

City of Philadelphia



Philadelphia, March 27, 2014

CERTIFICATION: This is to certify that Bill No. 140017 was presented to the Mayor on the thirteenth day of March, 2014, and was not returned to the Council with his signature at a meeting held March 27, 2014 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 140017)

AN ORDINANCE

Amending Chapter 20-304, of The Philadelphia Code, entitled "Compensation for Members of Boards, Commissions, Committees and Councils," by repealing Bill No. 100212, thereby returning the compensation for members of the Board of Revision of Taxes to the level existing prior to the passage of that bill; all under certain terms and conditions.

WHEREAS, Bill No. 100212, which was enacted into law on April 22, 2010, was intended to substantially decrease the compensation for all members of the Board of Revision of Taxes; and

WHEREAS, City Council voted to enact Bill No. 100212 based on the assumption that members of the Board of Revision of Taxes were not public officials under the Pennsylvania Constitution, and that their salaries would be reduced immediately upon passage of legislation; and

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BILL NO. 140017 continued

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WHEREAS, Bill No. 100212 was passed in reliance on the laws that existed on April 22, 2010, that would have abolished the Board of Revision of Taxes and eliminated all duties of the members of the Board as of October 1, 2010; and

WHEREAS, After the enactment of Bill No. 100212, the Pennsylvania Courts found the ordinance, approved by the voters of Philadelphia, that purported to abolish the Board of Revision of Taxes to be unconstitutional in part, so that the Board remains in existence to date, fulfilling its appellate responsibilities; and

WHEREAS, The Pennsylvania Courts subsequently held that Bill No. 100212 was also unconstitutional if applied as intended, and therefore, the compensation of the sitting members of the Board was not immediately reduced as intended; and

WHEREAS, It was never the intent of Bill No. 100212 to apply the compensation reductions solely to future terms of members of the Board of Revision of Taxes; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. In reliance on the Commonwealth Court decision, issued on March 20, 2013, (*Meade, et al v. City of Philadelphia*, 65 A.3d 1031), affirming the ruling of the Philadelphia Court of Common Pleas decision that provisions in Bill No. 100212 violated the Pennsylvania Constitution, Article III, § 27, by attempting to reduce the compensation of members of the Board of Revision of Taxes during their term of office, Council hereby amends Section 20-304(7) of The Philadelphia Code by repealing and abrogating Bill No. 100212, and reverting to the compensation as set forth in Section 20-304(7) immediately preceding April 22, 2010.