



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 050721

Introduced June 16, 2005

Councilmembers Clarke and Reynolds Brown

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter relating to the transfer of the powers and duties of the Fairmount Park Commission to the Department of Recreation (to be renamed the "Department of Parks and Recreation") and reconstituting the Fairmount Park Commission as the Commission on Parks and Recreation, with new powers and duties, and providing for the submission of the amendment of the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1 OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

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(f) The following departmental boards and commissions, which are either created or placed, as the case may be, in the respective departments, as follows:

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In the Department of Recreation:

~~Fairmount Park~~ Commission *on Parks and Recreation*;
Board of Trustees of American Flag House and Betsy Ross Memorial;
Board of Trustees of Atwater Kent Museum;
Board of Trustees of Camp Happy.

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CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

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§3-905. ~~Fairmount Park~~ Commission *on Parks and Recreation*.

The ~~Fairmount Park~~ Commission *on Parks and Recreation* shall consist of the ~~commissioners of Fairmount Park and shall be constituted in accordance with the provisions of the Act of March 26, 1867, P.L. 547, as amended. The Recreation Commissioner shall be a member of the Commission, ex officio. twelve members appointed by the Mayor to four year terms with the advice and consent of Council, the president (or his or her designee) of the Fairmount Park Commission Advisory Council, the president (or his or her designee) of the Philadelphia Recreation Advisory Council, and the president (or his or her designee) of a park advocacy organization selected by the Mayor. If either of the two organizations specifically mentioned in this section ceases to exist or if its president refuses to serve or appoint a designee, the remaining members of the Commission shall by a majority vote replace the organization with another of a similar nature, and its president (or his or her designee) shall become a member of the Commission.~~

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§3-910. Art Commission.

The Art Commission shall be composed of eight appointed members and the Commissioner of Public Property. Of the appointed members, one each shall be a painter, a sculptor, an architect, a landscape architect, ~~a member of the Fairmount Park Commission~~, and an experienced business executive, and two shall be members of a faculty or governing body of a school of art or architecture. In all matters within the

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jurisdiction of the Commission pertaining to work under the special charge of any department of the City, the head of such department shall also for the time being act as a member but shall have no vote.

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§3-916. Recreation Coordination Board.

The Recreation Coordination Board shall be composed of the Recreation Commissioner and nine appointed members of whom ~~three shall be members of the Fairmount Park Commission and~~ three shall be members of the Board of Public Education of the School District of Philadelphia.

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ARTICLE V EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

Managing Director and Departments, Boards and Commissions under his Supervision

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CHAPTER 6 DEPARTMENT OF RECREATION AND ITS DEPARTMENTAL BOARDS AND COMMISSION

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§5-600. Functions.

The Department of Recreation shall have the power and its duty shall be to perform the following functions:

(a) Coordinated Recreational Program. It shall from time to time formulate a comprehensive and coordinated program of cultural and physical recreational activities to be instituted and conducted in all City recreational facilities, ~~including those managed and operated by the Fairmount Park Commission.~~

(b) Conduct of Recreational Program. Except as otherwise provided in this chapter, the Department shall institute and conduct all recreational activities in accordance with its recreational program.

(c) Recreational Facilities. Except as otherwise provided in this chapter, the Department shall manage and operate all City recreational facilities, ~~including the~~

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~~Municipal Stadium~~, and all parks and public squares ~~not managed and operated by the Fairmount Park Commission~~, and itself, or by contract, construct, maintain, improve and repair such facilities, parks and squares. ~~Jointly with the Fairmount Park Commission~~, it **The Department** shall determine the location of new recreational facilities to be situated in Fairmount Park and other City parks ~~managed and operated by the Fairmount Park Commission~~. This paragraph shall not apply to City recreational facilities managed and operated by private corporations or privately owned recreational facilities supported in whole or in part by funds appropriated from the City Treasury but all requests for appropriations from the City Treasury for such City or private recreational facilities shall be made through the Department.

(d) Historical Shrines. The Department shall preserve, manage and operate City historical shrines not under the management and operation of any board or commission and make plans for the acquisition by the City of buildings and grounds of historical significance to the City.

(e) **Parks.** *The Department shall, subject to the provisions of this charter, exercise all the powers and perform all the duties that, at the time this subsection was added to this charter, were vested in and imposed upon the Fairmount Park Commission by statute or ordinance, except that the Department of Streets shall itself, or by contract, build, rebuild and maintain the roads and drives in Fairmount Park and make such regulations governing traffic thereon as shall be authorized by statute or ordinance, but the Recreation Department shall determine the location and type of all such roads and drives, and may exclude certain types of vehicles from the use of any or all such roads or drives. The Recreation Commissioner shall appoint a deputy exempt from civil service who shall serve as Parks Director and who shall be principally responsible (subject to the direction of the Commissioner) for carrying out the Department's duties under this subsection (e).*

§5-601. Recreation Coordination Board.

The Recreation Coordination Board shall from time to time make recommendations to the Department of Recreation for the maximum coordination of all recreational activities conducted by the Department, ~~the Fairmount Park Commission~~ and the Board of Public Education of the School District of Philadelphia. Such recommendations shall also seek the maximum coordinated use of all City recreational facilities, ~~including those managed and operated by the Fairmount Park Commission~~, with those in school district grounds and structures.

§5-602. ~~Fairmount Park~~ Commission *on Parks and Recreation*.

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~~Subject to the provisions of this charter, the Commissioners of Fairmount Park shall continue to exercise the powers and perform the duties vested in and imposed upon them by statute or ordinance except that:~~

~~(a) — The Department of Streets shall itself, or by contract, build, rebuild and maintain the roads and drives in Fairmount Park and make such regulations governing traffic thereon as shall be authorized by statute or ordinance, but the Commission shall determine the location and type of all such roads and drives, and may exclude certain types of vehicles from the use of any or all such roads or drives.~~

~~(b) — The Fairmount Park Commission shall institute and conduct, in accordance with the recreational program formulated by the Department of Recreation, recreational activities in Fairmount Park and other City parks managed and operated by the Commission. It shall manage and operate recreational facilities located in such parks and itself, or by contract, construct, maintain, improve and repair such facilities.~~

~~(c) — The head of the park police force shall cooperate fully at all times with the Police Commissioner.~~

(a) The Commission on Parks and Recreation shall from time to time advise the Parks Director and the Commissioner of Parks and Recreation as to the management and operation of City parks and recreational facilities.

(b) The Commission shall establish accountability standards to measure how the Department of Parks and Recreation is carrying out its duty of managing and operating City parks and recreational facilities.

(c) The Commission shall regularly monitor and annually evaluate the performance of the Department of Parks and Recreation in accordance with the accountability standards it has established. The annual evaluation shall include recommendations as to how the Department of Parks and Recreation can achieve full compliance with the accountability standards and how the management and operation of City parks and recreational facilities may otherwise be improved.

(d) The Commission shall convene at least one public meeting each year to receive public comment concerning the management and operation of City parks and recreational facilities.

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ARTICLE VII EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

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Personnel Director and Civil Service Commission and the Civil Service

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CHAPTER 3 CIVIL SERVICE: GENERAL PROVISIONS AND EXEMPTIONS

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§7-301. Exemptions.

All officers and employees of the City, including all officers and employees of all departments, all independent boards and commissions and all departmental boards and commissions, shall be under civil service except:

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(b) The Managing Director, the Director of Finance and the Personnel Director and their deputies, the heads of departments and their deputies, and members of boards and commissions but the number of exempt deputies in any department other than the Law Department, shall not exceed two, *except that the Department of Recreation, in addition to being permitted up to two exempt deputies, shall also have an exempt deputy who shall serve as Parks Director.*

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APPENDIX

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CHAPTER A-3

§A-300. Transfer of Powers and Duties of Fairmount Park Commission.

(1) The transfer of the powers and duties of the Fairmount Park Commission to the Department of Recreation shall take effect July 1, 2006. The reconstitution of the Fairmount Park Commission as the Commission on Parks and Recreation, with new powers and duties, shall take effect July 1, 2006, except that the Mayor (with the advice and consent of Council) may at any time before such date make appointments to the Commission for terms beginning July 1, 2006.

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(2) *All provisions of Chapter A-1 relating to the abolition of an agency by this charter shall apply with respect to the transfer of the powers and duties of the Fairmount Park Commission to the Department of Recreation.*

(3) *On and after July 1, 2006, the Recreation Commissioner shall serve as the successor trustee with respect to any property donated in trust for which the Fairmount Park Commission served as trustee before that date. Upon approval by the voters of the amendment adding this Chapter to this charter, the City Solicitor shall forthwith take any and all actions the City Solicitor believes necessary to effectuate this provision.*

(4) *On and after July 1, 2006, the Recreation Department shall be known as the "Parks and Recreation Department," and the Recreation Commissioner shall be known as the "Commissioner of Parks and Recreation."*

Explanation:

~~Strikethrough~~ indicates matter deleted by the amendment.

Bold italics indicates matter added by the amendment.

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