

## Legislation Details (With Text)

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**File created:** 2/14/2008      **In control:** Committee on Law and Government

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**Title:** 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.

**Sponsors:** Councilmember Clarke, Councilmember Reynolds Brown

**Indexes:** PHILADELPHIA HOME RULE CHARTER

**Code sections:**

**Attachments:** 1. Resolution No. 08018101, As Amended.pdf, 2. Signature08018101.pdf

Date	Ver.	Action By	Action	Result	Tally
6/19/2008	1	CITY COUNCIL	READ		
6/19/2008	1	CITY COUNCIL	ADOPTED	Pass	16:1
6/12/2008	1	CITY COUNCIL	FAVORABLY RECOMMENDED; CONSIDERATION AT NEXT STATED COUNCIL MEETING		
6/10/2008	0	Committee on Law and Government	HEARING NOTICES SENT		
6/10/2008	0	Committee on Law and Government	HEARING HELD		
6/10/2008	0	Committee on Law and Government	AMENDED		
6/10/2008	1	Committee on Law and Government	REPORTED FAVORABLY		
2/14/2008	0	CITY COUNCIL	Referred		
2/14/2008	0	CITY COUNCIL	Introduced	Pass	

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:

~~Strikethrough~~ indicates matter deleted by these amendments.

***Bold italics*** indicates matter added by these amendments.

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:

\* \* \*

(d) The following departments which are hereby created:

\* \* \*

~~Department of Recreation~~ ***Department of Parks and Recreation;***

\* \* \*

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

\* \* \*

In the ~~Department of Recreation~~ ***Department of Parks and 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.~~

\* \* \*

(g) ~~An advisory board in the Department of Recreation to be known as the Recreation Coordination Board.~~

(h) \* \* \*

§3-101. Department Heads.

Each department shall have as its head an officer who either personally or by deputy or by a duly authorized agent or employee of the department, and subject at all times to the provisions of this charter, shall exercise the powers and perform the duties vested in and imposed upon the department.

The following officers shall be the heads of the departments following their respective titles:

\* \* \*

***Parks and Recreation Commissioner, of the ~~Department of Recreation~~ Department of Parks and Recreation.***

\* \* \*

CHAPTER 2 ELECTION OR APPOINTMENT

\* \* \*

§3-206. Other Department Heads.

With the approval of the Mayor:

(a) The Managing Director shall appoint the Police Commissioner, the Health Commissioner, the Fire Commissioner, the Street Commissioner, the **Parks and** Recreation Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, and the Commissioner of Records;

\* \* \*

CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

\* \* \*

§3-802. Board of Trustees of the Free Library of Philadelphia.

The Board of Trustees of the Free Library of Philadelphia shall be composed of twenty-two voting members and the **Parks and** Recreation Commissioner. Eighteen members shall be life members of the Board, vacancies among them being filled alternately by election by the Board and appointment by the Mayor.

\* \* \*

CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

\* \* \*

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

**(a) Composition.** 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.~~ *fifteen members, nine of whom shall be appointed by the Mayor from a list of nominations submitted to the Mayor by resolution of the Council; and six of whom shall serve ex officio, as follows: the President of City Council and the Executive Director of the City Planning Commission, or their designees, and the Water Commissioner, the Street Commissioner, the Public Property Commissioner and the Parks and Recreation Commissioner. The Mayor shall designate one member who does not serve ex officio to serve as chair.*

**(b) Appointment process.** *At the commencement of every Mayoral term and by no later than February 1 of such year, the Council President shall, by public notice, solicit applicants to serve on the Commission. The application period shall be open for no less than thirty days, after which the Council shall*

*hold a public hearing on the proposed nominations. No later than ninety days after the close of applications, the Council, by resolution, shall forward to the Mayor no fewer than 18 and no more than 25 nominations. Whenever a vacancy shall occur on the Commission, the Mayor may fill the vacancy from any nominations previously submitted by the Council during such Mayoral term, provided that, for any vacancy occurring more than one year after the commencement of a term, the Mayor may ask for additional nominations, and Council, pursuant to the foregoing process, shall forward to the Mayor nominations numbering no less than two and no more than three times the number of vacancies.*

*(c) Qualifications. The members shall have demonstrated experience or skills relevant to the powers and duties of the Commission including, but not limited to: sports, recreation and athletic programming; natural lands management, watershed management, and environmental protection; tourism, marketing and public relations; business and finance; neighborhood revitalization; community leadership; historical and architectural preservation; landscaping and horticulture; and fundraising. The Commission shall also be reflective of the geographic, racial, ethnic, and gender diversity within the City.*

§3-906. Board of Trustees of American Flag House and Betsy Ross Memorial.

The Board of Trustees of the American Flag House and Betsy Ross Memorial shall be composed of seven appointed members and the *Parks and Recreation* Commissioner.

\* \* \*

§3-908. Board of Trustees of Camp Happy.

~~The Board of Trustees of Camp Happy shall be composed of seven appointed members and the Recreation Commissioner. *Reserved.*~~

\* \* \*

§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~~ *Park Commission on Parks and Recreation*, 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 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.

\* \* \*

§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. *Reserved.*~~

\* \* \*

ARTICLE V EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

Managing Director and Departments, Boards and Commissions under his Supervision

CHAPTER 1 MANAGING DIRECTOR

\* \* \*

§5-102. Meetings with Certain Department Heads.

The Managing Director shall call together periodically the Police Commissioner, the Health Commissioner, the Fire Commissioner, the Street Commissioner, the *Parks and Recreation* Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and Inspections and the Commissioner of Records. He may invite to these meetings any other officers of the City government.

\* \* \*

~~CHAPTER 6 DEPARTMENT OF RECREATION~~ **DEPARTMENT OF PARKS AND RECREATION** AND ITS DEPARTMENTAL BOARDS AND COMMISSION

\* \* \*

§5-600. Functions.

The ~~Department of Recreation~~ **Department of Parks and 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) **Park and** Recreational Facilities. Except as otherwise provided in this chapter, the Department shall manage and operate all City recreational facilities, ~~including the 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,~~ **The Department** shall determine the location of new **park and** 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) Fairmount Park System and Other 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 Department of Parks and Recreation 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.*

*(f) Deputy Commissioners. The Parks and Recreation Commissioner shall appoint two deputies exempt from civil service who shall serve, respectively, as Deputy Commissioner for Recreation and Deputy Commissioner for Parks and who, subject to the direction of the Commissioner, shall have principal responsibility for carrying out the Department's duties relating to the management and operation of, respectively, the City's recreation programs; and the City's parks, including the Fairmount Park System.*

*(g) Sale, Conveyance and Acquisition of Park and Recreation Land or Facilities. Immediately upon introduction into Council of any ordinance authorizing the City to acquire, convey or lease to a third party any interest in real estate that includes park or recreation land or facilities, the Chief Clerk of Council shall submit it to the Commission on Parks and Recreation for its recommendation to the Mayor and the Council.*

~~§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.~~

~~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, after receiving public comment, shall from time to time adopt standards and*

*guidelines relating to City park and recreation land and facilities, including standards and guidelines relating to land use; preservation of green space; watershed management; sustainability; and the conveyance and acquisition of park and recreation land or facilities, including criteria for the assessment and evaluation of proposed conveyances or acquisitions. The Parks and Recreation Commissioner and all other City officials shall give substantial weight to the standards and guidelines adopted by the Commission when taking or considering any official action relating to the City’s park or recreation land or facilities.*

*(b) The Commission shall assist and advise the Parks and Recreation Commissioner and such private organizations as the Commission may choose, to promote, support and enhance the image of the Fairmount Park System, other City parks, and City recreation facilities; and to expand and diversify the funding and resources for operation and capital expenditures in and for park and recreation facilities.*

*(c) The Commission shall convene public meetings at least quarterly, and shall provide, at each public meeting, opportunity for public comment concerning any matter within the jurisdiction of the Commission.*

~~§5-603. §5-602. \* \* \*~~

~~§5-604. §5-603. \* \* \*~~

~~§5-605. Board of Trustees of Camp Happy.~~

~~The Board of Trustees of Camp Happy shall have direction and control of the management of Camp Happy. It shall, subject to the approval of the Recreation Commissioner, select a supervisor, who shall, subject to the authority of the Board, administer the Camp. On nomination by the supervisor, the Board shall from time to time appoint such assistants and employees as may be necessary.~~

\* \* \*

CHAPTER 10 DEPARTMENT OF LICENSES AND INSPECTIONS AND ITS DEPARTMENTAL BOARDS

\* \* \*

§5-1001. Definitions.

In this chapter:

(a) “License” shall mean any license or permit required by statute, ordinance or regulation to be obtained from any officer, department, board or commission as a prerequisite to engaging in any activity or having possession of or using any property but shall not include the right to admission to any facility in any park or under the jurisdiction of the ~~Department of Recreation~~ **Department of Parks and Recreation**.

\* \* \*

APPENDIX

\* \* \*

§ A-200. Schedule.

This charter shall become effective on the first Monday of January, 1952, except in the following particulars:

\* \* \*

***(8) Merger of Powers and Duties of Fairmount Park Commission and Department of Recreation.***

***(a) Effective July 1, 2009, the new Department of Parks and Recreation and the new Commission on Parks and Recreation shall assume all of their respective powers and duties, as set forth in this Charter, and the Fairmount Park Commission and the Department of Recreation shall cease to exist. Any administrative implementation issues regarding the absorption by the Department of Parks and Recreation of the former powers and duties of the Department of Recreation or the Fairmount Park Commission shall be completed no later than July 1, 2010.***

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

***(c) On and after July 1, 2009, the Parks and Recreation Commissioner:***

***(.1) Shall serve as the successor trustee of all money and property donated to, or otherwise held by, the Fairmount Park Commission in trust; and shall administer those trusts strictly for their respective trust purposes; and***

***(.2) Shall serve as the successor custodian of all money and property held by the Fairmount Park Commission in any custodial account; and shall use funds in any of those accounts strictly for the purposes of those accounts.***

***Upon approval by the voters of the amendment adding this subsection to this charter, the City Solicitor shall forthwith take all actions the City Solicitor believes necessary to effectuate this provision.***