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Northeast Land Development, LLC v. City of Scranton

United States District Court, M.D. Pennsylvania - May 21, 2013 - F.Supp.2d - 2013 WL 2237791

The Scranton City Council tabled a resolution authorizing a development project after it had been approved by the City Planning Commission and City Engineer. Developers sued, alleging that the city and council members acted in an arbitrary, capricious and irrational manner in order to coerce the plaintiffs to perform a punch list of items for the development. By this and other conduct, plaintiff alleged that the city and the members of the city council “acted individually and in concert with each other and in an arbitrary, capricious and irrational manner and precluded the Plaintiffs rightful use of its property in profound violation of Plaintiffs procedural and substantive due process rights pursuant to the Fourteenth Amendment and 42 U.S.C. § 1983.”

Though plaintiffs complained about the motivation behind the individual defendants’ actions – their animosity to certain forms of development – its complaint was grounded in the action that defendants took in tabling the motion to approve the development plan. Since voting on the development plan – or choosing not to vote on that plan – is the sort of act that the Supreme Court has found “in form quintessentially legislative,” the court found that the individual defendants were absolutely immune from all claims against them.

The city council’s role in enacting or declining to enact a resolution authorizing the mayor of the city to enter into the development agreement in question required the exercise of the council’s legislative authority and, as such, its decision to table the resolution authorizing the development agreement did not implicate the protections of procedural due process.