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Title: Proposing an amendment to The Philadelphia Home Rule Charter to create the Department of Aviation, to transfer the functions of certain City agencies with respect to the operations of the City's Airports to the newly-created Department and to provide for additional duties of the Department; and providing for the submission of the amendment to the electors of Philadelphia.

Sponsors: Council President Clarke, Councilmember Johnson

Indexes:

Code sections:

Attachments: 1. Resolution No. 220197-A01, As Amended on Floor.pdf, 2. Signature220197-A01

Date	Ver.	Action By	Action	Result	Tally
6/23/2022	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
6/16/2022	1	CITY COUNCIL	AMENDED		
6/16/2022	1	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
6/16/2022	0	CITY COUNCIL	READ		
5/26/2022	0	CITY COUNCIL			
5/23/2022	0	Committee on Law and Government			
5/23/2022	0	Committee on Law and Government			
5/23/2022	0	Committee on Law and Government			
3/3/2022	0	CITY COUNCIL	Introduced and Referred		

Proposing an amendment to The Philadelphia Home Rule Charter to create the Department of Aviation, to transfer the functions of certain City agencies with respect to the operations of the City's Airports to the newly-created Department and to provide for additional duties of the Department; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (Act of April 21, 1949, P.L. 665, § 6, 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, 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.

Note:

Italics indicates matter added by this amendment.

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

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 ~~Labor~~ *Labor*;

Department of Aviation.

* * *

§ 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:

* * *

Director of Planning and Development, of the Department of Planning and ~~Development~~ *Development*;

Director of Labor, of the Department of ~~Labor~~ *Labor*;

Director of Aviation, of the Department of Aviation.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

§ 3-204. Managing Director, Director of Finance, Director of Planning and Development, Director of Commerce, Director of Labor and City Representative.

The Mayor shall appoint the Managing Director, the Director of Finance, the Director of Planning and Development, the Director of Commerce, the Director of ~~Labor and Labor~~, the City ~~Representative~~. *Representative and the Director of Aviation*. The Director of Finance shall be appointed from among three persons whose names are submitted to the Mayor by the Finance Panel.

* * *

CHAPTER 6 COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

Director of Planning and Development, \$150,000;

Director of Labor, such amount as is payable to the Director of ~~Commerce~~. *Commerce*;

Director of Aviation, \$265,000.

* * *

ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

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

* * *

CHAPTER 5 DEPARTMENT OF COMMERCE AND ITS DEPARTMENTAL BOARD

§ 4-500. Functions.

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

- (a) Promotion of economic development activity within the City of Philadelphia. It shall promote and develop opportunities for business growth in the City and the City's commerce and industry, and shall encourage the increased use of the Port and airports of Philadelphia and Philadelphia's workforce.

(b) Wharf, Dock and Harbor Facilities. The Department shall itself, or by contract, maintain, improve, repair and operate City wharf, dock and harbor facilities; when authorized by the Council, acquire, design and construct additional such facilities; and conduct necessary harbor cleaning, deepening, dredging and ice-breaking operations and maintain and operate equipment for such purposes. The Department may grant leases and licenses for the use of City wharf, dock and harbor facilities.

~~(c) Airport Facilities. The Department shall itself, or by contract, maintain, improve, repair, and operate City airport facilities and equipment and when authorized by the Council acquire, design and construct additional such facilities. The Department may grant leases and licenses for use of City airport facilities.~~

§ 4-501. Rates and Charges.

The Department of Commerce shall fix rates and charges for the use of City wharf, dock and ~~harbor, and airport facilities~~ harbor facilities, as authorized by ordinance. The accounts for each such facility shall contain proportionate charges for all services performed for it by officers, departments, boards or commissions as well as proportionate credits for all services rendered.

* * *

CHAPTER 26
DEPARTMENT OF AVIATION

§4-2600. Functions.

The Department of Aviation shall have the power and its duty shall be to perform the following functions, itself or by contract:

(a) Maintain, improve, repair, and operate City airport facilities and equipment.

(b) When authorized by the Council, design and construct additional airport facilities.

(c) Notwithstanding, the authority of the Department of Public Property as otherwise provided in this Charter, the Department of Aviation shall, whenever authorized by ordinance, purchase, condemn in the manner provided by law, lease or otherwise acquire such grounds, buildings and building accommodations, structures and facilities as may be required by the Department.

(d) Whenever any Department of Aviation real estate is not being used in connection with the work of the Department, when authorized by the Council, sell the same upon the best terms obtainable after appropriate public advertising and the receipt of competitive bids.

(e) Grant leases and licenses for use of City airport facilities.

(f) Fix rates and charges for use of airport facilities, as authorized by ordinance.

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ARTICLE VII
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
Personnel Director and Civil Service Commission and the Civil Service

* * *

CHAPTER 3
CIVIL SERVICE: GENERAL PROVISIONS AND EXEMPTIONS

* * *

§ 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:

(a) All officers elected by the people and their deputies, and employees appointed by the members of the Council;

(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~~, *Department*, and the *Department of Aviation*, shall not exceed two or, for any particular department, such higher number as the Administrative Board may authorize, provided that for any particular department, other than the Law ~~Department~~, *Department*, and the *Department of Aviation*, the total number of exempt deputies shall not exceed ten and no more than four shall reside outside the City at the time of appointment; *the total number of exempt deputies for the Department of Aviation shall not exceed forty*;

* * *

ARTICLE VIII
PROVISIONS OF GENERAL APPLICATION

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CHAPTER 2
CONTRACTS, PROCUREMENT, PROPERTY AND RECORDS

* * *

§ 8-201. Concessions.

All concessions granted by any officer, department, board or commission of the City for the sale of products

or the rendition of services for a consideration on City property (whether such concession is granted by the execution of a concession contract, a lease, a license, or otherwise) shall be awarded by the Procurement Department only pursuant to the specifications of such officer, department, board or commission after competitive bidding and to the highest responsible bidder or to the bidder whose proposal provides the City with the best value, in a manner similar to that required by, and subject to the criteria set forth in, the preceding section relating to contracts for procurement involving an expenditure of more than twenty-five thousand dollars (\$25,000), as adjusted. No concession with a term of more than one year, as defined in Section 2-309 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-181551>(1), including, but not limited to, any concession granted by the Department of Commerce under Section 4-500 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-182339>(b) or ~~(e)~~, or by the Department of Aviation under Section 4-2600, shall be granted without Council authorization by ordinance.

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APPENDIX

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CHAPTER A-2

§ A-200. Schedule.

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

* * *

(*) *Creation of the Department of Aviation.*

(a) *The amendments to this Charter related to the Department of Aviation shall take effect January 1, 2023.*

(b) *The amendments related to the creation of the Department of Aviation shall not be construed to have abolished the Department of Commerce, Division of Aviation (as referenced in Bill No. 950282), but only to have continued the existence of such division as the Department of Aviation as of the effective date of the amendment creating the Department of Aviation. All existing contracts or obligations concerning the Department of Commerce, Division of Aviation shall remain in full force and effect and shall be performed by the Department of Aviation. Any regulations adopted by the Department of Commerce and in effect before the effective date relating to the Division of Aviation shall not be affected by the amendments creating the Department of Aviation and as of the effective date shall be construed as regulations of the Department of Aviation. Any authorizations or representations in existence on the effective date relating to the imposition of rents, rates, tolls, fees and other charges by the Department of Commerce by contract, lease or otherwise sufficient from time to time to comply with the covenants with the holders of bonds issued pursuant to the provisions of Bill No. 950282 and each Supplemental Ordinance shall continue and be vested in the Department of Aviation and the City will not repeal or materially adversely dilute or impair such authorizations or representations. Notwithstanding anything herein to the contrary, the provisions of Bill No. 950282 and each Supplemental Ordinance thereto are contracts with the holders of all bonds issued thereunder from time to time*

and nothing contained in the amendments related to the creation of the Department of Aviation, including those provisions transferring the functions of other City agencies to the newly created Department of Aviation, shall be interpreted as affecting those contracts with the bondholders and such Ordinances shall be enforceable in accordance with the provisions thereof and the laws of Pennsylvania.