



## HOW PHILLY WORKS

### NOW YOU'RE ASKING US...

## WHAT IS COUNCILMANIC PREROGATIVE???

*Since we posted our "HOW PHILLY WORKS" about [Councilmanic Prerogative](#) a few weeks ago, you - our loyal readers - have responded with an appetite to learn more. (Maybe it was all that talk about perogies.)*

*Our first go at this was an introduction to this unwritten practice of City Council. It turns out that many of you already experienced it, know someone who has, or want to learn more. And you definitely have strong ideas about Prerogative - some of you like it, some of you don't.*

*So, here we are, back again, to talk Prerogative.*

*This time, we're guided by the questions you sent us (they're the ones in **red** below): questions about Prerogative's origins, its current status and how it's handled in other cities. We're giving you our answers and adding some other Q&As that your questions inspired.*

*We really appreciate your interest. Keep those questions coming. We'll continue to talk about Councilmanic Prerogative in future installments of "HOW PHILLY WORKS."*

- January 23, 2012

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### **"HOW LONG HAS COUNCILMANIC PREROGATIVE BEEN AROUND?"**

Stay with us here. There are no easy answers when it comes to Prerogative.

#### **OK, take me through it.**

Back in the day – we're talking pre-1950s - City Council was a very different animal. For starters, it used to be bigger, with 22 members instead of today's 17. All 22 were District Council members, meaning they each represented specific sections of the city. Some districts even had multiple members. Unlike today, Council had no At-Large members elected by, and looking out for, all the city's voters.

#### **What effect did this have on development projects?**

With no At-Large Council members to focus on the entire city, District Council members ruled the day and battled amongst themselves to elevate the needs of their own neighborhoods.

#### **When did we get the current setup?**

In 1951, the city adopted a new Charter. It created ten Districts, each with only one District Council member. Also, many people thought it made sense to have some Council members who were not tied to a particular section of the city, but instead focused on larger city-wide issues. So the Charter added seven At-Large members.



### How has this worked out?

It has its plusses and minuses. It seems like one by-product was Councilmanic Prerogative.

#### **“WHEN WAS COUNCILMANIC PREROGATIVE FIRST USED?”**

Prerogative came into play when the City Planning Commission – which reviews development proposals across the city - lost some influence after its heyday in the 1950s and 60s under its Director Ed Bacon (father of Kevin, for you movie buffs).

#### **I’m two degrees of separation from Kevin Bacon but no closer to knowing how Prerogative started.**

Under Bacon, the Planning Commission had been the go-to place to get projects approved. By the 1970s and 80s, neighborhood groups sprung up to have more say about what gets built on their blocks, placing new demands on developers. At the same time, the zoning code, which dated from the 1960s, was falling behind the times. More modern projects - like condo towers and take-out restaurants - were not recognized under the code and needed special approval to move forward.

#### **Whose special approval was needed?**

City Council’s. District Council members offered to pass changes to the zoning code to advance projects in their own districts - but only when their constituents’ demands were met (for things like how tall a new condo building could be or what a sign for a new store should look like). This put a lot of power in the hands of the District Council members.

#### **Did anyone see this coming?**

Yes. Not to brag, but Prerogative was foreshadowed during the 1951 Charter hearings by Committee of Seventy Board member W.W. Keen Butcher. (By the way, Keen is our longest-serving member; he joined Seventy’s Board in 1937.)

#### **That’s some foresight.**

Indeed. Testifying to express Seventy’s support for moving from all District Council members to some At-Large members, Keen said: “For so many years, too many Philadelphians have been thinking sectionally and provincially. Philadelphia must think in terms of Philadelphia, not of sections.”

#### **How do the At-large Council members feel about Prerogative?**

You’ve given the cue for the next reader question.

#### **“HAS ANYONE ON CITY COUNCIL EVER GONE AGAINST COUNCILMANIC PREROGATIVE?”**

Typically, Council members (both District and At-Large) go along with the District Council person who is exercising Prerogative to support, or oppose, a project. District Council members then expect the same deference in return. And the At-Large members? They go along too. Why make waves? They want District Council members’ support for things they care about.



### Are you telling me that no one has ever bucked a District Council member?

No, we just said it doesn't happen often.

### Give me some examples where it's happened.

In 2002, At-Large Council members Thacher Longstreth and Wilson Goode (Jr. – not the former mayor) wanted an IKEA built in South Philadelphia without waiting for the green light from then-First District Council member Frank DiCicco. Longstreth and Goode won. And last year, several Council members – both District and At-Large – voted down a push by DiCicco to approve a giant advertisement (called a wall wrap) to be placed on a building in his district. They said it was because the wall wrap ad could jeopardize federal money coming to the city because of its close proximity to the Vine Street Expressway.

### Has anyone ever asked Council members what they really think of Prerogative?

Yes. During the 2007 election, Seventy issued an [Ethics Agenda](#) that asked Council candidates if they would support ground rules for how they review development projects, striking a balance between the local needs of districts and the larger needs of the whole city.

### What did they say?

Several supported this. Council members DiCicco, Curtis Jones, Maria Quiñones-Sánchez and William Greenlee all felt at the time that a better balance was needed. Greenlee, an At-Large member, went so far as to criticize the “fiefdoms” created by Prerogative. DiCicco is no longer on Council, but all the others are.

### Has anything changed with Prerogative since 2007?

Once again, you've read our mind to get to the next reader question.

### **“DOESN'T THE NEW ZONING CODE END COUNCILMANIC PREROGATIVE?”**

As we mentioned in our Q&A [here](#) on the city's new zoning code (passed in December 2011), the city is implementing an easier, more predictable process for approving development projects. At least in theory, this should diminish the usual triggers for Prerogative.

### Huh?

Remember we said earlier that District Council members often change the zoning code to advance new projects in their neighborhoods? The updated zoning code should remove the need for this. In other words, there will be fewer opportunities to exercise Prerogative.

### Does Council see it that way?

Former Council member DiCicco, who pushed for the new zoning code, believed that it would remove Council from the development approval business completely. Greenlee has said that the goals of a new zoning code are undermined when District Council members use their authority to veto development deals.

### What's the future for Prerogative?



It's a safe bet that Council members don't want to end it completely. Council President Darrell Clarke [recently defended it](#), while [The Inquirer criticized it](#), and the new zoning code doesn't even mention it. So the future of Prerogative is still unknown.

***"IS THERE SUCH A THING AS PREROGATIVE IN OTHER CITIES?"***

Yes, although it's not so common. Chicago is a good example of a Prerogative-kind-of-town. Instead of Council members, they have Aldermen, so it's called "Aldermanic Prerogative" (try saying that three times fast).

**How do the Aldermen do it?**

Pretty much like Philly-style Prerogative: Aldermen have complete say over real estate decisions in their district. But there are signs it may be on the wane. Just last month, an Alderman tried using Prerogative to delay a new Charter school, but his colleagues felt that improving city schools was more important than the wishes of one Alderman, and they overrode his objection. You can read about this [here](#).

**How about the Big Apple?**

New York is a good example of a city that left Prerogative far behind. Since the 1970s, New York has followed its Uniform Land Use Review Procedure, abbreviated ULURP (pronounced YOU-LERP by the locals). Under ULURP, the role of New York's City Council is limited to a 50 day review and approval period, and any modifications wanted by City Council must be approved by the Planning Commission. No individual Council member can hold up development projects the way Prerogative allows it here.

**Does this mean Philly is in a class by itself when it come to Prerogative?**

We'll give you more on this next time.

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*The non-partisan Committee of Seventy wants to get more people thinking and talking about local issues - especially since you pay the bills in this town. That is why we regularly publish our "HOW PHILLY WORKS" series (formerly known as IN THE KNOW).*

*We'll be telling you more about Councilmanic Prerogative and other complex issues. If you have thoughts, ideas, compliments or – heaven help us – criticism, or if you have friends who might want to directly receive "HOW PHILLY WORKS", please e-mail us at [futureofthecity@seventy.org](mailto:futureofthecity@seventy.org).*