

The Park Reform Task Force

Presents

**A Revival Plan
for
Fairmount Park**

Governance and Finance Reforms Designed to
Protect and Enhance a Priceless Civic Asset

November 2006

Parks, Quality of Life, and the Future of Philadelphia

To the Reader:

The future of Philadelphia depends on three words: quality of life. People either get it, or they leave town.

Therefore, the paramount obligation of city government is to provide a high enough quality of life to attract and retain residents, businesses, and visitors. Success means civic survival. Failure means civic decline. Whether the issue is schools, crime, or parks, Philadelphia cannot afford to do less than its best.

Wait a minute, you say - parks? Parks don't usually turn up in this conversation, do they? No, they do not. But this has to change. Philadelphia's parks rank among the City's most priceless quality of life assets, and they are in trouble.

This may not be obvious at first glance. Every day, thousands of Philadelphians from every neighborhood, every race, every class, and every walk of life step from streets and sidewalks onto green lawns, wooded trails, tennis courts and playgrounds. They bring their families. They bring their friends. They bring their children, and they have this in common: Philadelphia's parks make their lives better.

At the core of our park network is Fairmount Park, a 150-year-old city agency that governs 9,200 acres of Philadelphia parks. Put simply, both this institution and the parks it oversees need fixing if they are to serve the next generation of Philadelphians. Decades of budget and staff cuts have resulted in a slow decline of Fairmount Park assets and facilities. Buildings, ball fields and other facilities need repair. Trees, trails, and streambeds need care and restoration. Altogether, Fairmount Park needs an estimated \$85 million in capital improvements alone. Its operating budget is half of what it should be.

And even as today's problems pile up, tomorrow's opportunities go begging. Across America, cities are upgrading neighborhood parks to help communities thrive. They are restoring green spaces to attract outdoor enthusiasts. They are reviving downtown parks to better serve residents and tourists. Urban parks are recognized as critical tools of economic and community development.

So are Philadelphia's parks supporting Philadelphia's growth? Only intermittently. For the most part, they muddle along with dwindling resources and a patchwork of volunteer and philanthropic support. Who's in charge? What's the plan? City officials have been talking for years about reorganizing the system to make it more dynamic and efficient. But no one has put forth a comprehensive plan to give Fairmount Park the leadership and resources it needs – until now.

The plan that you hold in your hands is the product of a diverse group called the Park Reform Task Force. Since last spring, this group of park advocates, Fairmount Park Commissioners, and civic leaders has carefully considered the administrative and financial problems that beset Fairmount Park. It has concluded that the park needs qualified, independent, accountable leadership and an expanded and diversified financial base. The pages that follow outline a detailed plan for making this happen.

In a nutshell, the Task Force calls for:

- System-wide oversight from a new Board of Trustees, selected in an open and transparent process designed to attract qualified, independent individuals
- New policies ensuring the full protection of land and assets
- New incentives allowing Fairmount Park to generate and retain revenue
- New resources and financial mechanisms allowing Fairmount Park to expand and diversify its financial base

With newly empowered leadership in place, Fairmount Park can begin the critical task of fixing the old and planning the new. What do communities need? What do neighborhood residents want? Where are the most pressing threats to environmental and historical resources? And how can Philadelphia mobilize and leverage the funds – city, state, federal, and private – needed to make changes? No silver bullet will solve Fairmount Park's problems. The task of the Board of Trustees will be to help assemble the arsenal of resources that will make Philadelphia greener, cleaner, and more fun to live in.

The power to implement this new system lies in the hands of Philadelphia's voters. Only they can approve the City Charter changes needed to launch it. Therefore, in the months to come, members of the Park Reform Task Force will be fanning out to spread the word that a new opportunity is at hand to improve the quality of every Philadelphian's life. It will be a challenge to the status quo, but the time for that challenge has come.

The Park Reform Task Force thanks you for your time and attention, and it welcomes any and all responses to the detailed plan laid out below. And as you read it, keep in mind those three words: quality of life. Philadelphia needs it. Parks help make it happen. It is time to help Fairmount Park.

The Park Reform Task Force

John K. Binswanger, Fairmount Park
Commissioner, President, Fairmount Park
Conservancy

Lauren Bornfriend, Executive Director,
Philadelphia Parks Alliance

Graham Finney, Board Member, Philadelphia
Parks Alliance

Debra Wolf Goldstein, Vice President,
Fairmount Park Commission

Don Kligerman, Board Member, Philadelphia
Parks Alliance

Alba Martinez

Robert Nix, III, President, Fairmount Park
Commission

Beth Ounsworth, President, Philadelphia Parks
Alliance

Joan Reilly, Board Member, Philadelphia Parks
Alliance

Patricia Smith

Zack Stalberg, President, Committee of Seventy

Patricia Washington, Vice President of Grants &
Development, Greater Philadelphia Tourism
Marketing Corp

Contact: Lauren Bornfriend - 215.879.8159
lbornfriend@philaparks.org

PART ONE: GOVERNANCE

Creating an Independent, Qualified, and Accountable Oversight Body

The Park Reform Task Force has drafted a bill which will restructure the body that oversees Fairmount Park. It proposes replacing the sixteen-member Fairmount Park Commission with a fourteen-member Board of Trustees.

Our goal is to create a body that can help Fairmount Park make better plans, work with more partners, and raise and generate more money. To do that, Fairmount Park needs leaders who are **independent, qualified, and accountable** to the public.¹

Our proposed system will ensure that in the following ways:

- **Trustees will be independent.** The Task Force proposes that Trustees be selected from a pool of candidates which is drawn up by a Nominating Panel. The Nominating Panel, in turn, is made up of the leaders of a group of civic organizations with high standards and proven track records of service to the citizens of Philadelphia. The Panel's procedures and the public's means of participation will be clearly defined. This will put an end to a process that is neither transparent nor open.
- **Trustees will be qualified.** The Nominating Panel should be thought of as an executive search team. The Task Force's draft legislation spells out the diverse qualifications they must look for in Trustees. A potential Trustee will need to show expertise in one of the many areas in which the park needs guidance: land use, recreation, fundraising, marketing, recreation, horticulture, and so on.
- **Trustees will be accountable.** While the Nominating Panel provides names, ultimately it will be the Mayor who makes the final selections from their nominations. Thus the public will always know who is responsible for the Trustees.

This legislation is written to take effect on **January 2, 2008** (i.e. under next mayor). That mayor will be asked to make appointments to the Nominating Panel **by January 31, 2008**. The first Nominating Panel will be asked to deliver the first slate of nominees to Mayor by **April 30, 2008**.

¹ Many neighborhood parks in Philadelphia are not governed by the Fairmount Park Commission, but by the Department of Recreation. It is the Task Force's hope that, wherever possible, the proposed new Fairmount Park oversight body will effectively collaborate with other park administrators to improve all parks.

A summary of the legislation (attached below) is as follows:

THE BOARD OF TRUSTEES

The body now known as the Fairmount Park Commission shall henceforth be known as the **Fairmount Park Board of Trustees**. The Board of Trustees shall “provide policy direction and review” for the municipal department known as the **Fairmount Park Department**. Members of the Board of Trustees must be qualified by virtue of experience in one or more areas, such as:

- 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
- Public/private partnerships

Powers and Duties

The powers and duties of the Board of Trustees shall be the same as those of the Fairmount Park Commissioners, except where enhanced to clarify that:

- The Fairmount Park Department shall have the authority to **retain all revenues** generated on Fairmount Park property.
- The Board of Trustees shall **have oversight over all land use decisions** involving Fairmount Park lands.
- The Board of Trustees shall **prepare recommendations** to be used by the City’s planning agencies to guide the investment of capital dollars (i.e. a priority list) and operating dollars.
- The Board of Trustees shall **create guidelines** for the acquisition, de-acquisition, lease, sale, development, or other uses of parkland.
- The FP Board of Trustees shall **issue to the public an annual State of the Parks report** detailing income, expenses, an inventory of capital assets, the status of projects, and so on.

- When necessary, the FP Board of Trustees shall **conduct a search and recommend a candidate for the position of Fairmount Park’s executive director (to be titled the Fairmount Park Commissioner)**, to be approved by the Mayor.

The Fairmount Park Board of Trustees shall be guided by the city’s Ethics Code. Provisions will be made allowing for removal of Trustees for non-performance or ethical violations. Trustees are unpaid.

Membership and Terms of Office

The Board of Trustees shall total **fourteen members (eleven voting, three non-voting)**, as follows:

- **Three (3) non-voting, ex-officio members:**
 - o The Commissioner of Recreation
 - o The Water Commissioner, or the head of the Department of Watersheds
 - o The head of the Pennsylvania Department of Conservation and Natural Resources, his/her delegate, or another representative of State government, selected by the Governor of Pennsylvania
- **Three (3) voting, ex-officio members**
 - o The Fairmount Park Commissioner (i.e. its executive director)
 - o The President of the Board of the Fairmount Park Conservancy
 - o The Chair of the Board of the Fairmount Park Historic Trust
- **Eight (8) voting members appointed by the Fairmount Park Nominating Panel** (see below)

The Trustees shall elect as President one of the eight Panel-appointed members (i.e. not one of the ex-officios). Except as noted below, Trustees shall serve terms of four years. No Trustee shall serve more than two consecutive terms, but Trustees are not limited to two terms in a lifetime.

The first Nominating Panel shall name eight Trustees: four Trustees to four-year terms, and four Trustees to two-year terms. In the event that a Trustee retires or his/her term expires, that Trustee shall continue to sit on the Board of Trustees until his/her replacement is named.

THE FAIRMOUNT PARK TRUSTEE NOMINATING PANEL

The Fairmount Park Nominating Panel will **convene every two years to fill vacant Trustee positions**. After receiving nominations from the public, it will deliberate and select three candidates for each vacancy. That slate of potential candidates will be submitted to the Mayor, who will be asked to select one Trustee from the three names provided for each slot. City Council may veto a selection if it is so moved.

The President of the Board of Judges of the Common Pleas Court of Philadelphia shall serve as the Nominating Panel's permanent chair, and is charged with managing the Panel's duties (convening meetings, publicizing results, etc.) Under direction of its Chair, the Nominating Panel shall notify the public (via the two leading newspapers and the City of Philadelphia's website) of the following:

- Upcoming Trustee vacancies;
- Candidates who have formally accepted nominations as possible Trustees;
- Names selected by the Nominators for the slate sent to the Mayor;
- Names selected by the Mayor as Trustees.

The Nominating Panel shall follow a process (to be determined internally) by which the public can submit candidates for nomination. In the event of an unscheduled Trustee vacancy (e.g. a Trustee chooses to resign), that Trustee shall inform the President of the Fairmount Park Board of Trustees, who shall in a timely manner inform the Chair of the Nominating Panel; the Nominating Panel Chair shall then ask the Mayor to select a replacement from the slate of nominees sent after the last nominating process.

Composition and Terms of Office

The Fairmount Park Trustee Nominating Panel shall be comprised of **eleven (11) members, all voting**, including:

- **One voting ex-officio Nominator, who serves as the permanent Chair of the Fairmount Park Trustee Nominating Panel:** the President of the Board of Judges.
- **Ten Mayorally-appointed voting Nominators** (four-year terms, no term limits) selected according to the following criteria:
 - o Nominators shall be the head of an organization with a history of significant service to Philadelphia and its neighborhoods
 - o No Trustee shall sit on the Nominating Panel
 - o Nominators shall be selected from the following categories:

- An organization or association of organizations whose purpose is to **advocate for environmental protection in Greater Philadelphia**, such as the Pennsylvania Environmental Council or the 10,000 Friends of Pennsylvania.
- Two organizations or associations of organizations whose purpose is to improve the quality of life in Philadelphia through **the preservation and improvement of parks, trails and watersheds**, such as the Friends of the Wissahickon, Friends of East Fairmount Park, or the Fisher Park Community Alliance.
- An organization whose purpose is to improve the quality of life in Philadelphia through **horticulture**, such as the Pennsylvania Horticultural Society or Bartram's Garden.
- An organization or association of organizations whose purpose is to improve the quality of life in Philadelphia through **arts and culture**, such as the Greater Philadelphia Cultural Alliance or the Philadelphia Museum of Art.
- An organization whose primary purpose is **to market Philadelphia to tourists, businesses, students, and potential residents**, such as the Greater Philadelphia Tourism Marketing Corporation.
- Two organizations or association of organizations whose purpose is to improve the quality of life in Philadelphia through **economic development**, such as the Greater Philadelphia Chamber of Commerce, the Center City District, or the Reinvestment Fund.
- Two organizations or association of organizations whose purpose is to improve the quality of life in Philadelphia through **community improvement and neighborhood revitalization**, such as Congreso de Latinos, the Greater Philadelphia Urban Affairs Coalition, the New Kensington CDC, or neighborhood improvement districts.

Nominators are not subject to terms or term limits. They remain on the Panel as long as they remain in their organizational position. In the event of a Nominator's stepping down from their organizational post, the Nominator's replacement at the organization in question assumes the Nominator's duties on the Nominating Panel.

PART TWO: FINANCE

Expanding and Diversifying Fairmount Park's Financial Base

The Park Reform Task Force has carefully examined Fairmount Park's serious financial situation. The financial problems that the park faces are twofold: a dwindling operational budget (the park currently receives about half of what should probably be about a \$30 million operating budget), and a growing backlog of unaddressed capital needs. While no complete inventory and assessment of the park's capital assets exists, the best estimates are that capital improvements of at least \$85 million are required to preserve and enhance Fairmount Park.

The Task Force's core conclusion is that to address these needs, the park must expand and diversify its financial base. Like the Free Library of Philadelphia, it can only expect to make the most of its resources and its unique position as a civic asset if it draws its support from a combination of municipal, state, federal, private, corporate, philanthropic, and volunteer sources. Diversifying the Park's funding requires a complex and ambitious group of financial reforms. Establishing the mechanisms, the plans, and the track record needed to diversify and expand the park's funding base will be very difficult, and can only be accomplished via an incremental set of steps taken over time.

After careful consideration, the Task Force has concluded that any new governance structure that inherited the park's current financial problems would find its work prohibitively difficult. Advocates seeking top-flight candidates for a new Board of Trustees would face a tough sell under current conditions.

Furthermore, since the public is well aware of the fact that budget shortfalls are such a major contributor to the park's current problems, it is the Task Force's belief that a park-related Charter Change ballot initiative that did not include financial reforms would have a hard time winning voter approval. And as noted, the law dictates that a "no" vote on a Charter Change proposal locks the park into the status quo for at least five years.

Given this, the Task Force recommends that these concrete steps be integrated into the overall effort to revitalize Fairmount Park:

- Win passage of a **revenue retention provision** in new park governance legislation;
- Identify and secure **dedicated funding** to support both operations and revenue bonds issued for capital improvements;
- Launch a concerted effort to **capture funding from water, sewer and environmental funds**, particularly as a means to support capital improvements;

- Create a **Fairmount Park Fund** through which to transparently organize and manage fundraising efforts in the years to come;
- Identify and secure **up-front investment** to support the staff and resources needed to implement fundraising and revenue-retention plans;
- Launch a **major public campaign** through which to advocate for a comprehensive package of governance and funding improvements for our parks.

A Summary of the Task Force's Finance-Related Work

Over the summer and fall of 2006, as the Task Force developed its proposals for a new governance structure (see above), it also worked to develop parallel proposals for financial improvements. A skilled consultant, James Pickman, was retained to staff this arm of the Task Force's work.

Mr. Pickman interviewed dozens of individuals, including current and former city officials, past and present Fairmount Park Commissioners, representatives of state government, park experts and advocates, and civic advocates from many parts of the city's nonprofit sector. All were cooperative and painfully honest in their responses.

What Mr. Pickman reported was this: after years of steady cutbacks in its General Fund (i.e. municipal) allocation, there is widespread agreement that to attain acceptable operating standards, Fairmount Park needs to increase its annual operating budget over time from the current level, approximately \$14 million, to approximately \$30 million.

Furthermore, Mr. Pickman's work quickly revealed that no "silver bullet" will solve Fairmount Park's financial shortfall. In his report, Mr. Pickman assessed a series of potential funding sources, their potential yield, and the degree of difficulty involved with implementing any of them. Mr. Pickman's list of possible dedicated funding sources ranged from new taxes on recreation equipment to impact fees, a real estate or sales tax surcharge, and tax increment financing (TIFs). None presented an easy or likely source for park funding.

Two hopeful sources, however, were identified:

Revenue retention. Legislation could be passed that authorizes Fairmount Park's authority to retain income that is generated on park lands (e.g. naming rights, concession contracts, temporary leasing of park grounds for special events, rental fees for park structures, etc.).

Mr. Pickman estimated that the park could reasonably expect to generate as much as \$3-5 million per year through such means, given enough time to get the needed resources in place. Mr. Pickman made the further point that by successfully pursuing and implementing earned-income strategies, the park could demonstrate the kind of financial

transparency, accountability and effectiveness needed to attract and leverage other kinds of investment, public and private. He strongly emphasized the importance of these attributes to the attainment of our financial objectives.

Water and Sewer Surcharges, and related projects. Given the park's very substantial role in managing water, protecting watersheds, controlling stormwater and runoff and so on, it is possible to make the case that a small surcharge could be justified to offset the park's water-related expenses. Very minor adjustments to water and sewer bills, along with adjustments to policies guiding the sale of water to suburban counties, could significantly increase the park's budget.

The Task Force's Recommendations

After many hours of discussion, the Park Reform Task Force has concluded the following:

- **FUNDING SOURCE: Governance changes should include legislation authorizing Fairmount Park to retain that income which it generates.**

This would reiterate an existing provision in state statutes that has been completely abrogated by city administrations over the years. Such legislation will not create new revenue immediately, but it will provide a basis for new Trustees to develop new park policies and procedures, while giving the park's Commissioner (i.e. executive director) the incentive needed to aggressively pursue worthy projects that contribute to the park's use and reputation. The development of rigorous business plans for each proposed revenue-generating opportunity should be an essential component of this new approach.

It is critical to add that such income should not be used to offset the park's municipal funding – that is, that the city should not reduce its General Fund allocation by an amount equal to that earned by the park. At a minimum, an agreement is needed under which the City will continue to fund the park at current levels.

- **FUNDING SOURCE: Environmentally-related costs should be captured from environmentally-related sources.**

The Task Force has concluded that the most likely sources of new park funds will be water and environmentally-related. This is consistent with Fairmount Park's original purpose as a protector of clean water and healthy watersheds.

With every acre of open space that is lost to development around the region, Fairmount Park's open spaces and watersheds face increased pressure from both park users (e.g. growing numbers of visitors) and environmental factors (e.g. increased water runoff resulting from commercial and residential developments). Increasing pressures on stormwater systems region-wide are expected to increase the park's water-related

responsibilities. Meanwhile, open space preservation is emerging as a signature quality of life issue of great concern to voters. The need to address such water and environmental concerns is reflected in the City's own developing open space plans, along with those of Penn Future and others.

Fairmount Park is in a unique position to argue that it should receive water and environmentally-related funding. No other city department is so deeply involved in these issues, so the competition for them is dramatically reduced. Addressing these issues serves a regional constituency beyond those who use the park for recreation.

Furthermore, important links already exist between the Water Department and Fairmount Park. The two entities work closely together and jointly fund a number of projects and initiatives throughout the park system. The City also now sells water to some suburban communities, and processes sewage for them as well. Plans to increase such relationships in a manner that benefits the park should be fully explored.

Given this, the Task Force feels that the following warrant further exploration:

- Annual contributions from the water fund could be used to support Fairmount Park's role in stormwater and watershed management. An estimated 60 percent of the park's current budget is devoted to watershed park management (as opposed to squares and stand-alone parks).
 - Many federal and state environmental grants are available to support environmental causes. Capturing any of these sources is a complex task involving as many political questions as technical ones, but a concerted effort is needed to identify and maximize Fairmount Park's access to such grants.
 - The feasibility of a surcharge on water and sewer bills should be explored. Such a surcharge could represent the kind of dedicated funding needed to back bonds that in turn support critical capital upgrades. It should not be thought of as a means to fund the operating budget.
- **MANAGEMENT MECHANISM: It is time to create a "Fairmount Park Fund" through which to channel park revenue.**

The Task Force has concluded that the City should create a Fairmount Park Fund within its existing budgeting system. Such a fund could provide both a transparent vehicle for financial management and a tool with which to promote long-term efforts to build the park's financial base.

Fairmount Park faces two significant obstacles to increased funding. One is that funders, be they public or private, lack confidence in the park's financial planning and

management. To raise more money, the park needs to demonstrate transparency, accountability, and effectiveness in its use of funds.

The other obstacle is that the public must be convinced of the need for more funding, and given a clear means by which to assess the implementation of any funding improvements that may develop in the years to come.

A Fairmount Park Fund would help park leaders and advocates address both these needs.

Existing “funds” of this nature, operating under standard municipal appropriations and budgeting procedures, include the Aviation Fund, the Water Fund and the Housing Trust Fund. In concept, the Fairmount Park Fund could serve as the repository for all park funding from all sources. It would provide the Board of Trustees, city officials, park funders public and private, and individual donors with a clear, transparent view of finances. It could be thought of as the park’s bank account, and anyone who cared to measure the park’s financial health – be it citizens, city officials, or public and private investors – could do so by examining the Fairmount Park Fund.

That same fund would be the recipient of the earned income generated by the park itself, along with other funding streams and donations.

- **BOND ISSUING MECHANISM: Harmonize Governance and Policy**

The Task Force believes that Fairmount Park must find a means to either issue or support the issue of bonds with which to address capital needs that cannot be addressed in a timely manner through the city’s own capital improvement program. As that program has limited capacity and has virtually ceased to function in recent years, this is emerging as an urgent need.

Several options face the park in this regard: it could become a public authority, or collaborate with existing authorities, through a variety of means. No matter what procedure is implemented, however, two steps are required:

- Dedicated funding sufficient to back the bonds in question must be secured.
- The proper legal steps must be taken to harmonize Fairmount Park’s preferred bond-issuing strategy with state law.

The Fairmount Park Fund described above could be used as the repository for funds that back bonds for park assistance, even if Fairmount Park itself is not transformed into a public authority. Further study and discussion with stakeholders is needed to determine the best means by which Fairmount Park can issue or support an issue of bonds.

- **PROJECT SUPPORT: Staff and Resources for Fundraising and Revenue Retention**

In the case of both revenue retention and fundraising, Fairmount Park needs staff and resources. Current staffing levels at the park are insufficient to capture and administer the public grants available. Likewise, an effective revenue retention program will depend on having appropriately qualified staff to make plans and execute them.

Furthermore, revenue retention will depend, in some cases, on capital investments (e.g. repairing a park building for lease to a concessionaire or rent out for special events).

Thus, in both cases, some up-front investment will be needed to lay the groundwork for future financial returns. The Task Force recommends that park officials work closely with the Fairmount Park Conservancy to determine the best means to raise funds and hire staff to work on long-term development and revenue retention plans.

The Next Campaign: Building Support for Governance and Funding Changes

The steps described above cannot be undertaken without reforming the current Fairmount Park governance structure. They depend on the creation of a Board of Trustees with the strong voice and broad powers needed to fight for, and responsibly oversee, additional funds.

This brings us back to the critical need for a public campaign to revitalize Fairmount Park. Such a campaign is needed to convince Philadelphia voters that a new governance structure will help Fairmount Park improve their communities and their quality of life. These voters will be properly cautious about replacing a system that, for all its shortcomings, has protected parks for generations. A successful Charter Change campaign will require its advocates to convince Philadelphians that their parks can and should be better, and that this will help strengthen the City's cultural and economic future.

The financial steps described above will be critical elements of such a campaign. Philadelphia voters know that the parks are underfunded. Assuring them that a new system will be better positioned to capture funding and revenue will be essential to winning their support.

ATTACHMENT:

Draft Legislation Creating

THE FAIRMOUNT PARK BOARD OF TRUSTEES

*Prepared by the Park Reform Task Force
Fall 2006*

WHEREAS, Fairmount Park is one of Philadelphia's great, unique civic assets; and

WHEREAS, Fairmount Park serves as Philadelphia's primary protector of watersheds and natural lands; and

WHEREAS, Fairmount Park is home to many of Philadelphia's most important historical sites and structures; and

WHEREAS, Fairmount Park contains many of Philadelphia's most treasured and well-used public recreational spaces, from trails to playing fields to picnic grounds; and

WHEREAS, a vibrant, healthy Fairmount Park improves the quality of life for all Philadelphians, regardless of their race, class, age or community; and

WHEREAS, the City of Philadelphia's cultural and economic future depends on its taking all necessary measures to assure residents, visitors and employers of a high quality of life; and

WHEREAS, a vibrant, healthy civic asset such as Fairmount Park depends on visionary, independent, accountable oversight and governance; and

WHEREAS, changes in the method of governing Fairmount Park, and establishment of a process which will facilitate selection of able, knowledgeable and committed stewards of Fairmount Park, will better protect this treasure;

This Council adopts the following Resolution:

Proposing an amendment to the Philadelphia Home Rule Charter relating to the designation of a Board of Trustees to oversee and provide policy direction for Fairmount Park, and, designating the provisions for appointment of the members of the Fairmount Park Board of Trustees, 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 (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
§3-100.

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

* * *

In the Department of Recreation: Fairmount Park Board of Trustees

* * *

CHAPTER 9
DEPARTMENTAL BOARDS AND COMMISSIONS

§3-905. Fairmount Park Board of Trustees.

The Fairmount Park Board of Trustees shall consist of fourteen (14) members, eight (8) of which shall be appointed to either two or four year terms in accordance with this Chapter, by the Mayor, from among the persons whose names are submitted to the Mayor by the Fairmount Park Board of Trustees Nominating Panel, three (3) of which shall be non-voting ex-officio members, who shall be the Recreation Commissioner, the Water Commissioner, and a designee of the Governor of Pennsylvania, and three additional voting ex-officio members, who shall be the Fairmount Park Commissioner (i.e the executive director of the Fairmount Park system), the President of the Board of the Fairmount Park Conservancy and the Chair of the Board of the Fairmount Park Historic Trust. Each member nominated by the Mayor shall be sworn in only after two meetings of City Council have occurred after the Mayor has notified the City Council of his nomination, and there has not been a vote by at least three-quarters of the members of City Council, approving a resolution of disapproval, of such nominee. The Trustees shall elect as President, a member who is not an ex-officio member.

CHAPTER 10
NOMINATING PANELS

* * *

§5-602. Fairmount Park Board of Trustees.

Subject to the provisions of this Charter, the Fairmount Park Board of Trustees shall exercise the powers and perform the duties previously vested in the Fairmount Park Commission and imposed upon the Fairmount Park Board of Trustees by statute or ordinance. In addition, it shall be among the Fairmount Park Board of Trustees' duties to: (a) retain all revenues generated on Fairmount Park property, for the purpose of providing operating revenue and revenue for capital improvements to Fairmount Park, (b) prepare recommendations as deemed necessary by the Board, through the considered by the legislative executive branches of the city regarding priorities for operating and capital expenditures in Fairmount Park, (c) draft, promulgate, approve, and amend as necessary, guidelines for the acquisition, deacquisition, lease, sale, development or other use of land located either in Fairmount Park, (d) draft and issue to the public an annual state of the parks report, detailing annual income, expenses, inventory of capital assets and an update on ongoing projects, (e) when a vacancy shall exist or shall be anticipated, conduct a search for and recommend a candidate to the position of Fairmount Park Commissioner; however, final authority for appointment of the Fairmount Park Commissioner 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.

§3-916. Recreation Coordination Board.

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

§3-1002. Fairmount Park Trustee Nominating Panel.

The Mayor shall appoint on or after January 2, 2008, but prior to January 31, 2008, a Fairmount Park Trustee Nominating Panel consisting of ten (10) members and the President of the Board of Judges of the Common Pleas Court of Philadelphia, who shall serve as Chair of the Nominating Panel. No member of the Fairmount Park Board of Trustees, may serve as a member of the Fairmount Park Trustee Nominating Panel. The Fairmount Park Trustee Nominating Panel shall submit to the Mayor, in accordance with this chapter, the names of individuals who the Nominating Panel determine are demonstrably capable of fulfilling the duties of the Fairmount Park Commission, as a result of expertise in one or more of the following fields: 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; public/private partnerships. Members of the Panel shall serve as long as they remain the highest ranking officer of the organization designated by the Mayor.

The members of the Fairmount Park Commission Nominating Panel shall be the highest ranking officers of civic organizations, which are, respectively:

An organization or association of organizations whose purpose is to advocate for environmental protection in Greater Philadelphia, such as the Pennsylvania Environmental Council or the 10,000 Friends of Pennsylvania.

Two organizations or associations of organizations whose purpose is to improve the quality of life in Philadelphia through the preservation and improvement of parks, trails and watersheds, such as the Friends of the Wissahickon, Friends of East Fairmount Park, Fischer Park Community Alliance.

An organization whose purpose is to improve the quality of life in Philadelphia through horticulture, such as the Pennsylvania Horticultural Society, or Bartram's Garden.

An organization or association of organizations whose purpose is to improve the quality of life in Philadelphia through arts and culture, such as the Greater Philadelphia Cultural Alliance or the Philadelphia Museum of Art.

An organization whose primary purpose is to market Philadelphia to tourists, businesses, students, and potential residents, such as the Greater Philadelphia Tourism Marketing Corporation.

Two organizations or association of organizations whose purpose is to improve the quality of life in Philadelphia through economic development, such as the Greater Philadelphia Chamber of Commerce, the Center City District, the Reinvestment Fund.

Two organizations or association of organizations whose purpose is to improve the quality of life in Philadelphia through community improvement and neighborhood revitalization, such as Congreso de Latinos, the Greater Philadelphia Urban Affairs Coalition, the New Kensington Community Development Corporation, the Philadelphia Association of Community Development Corporations.

[§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 with a mission similar to that of the replaced organization, and its head shall become a member of the panel, for the duration of the applicable term. 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 officer next in rank of the organization which the member represents, shall serve in his stead.

[§3-1003] §3-1004. Procedure.

Meeting within (90) days of any anticipated vacancy on the Board of Trustees, the Nominating Panel shall be convened by the Chair, select nominees, and then submit to the Mayor in writing the names of three qualified persons for each position to be filled. Each name so submitted shall be approved by at least three quarters of the members of the Nominating Panel attending the meeting at which the name is considered and voted. The Nominating Panel shall record and approve minutes of all meetings. The Mayor shall select a Trustee within thirty (30) days of receiving a slate of potential nominees from the Nominating Panel. In the event of an unscheduled vacancy, the Mayor may select any individual submitted by the Fairmount Park Commission Nominating Panel during the prior twenty-four (24) months. Prior to meeting to select nominees the Nominating Panel shall invite residents of the City by way of advertisements in at least two newspapers of general circulations, and appropriate websites, including that of the City of Philadelphia, to submit their names, or those of others, for consideration.

* * *

CHAPTER A-3

§A-300. Fairmount Park Board of Trustees.

(1) The amendment to Section 3-905 providing for the appointment of the members of the Fairmount Park Trustees by the Mayor, with the advice and consent of Council, shall take effect January 2, 2008. The Mayor shall make appointments to the Fairmount Park Trustee Nominating Panel by January 31, 2008, and the Fairmount Park Trustee Nominating Panel shall convene and submit an initial list of nominees to the Mayor by April 1, 2008. The Mayor shall then appoint four (4) nominees to the Fairmount Park Board of Trustees to serve for a period of two (2) years, and four (4) nominees to serve for a period of four (4) years. Thereafter, all members shall be appointed for a term of four (4) years. Commencing January 2, 2008, no member of the Fairmount Park Board of Trustees may serve for more than two (2) consecutive terms. Members of the Fairmount Park Commission serving on the date the amendment to Section 3-905 becomes effective shall continue to serve until at least six (6) members of the Fairmount Park Board of Trustees are appointed under the amended provisions of that Section. At such time, the Fairmount Park Commission shall cease to exist.