents and businesses, and should be crafted with full transparency and inclusion of all stakeholders; and

WHEREAS, Unilateral executive actions to combat the spread of COVID-19 have been subject to legal challenges in Pennsylvania and across the nation; and

WHEREAS, On September 14, 2020, a judge on the United States District Court for the Western District of Pennsylvania struck down Governor Tom Wolf's restrictions on gatherings and forced business closures as unconstitutional, which was appealed in the 3<sup>rd</sup> Circuit Court of Appeals and a stay was granted; and

WHEREAS, On November 25, 2020, The United States Supreme Court struck down New York Governor Andrew Cuomo's restrictions on public gatherings at religious services as a violation of the First Amendment; and

WHEREAS, In light of these concerns, and as the City moves into the tenth month of this ongoing crisis, the Kenney administration must develop a process to keep Council and all stakeholders apprised and actively involved; and

WHEREAS, Decisions over public safety, economic stability, and freedom of expression should require inclusion and approval of the Council; now, therefore, be it

RESOLVED BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the Kenney administration to develop a plan to be more inclusive of City Council when creating and implementing emergency public safety measures and restrictions.