

## MAY 2010 BALLOT QUESTIONS

The Home Rule Charter. The Philadelphia Home Rule Charter is the city's permanent governing document. Adopted by the city's voters in April 1951, the Charter outlines the structures and procedures of Philadelphia's government, including the powers and duties of the Mayor, City Council and other elected officials. You can read the Charter by logging onto [www.seventy.org/Files/Philadelphia\\_Home\\_Rule\\_Charter.pdf](http://www.seventy.org/Files/Philadelphia_Home_Rule_Charter.pdf).

State law outlines two ways to amend the Charter:

1. City Council may propose an amendment by a 2/3 vote of its 17 members. However, before the substantive change outlined in the amendment goes into effect, it must be approved by the voters. The amendment is submitted to the voters as a question that appears on a ballot during either the spring primary election or the fall general election. Approval requires a majority of the voters who answer the ballot question to vote "yes," or
2. A proposed amendment to the Charter can be submitted to City Council by a petition signed by at least 20,000 registered voters. City Council may, by majority vote, decide to submit the proposed amendment to the voters as a ballot question. Just like a ballot question that comes directly from Council, approval by a majority of the voters is required before the substantive change outlined in the amendment goes into effect.

If a ballot question is rejected, the same question cannot be resubmitted to the voters for at least five years.

The Committee of Seventy and Charter Amendments. Each election, the Committee of Seventy analyzes all proposed Charter amendments and provides detailed explanations to the voters on its website. Since Philadelphians usually get very little information on ballot questions, Seventy believes this is a valuable public service.

*Seventy is a non-partisan organization that does not endorse candidates for elective office.* However, in addition to providing explanations, we do offer non-partisan recommendations on *some* ballot questions. Here is the "two screen test" we use to determine whether or not Seventy should take a position on individual ballot questions:

- Does the ballot question fit within Seventy's mission to "fight for clean and effective government, fair elections and a better informed citizenry in Philadelphia and the region?"
- Is amending the Home Rule Charter either required under law to effect the change proposed or otherwise necessary/appropriate to achieve an effective remedial change, or can the same goal be accomplished by another mechanism, e.g., executive order, city ordinance or City Council resolution?

Four questions will appear on Philadelphia's May 18, 2010 ballot. The following chart outlines the ballot questions, the Plain English Statements prepared for each ballot question by the city's Law Department prepares and, if appropriate, Seventy's non-partisan recommendations.

**NOTE: Ballot Question #3 asks voters to approve the elimination of the Board of Revision of Taxes (BRT) – a position that the Committee of Seventy strongly endorses. Ballot Questions are sometimes easy to miss when you go into the voting booth. Don't miss the chance to express your thoughts about the BRT!**

|          | <b>Ballot Question</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Plain English Statement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>The Committee of Seventy's Non-Partisan Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>1</b> | <p>Shall the Philadelphia Home Rule Charter be amended to confirm Council's power to (i) require contractors and financial assistance recipients to submit economic opportunity plans, and (ii) provide that failure to exercise best and good faith efforts to comply with such plans may temporarily prohibit a business from receiving City contracts or financial assistance; and to authorize Council to designate existing City agencies (including Council) or to create new agencies to enforce such provisions?</p> | <p>This proposed Charter change would set out City Council's power to require certain companies to adopt Economic Opportunity Plans. Council could impose this requirement on companies that do business with the City and on companies that receive grants from the City.</p> <p>An Economic Opportunity Plan typically requires a company to use its best efforts to assure that City funds are spent in an inclusive manner. This means that City funds are used: (1) to hire a diverse workforce; and (2) to do a certain amount of business with companies owned by minorities, women or disabled persons, or with other disadvantaged businesses.</p> <p>This proposed Charter change would also set out Council's power to preclude a company from doing business with the City for a period of time, if the company fails to use its best efforts to comply with an Economic Opportunity Plan. Before being precluded from doing City business, a company would be given a hearing. Council would specify the City agency that would conduct hearings and that would make the final decision as to whether to preclude a particular company. The agency could be an existing City agency, including Council itself, or it could be a new agency created for making these decisions.</p> | <p><b>The Committee of Seventy recommends a "yes" vote because it would help promote greater opportunities for minorities and women to obtain city contracts and receive city funds – a goal this organization strongly supports.</b></p> <p>Seventy encourages interested voters to visit the website of the city's Office of Economic Opportunity – <a href="http://www.oeo.phila.gov">www.oeo.phila.gov</a> – to learn more about the government's efforts on behalf of minority, women and disabled-owned businesses and to read Mayor Nutter's February 2010 Economic Opportunity Strategic Plan.</p> |
| <b>2</b> | <p>Shall the Philadelphia Home Rule Charter be amended to designate the Commissioner of Licenses and Inspections as an alternate member of the</p>                                                                                                                                                                                                                                                                                                                                                                           | <p>The Zoning Board of Adjustment hears and decides appeals in zoning cases, including variance requests. It is a six member Board, with five members appointed by the Mayor. The Commissioner of Licenses and Inspections is the sixth member. A majority of the Board – four</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>The Committee of Seventy recommends a "yes" vote because improving the zoning process (1) fits within Seventy's mission to fight for more effective government, and (2) can only be accomplished through a charter amendment.</b></p>                                                                                                                                                                                                                                                                                                                                                                |

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|          | Zoning Board of Adjustment, who may replace any absent or disqualified appointed member of that Board?                                                                                                                                                                                                                                                                                                                   | <p>members -- must be present to decide an appeal.</p> <p>The proposed Charter change reduces the size of the Zoning Board from six members to five. As a result, only three members would need to be present to decide an appeal. The Commissioner of Licenses and Inspections would no longer be a member. Instead, the Commissioner would be an alternate member who could serve in place of any absent member.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The proposed Charter change would better ensure that meetings are not postponed for lack of a quorum, which has happened on a relatively regular basis with the current six-member Zoning Board. It would also facilitate an easier and more efficient way for the Board to conduct its business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|          | <b>Ballot Question</b>                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Plain English Statement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>The Committee of Seventy's Non-Partisan Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>3</b> | <p>Shall the Board of Revision of Taxes be abolished, and its powers, functions and duties be reassigned to a new Office of Property Assessment (with respect to the making of assessments) and to a Board of Property Assessment Appeals (with respect to appeals from such assessments), with the members of the Board appointed from nominations made by a Board of Property Assessment Appeals Nominating Panel?</p> | <p>Owners of property in the City pay real estate taxes based upon the value of their property. Determining the value of property is now the job of the Board of Revision of Taxes ("BRT"). The BRT is a seven member panel appointed by City judges. Property owners may challenge the value the BRT places on their properties. The BRT hears and decides those appeals.</p> <p>If the ballot question is approved, the BRT will be abolished. Two new City agencies would take over its duties. One agency would set property values. A second agency would hear and decide appeals. Employees of the BRT would be transferred to one of the new entities, depending on their jobs.</p> <p>Property values would be set by a new Office of Property Assessment ("Office"). The Office would set property values each year, beginning in 2011. It would be run by a qualified, professional Chief Assessment Officer ("CAO"). The Mayor, with Council approval, would appoint the CAO to a four-year term. The Mayor could remove the CAO only "for cause," with the approval of a 2/3 vote of</p> | <p>The Committee of Seventy strongly recommends a "yes" vote because (1) abolishing the BRT fits within Seventy's mission to fight for more effective government, and (2) can only be accomplished through a Charter amendment.</p> <p>This is one of the most important ballot questions to come before the voters in recent history. The BRT came under blistering attack after the <i>Philadelphia Inquirer</i> exposed decades of gross mismanagement and political deal-making. Mayor Nutter removed its authority to assess the value of all city-owned properties in October 2009. The BRT now only hears assessment appeals.</p> <p>Seventy has publicly argued that the BRT-run assessment and appeals system severely prejudiced Philadelphia property owners and needed to be changed. The May 18 ballot question would replace the BRT with two new agencies that are certain to be more accountable than the current agency, which is independent, but whose members are</p> |

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|                 |                                                                                                                                                                                                                                | <p>Council. The CAO would develop assessment standards and practices designed to further the goal of uniform and accurate assessments. The Office would set property values based upon those standards and practices.</p> <p>Property owners would still be able to challenge the value placed on their properties. Those appeals would be heard by a new Board of Assessment Appeals (“Board”), beginning with appeals from assessments made in 2010. The Board would adopt Assessment Appeals Standards and Practices Regulations to guide its work.</p> <p>The Mayor, with Council approval, would appoint the seven members of the Board. The Mayor could remove a Board member only “for cause,” with the approval of a 2/3 vote of Council. The Chair of the Board would receive a salary of \$50,000. The Secretary of the Board would receive a salary of \$45,000. The five other members of the Board would receive \$150 for each day on which the Board meetings, but no more than \$40,000 each year. Council could adjust these compensation levels by ordinance.</p> | <p><b>appointed by the city’s judge with input from the Democratic and Republican parties.</b></p> |
|                 | <p><b>Ballot Question</b></p>                                                                                                                                                                                                  | <p><b>Plain English Statement</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>The Committee of Seventy’s Non-Partisan Recommendation</b></p>                               |
| <p><b>4</b></p> | <p>Should the City of Philadelphia borrow Sixty-five Million Five Hundred Twenty Five Thousand Dollars (\$65,525,000.00) to be spent for and toward capital purposes as follows:<br/>                 Transit; Streets and</p> | <p>This ballot question, if approved by the voters, would authorize the City to borrow \$65,525,000.00 for capital purposes, thereby increasing the City’s indebtedness by \$65,525,000.00. Capital purposes means, generally, to make expenditures that will result in something of value with a useful life to the City of more than five years, for example, acquisitions of real estate, or construction of or improvements to buildings, property or streets.</p> <p>The money to be borrowed would be used by the City for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>The Committee of Seventy does not take positions on bond questions.</b></p>                  |

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| Sanitation; Municipal Buildings; Parks, Recreation and Museums; and Economic and Community Development? | five identified purposes, namely, Transit; Streets and Sanitation; Municipal Buildings; Parks, Recreation and Museums; and Economic and Community Development, all in specific amounts identified in Bill No. 100004 (approved _____, 2010). City Council would have authority, by ordinance, to change the intended allocation of these proceeds. |  |
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