

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 041089)

RESOLUTION

Calling upon the Mayor to enforce Bill No. 030125 (the “MBEC Ordinance”), approved by the Mayor on April 23, 2003; and, if the Mayor refuses to enforce this approved ordinance, authorizing Council to retain counsel to file a lawsuit to compel the Administration to enforce this ordinance.

WHEREAS, Bill No. 030125 (the “MBEC Ordinance”), entitled “Goals for the Participation of Minority, Female and Disabled Owned Businesses in City Contracts” was passed unanimously by City Council on April 3, 2003; and

WHEREAS, The MBEC Ordinance became duly enacted law when it was approved by the Mayor on April 23, 2003; and

WHEREAS, The MBEC Ordinance enacted a new Chapter 17-500 of the Philadelphia Code to establish City contract participation goals for disadvantaged minority-owned, women-owned, and disabled-owned business enterprises; and

WHEREAS, During the public hearings regarding the MBEC Ordinance, neither the City Solicitor nor representatives of the Law Department informed members of City Council that the ordinance, as drafted, passed, and approved, was not valid or legally binding on the Administration; and

WHEREAS, In October 2003, Executive Order 1-03 expired, leaving the MBEC Ordinance as the City’s only duly enacted legal authority that establishes and empowers the Minority Business Enterprise Council (“MBEC”), its missions and responsibilities to assist disadvantaged minority-owned, women-owned, and disabled-owned business enterprises; and

WHEREAS, The MBEC Ordinance establishes policies and procedures for improved inclusion and participation for disadvantaged minority-owned, women-owned, and disabled-owned business enterprises in public works projects and procurement and

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the ordinance empowers MBEC as the entity responsible for the implementation, monitoring, and enforcement of its mandates; and

WHEREAS, Pursuant to Section 2-305 of the Philadelphia Home Rule Charter (Legislation Affecting Powers and Duties of the Executive and Administrative Branch) and the Commonwealth Court of Pennsylvania's opinion in The Council of the City of Philadelphia v. Honorable John F. Street, No. 1437 C.D. 2003 (Pa. Commw. Ct.), *argued June 9, 2004*, the MBEC Ordinance should be enforced by the Administration; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Council calls upon the Mayor, within two weeks after the adoption of this Resolution, to provide the President and all members of Council with his written assurances that Bill No. 030125 (i.e., the MBEC Ordinance) will be enforced by the Administration.

FURTHER RESOLVED, That City Council is hereby authorized to retain counsel to file a lawsuit to compel the Administration to enforce Bill No. 030125, an ordinance duly enacted by City Council and the Mayor that became law on April 23, 2003.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth of December, 2004.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Tasco, Goode, DiCicco, Nutter and Cohen

Sponsored by: Councilmembers Tasco, Goode, DiCicco, Nutter, Cohen, Ramos, Rizzo, Miller, Kelly, Council President Verna, Councilmembers Clarke, Krajewski, Reynolds Brown, O'Neill, Mariano, Kenney and Blackwell