

Legislation Text

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Proposing an amendment to the Philadelphia Home Rule Charter relating to the appointment of the members of the Fairmount Park Commission, 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

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CHAPTER 9  
DEPARTMENTAL BOARDS AND COMMISSIONS

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§3-905. Fairmount Park Commission.

The Fairmount Park Commission 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, the Water Commissioner, and thirteen members appointed to four year terms by the Mayor, with the advice and consent of a majority of all the members of the Council, from among the persons whose names are submitted to the Mayor by the Fairmount Park Commission Panel.* The Recreation Commissioner shall be a member of the Commission, *ex officio.* *The persons whose names are submitted to the Mayor by the Fairmount Park Commission Panel shall each have a demonstrated interest in and knowledge of the City's parks and possess skills that address the needs of a large park system, including, but not limited to, expertise in natural lands management, watershed management, and environmental protection; land use and urban planning; recreation; tourism; marketing and public relations; business and finance; economic development; neighborhood and community revitalization; historical and architectural preservation and maintenance; landscaping and horticulture; planning and fundraising; and public/private partnerships. Such persons shall also reflect the geographic, racial, income and gender diversity of the residents of the City.*

*In addition to the powers and duties previously vested in the Fairmount Park Commission by statute or ordinance, it shall be among the Fairmount Park Commission's duties to: (a) expand and diversify funding and resources for operations and capital improvements, including generating more revenue from*

*Fairmount Park property; (b) prepare recommendations for the legislative and executive branches regarding priorities for operating and capital expenditures in Fairmount Park as deemed necessary by the Fairmount Park Commission; (c) draft, promulgate, approve, and amend as necessary, policies and standards for the acquisition, deacquisition, lease, sale, development or other use of land located in Fairmount Park, provided such policies and standards shall not be binding on the Council; (d) draft and issue to the public an annual "State of the Parks" report, detailing annual income, expenses, and an inventory of capital assets, as well as an update on ongoing projects; (e) when a vacancy exists or is anticipated, conduct a search for and recommend a candidate to the position of Fairmount Park Director although final authority for appointment of the Fairmount Park Director shall rest with the Mayor of Philadelphia; and (f) perform all actions in conformance with the rules and regulations promulgated by the Board of Ethics.*

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CHAPTER 10  
NOMINATING PANELS

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**§3-1002. Fairmount Park Commission Panel.**

*The Fairmount Park Commission Panel shall consist of eleven members appointed by the Mayor, each of whom shall be the head of an organization from one of the following four categories: Community-Based Organizations; Environmental and Historical Preservation Organizations; Art, Culture, and Tourism Organizations; Economic Development and Business Organizations. No member of the Fairmount Park Commission may serve on the Fairmount Park Commission Panel.*

[§3-1002] §3-1003. Substitution of Members.

If any of the organizations whose head is designated as a member of a nominating panel ceases to exist or if its head refuses to serve, the remaining members of the panel shall by a majority vote replace the organization with another of a similar nature, and its head shall become a member of the panel. In the event of the illness, absence from the City or other disability of any member at a time when nominations must be made, the vice president or other officer next in rank, of the organization which the member represents, shall serve in his stead.

[§3-1003.] §3-1004. Procedure.

When any position is to be filled, for which a panel is required to submit nominations to the Mayor, the chairman of the panel shall convene it as soon as possible. The panel shall then submit to the Mayor in writing the names of three qualified persons for each position to be filled. The Mayor may return to the panel any list submitted to him and request additional lists until he fills the position.

*In the case of the Fairmount Park Commission Panel: the Panel shall convene as soon as possible once less than six months remain in the terms of the appointed Commissioners; before submitting any list of names to the Mayor, the Panel shall provide residents of the City an opportunity to submit the names of potential nominees to the Panel; and the Panel shall advise City residents of such opportunity through notices published in at least two newspapers of general circulation in the City, through the City's official*

*website, and in any other manner the Panel deems appropriate.*

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APPENDIX

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**CHAPTER A-3**

**§A-300. Fairmount Park Commission.**

*(1) The amendment to Section 3-905 providing for the appointment of the members of the Fairmount Park Commission by the Mayor, with the advice and consent of Council, shall take effect January 31, 2008. Members of the Fairmount Park Commission serving when such amendment becomes effective shall continue to serve until their successors are appointed by the Mayor. Commencing January 31, 2008, members of the Fairmount Park Commission shall serve no more than 2 consecutive terms.*

*(2) The Mayor shall make appointments to the Fairmount Park Commission Panel by March 1, 2008, and the Fairmount Park Commission Panel shall convene and submit a list of nominees for all thirteen initial appointments to the Mayor by April 15, 2008. The Mayor shall forward his appointments to Council for its advice and consent by May 15, 2008, and Council shall vote on such appointments by June 15, 2008.*

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Explanation:

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

***Bold italics*** indicates matter added by the amendment.