

## Legislation Details (With Text)

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**File created:** 9/17/2020      **In control:** Committee on Law and Government

**On agenda:**      **Final action:**

**Title:** Proposing an amendment to the Philadelphia Home Rule Charter by revising the powers and duties of the Art Commission to provide citizens the opportunity to vote on the removal or relocation of a City statue and monument through a public referendum process when there is public dispute, and to require the Commission to prepare an analysis evaluating the competing interpretations of the statue or monument before any removal or relocation; and providing for the submission of the proposed amendment to the electors of Philadelphia.

**Sponsors:** Councilmember Oh

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 20049300

Date	Ver.	Action By	Action	Result	Tally
9/17/2020	0	CITY COUNCIL	Introduced and Referred		

Proposing an amendment to the Philadelphia Home Rule Charter by revising the powers and duties of the Art Commission to provide citizens the opportunity to vote on the removal or relocation of a City statue and monument through a public referendum process when there is public dispute, and to require the Commission to prepare an analysis evaluating the competing interpretations of the statue or monument before any removal or relocation; and providing for the submission of the proposed amendment to the electors of Philadelphia.

WHEREAS, In recent years, statutes and monuments throughout the United States have become grounds for protests, riots, and violent confrontations; and

WHEREAS, In cases where there are different perspectives of history and political significance, statues are being toppled or removed by local officials without a transparent public process; and

WHEREAS, Philadelphia, the birthplace of American democracy, is home to an abundance of public monuments and statues that memorialize the rich history of our City and Nation; and

WHEREAS, Recently in Philadelphia the issue of the removal and relocation of monuments and statues has been of significant concern due to public clashes of competing historical and political interpretations; and

WHEREAS, The Home Rule Charter currently grants authority over statue and monument removal to the nine members of the Art Commission appointed by the Mayor; and

WHEREAS, The Art Commission, however, was not designed to settle historical and political disputes and there is currently no transparent and orderly process to resolve such disputes; and

WHEREAS, The disposition of any statute or monument in Philadelphia should be decided by residents themselves though through a transparent public process that involves citizen participation; and

WHEREAS, Under Section 6 of the First-Class City Home Rule Act (53 §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, be it

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 IV  
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

The Mayor, The City Representative and Departments, Boards, Commissions and Offices under the Mayor

\* \* \*

CHAPTER 6  
DEPARTMENT OF PLANNING AND DEVELOPMENT AND ITS DEPARTMENTAL BOARDS AND COMMISSIONS

\* \* \*

§ 4-606. Art Commission.

(1) The Art Commission shall:

\* \* \*

(e) Approve the removal, relocation, or alteration of any existing work of art in the possession of the City, ***provided that where there is a public dispute, as defined in subsection (.3), the following procedures shall be required before the Commission may finally approve the removal or relocation of a statue or monument:***

***(.1) The Art Commission shall prepare and post on the City’s official website a written analysis explaining the factors that lead to the removal or relocation of the statute or monument. The analysis shall also evaluate the need for a replacement element to preserve the artistic integrity of the space where the removal or relocation is being considered; and***

***(.2) The Art Commission shall oversee a public referendum vote of registered electors of the City residing within a one-mile radius of the statue or monument in question. The approval of a majority of such electors shall be required before the Art Commission may finally approve the removal or relocation of the statue or monument and before any preparations required for the removal or relocation may be taken.***

***(.3) For the purposes of this subsection 4-606(1)(e), a “public dispute” is deemed to exist when a petition signed by no fewer than five hundred (500) registered electors of the City is submitted to the Art Commission within 30 days of the Commission’s preliminary decision to approve the removal or relocation of any statue or memorial;***

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