COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE OF THE WHOLE

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, December 14, 2005
3:05 p.m.

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PRESENT:
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JACK KELLY
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN JUAN RAMOS
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO

BILL 050753 and RESOLUTION 050778

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COUNCIL PRESIDENT VERNA: The Committee of the Whole will now go back into a public hearing regarding Bill No. 050753 and Resolution No. 050778.

I would ask Mr. McPherson to please read the title of both the ordinance and the resolution.

MR. McPHERSON: Bill No. 050753, an ordinance providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a resolution approved by Council 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 authorizing the appropriate officers to publish notice and to make arrangements for the special election.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Resolution 050778, resolution 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 to the electors of the City of Philadelphia.

COUNCIL PRESIDENT VERNA: Thank you very much.

It is my understanding that Councilwoman Brown does have an opening statement she would like to make.

Councilwoman Brown.

COUNCILWOMAN BROWN: Thank you, Madam President.

Good afternoon. This hearing today is about the future. In sponsoring a Charter change to create a Park and

Recreation Department in the City of Philadelphia, the objective is clear: To create a first-class Park system for the citizens of our City's residents, employees and visitors.

As we all know, there was a comprehensive strategic plan of the Fairmount Park system which was conducted over an 18-month period, ending last year. The plan was conducted by a team led by Leon Younger --

COUNCILMAN NUTTER: Point of order.

COUNCIL PRESIDENT VERNA: Excuse me, please. There's a point of order.

The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam Chair.

First, I apologize to my colleague, but the reason for the point of order is that I ask if the President could call for quiet. I cannot hear my

colleague.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: Thank you.

Councilwoman Brown, please continue.

COUNCILWOMAN BROWN: Thank you, Madam President, and I thank Councilman Nutter.

The 18-month strategic plan was conducted by a team led by Leon Younger, one of our nation's foremost authorities on parks. The planning process involved the support of many people, many of whom are here today, including the input of citizens, community groups, park allies, park friends and other stakeholders. The Steering Committee consisted of the Managing Director, the Executive Director of Fairmount Park, the Recreation Department Commissioner, myself as Chairperson of the City Council's Committee on Parks and Recreation, the President of Fairmount Park, our City's

Budget Director, the President of the Parks Alliance, the head of the William Penn Foundation and representatives from the Mayor's office.

This plan costs over $600,000, of which 300,000 was paid for by the taxpayers, the remainder by a generous grant from the William Penn Foundation.

The plan consists of significant recommendations designed to both elevate the quality and the status of our Fairmount Park system. Unfortunately, not much has occurred with those recommendations in the more than a year and a half since its completion.

Councilman Clarke and I have introduced legislation in the form of a Charter change proposal to implement one of the key recommendations of the strategic plan and thus provide impetus for reform for our Park. The Charter change calls for the creation of a Parks and Recreation Department for the City of Philadelphia.

The strategic planners felt that a change in the governance structure was an essential ingredient. The strategic plan states, and I quote, A review of the governance of the Fairmount Park Commission identified a lack of focus on policy development and overinvolvement of the day-to-day operational issues of the Park system. In addition, with no public criteria or appointment process for the Commissioners, stakeholders perceive a lack of representation and accountability. Also, the roles and responsibilities are not well defined between the Commission, the Mayor and the Managing Director's office.

The planners talked to a number of community stakeholders and comments included some, but certainly not limited to, the following: There's a confusing governance system with Fairmount Park. There is complexity, confusion, overlap and non-conformance in the roles and

responsibilities between Fairmount Park and the Department of Recreation.

There were many more recommendations in the report in terms of revenue generation, operational standards, improved maintenance, management improvement and more. All of these changes are important, but it is clear that the governance recommendation is essential and fundamental to ultimately elevate the Park and help it win both political and funding support as we move towards creating a world-class Park system.

It is essential for three fundamental reasons. We cannot continue to afford the duplication of services that currently exist between the Recreation Department and Fairmount Park. We've already seen a number of streamlining, but there's evidence that more can be done. For example, consolidation of maintenance operations, grants writing, warehousing, special

events, the permitting process. Currently each department performs its own functions. This is unacceptable in a city where we're still trying to balance tax reductions against service needs.

With each department being separate, there's constant bureaucratic arm-wrestling that often prevents getting things done in a reasonable framework. In an era where reform is essential, we can no longer allow any governmental entity to run without some level of accountability.

It is clear and well understood that the Fairmount Park Commission is appointed in what is viewed as a private process by the Board of Judges. It is not accountable to the taxpayers, the Mayor or City Council. Good government requires that we realign responsibility and accountability.

A similar initiative took place with the school system in 1999 when the voters agreed to have all members of the

12/14/05 - WHOLE - BILL 050753 - RES. 050778

School Board appointed at once by the Mayor rather than the staggered process which allowed each Mayor to say he didn't have full control over the Board.

Running two park systems hinders our City's ability to have a cohesive and comprehensive open space and recreational plan. Redundancy and the lack of coordination currently exists in a number of places. Example, today in our City, Fairmount Park has 49 soccer fields and the Rec Department has 75. Today in our City, Fairmount Park has 20 football fields and the Recreation Department has 54. Today in our City, Fairmount Park has 125 tennis courts, the Recreation Department has 170.

What Councilman Clarke and I are proposing; in fact, what the strategic plan proposes, is not new or radical. Virtually every city in the country has a combined Parks and Recreation Department, from Chicago to Phoenix to San Antonio, San Diego,

Boston, Pittsburgh, St. Louis and others.

We need to be clear on what this proposal is not about. It is not about making Fairmount Park a Department of Recreation. It is not about making Fairmount Park a Department of Recreation. Fairmount Park and the Recreation Department will both be equal partners in a Park and Recreation Department led by one professional for making sure that our limited resources are properly allocated.

Councilman Clarke and I are not naive enough to think or believe that this best practice realignment will solve all of the Park's problems, including funding, but we are practical enough to know that it is unlikely that this Council will significantly increase the amount of funds to Fairmount Park as long as its current governance structure is out of step with best practice.

Let us learn from the last major plan done for our City in 1982.

One of the recommendations in the strategic plan in 1982 was to move all of the swimming pools and rec centers from Fairmount Park to the Rec Department. For 20 years, nothing occurred, because the two departments, for reasons that we won't understand, did not value that, and finally happened in 2004 because of pressure from the Managing Director's office at that time.

We've waited 18 months to act on one recommendation in the strategic plan, and as with any Charter change, there are a number of details to work out, just as they are for any reform effort.

Councilman Clarke and I and others commit to the ample transition time required to iron out details for implementation. I'll repeat that. Councilman Clarke and I commit to the ample transition time that will be absolutely required to iron out the details for implementation.

So in closing, to further reform our government and to move our City closer to a first-class park system, it is imperative that we begin to act now on the recommendations in the strategic plan. We invite all of our citizens who care about the future of all of our active and passive rec facilities, that includes both Fairmount Park and the Rec Department, to join with us as we move to shape a best new proposal that moves us closer to a first-class park system.

I thank you, Madam President, for allowing me to have those opening comments.

COUNCIL PRESIDENT VERNA: You're welcome, I'm sure.

The Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam President.

First, Madam President, I'd like to thank anyone who was at the meeting last night. We had a town

meeting last night to discuss this proposal. I believe it was a spirited debate. In retrospect, we probably should have had more of those debates a little earlier on, but we followed a different process, and I can say that I can always learn something in this Council, but I was happy about the level of debate, the level of participation. I think we learned some things, the Councilwoman and I, and I think based on the presentation, a number of the participants learned some things.

Over the course, as the Councilwoman said earlier, we've been discussing this with a number of advocates during the course of the past several months. We will be offering some amendments that reflect some of the issues that were raised in this public meeting today, and we anticipate that there will probably be some other things coming out of the discussion that we could possibly incorporate in the

document.

So I just wanted to say thanks to everybody that participated and thanks to everybody coming down about this very important Park system and this very important Recreation Department, because one of the things I think that gets lost in the discussion is that a part of this process, we hope, will also improve our recreation system.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

I would ask Mr. McPherson to please call the first witness.

MR. McPHERSON: Mr. Robert Nix, Chairman of the Fairmount Park Commission.

Wait a minute. I don't like this. Why should the woman sit in the back? Come up front, join the men.

Certainly welcome all of you. Good afternoon, Mr. Nix. Please identify yourself for the record and proceed with

your testimony.

CHAIRMAN NIX: Good afternoon, Madam Chair, members of Council. My name is Robert Nix and I'm President of Fairmount Park Commission. Joining me at the table today are Commissioners Debra Wolf Goldstein, the Vice-President, and Commissioner John Binswanger, who is a Commission member in addition to the Chairman of the Fairmount Park Conservancy, and also with us are other Fairmount Park Commissioners, Commissioner Price, Commissioner Little, Commissioner Pauciello, Commissioner Mason, Commissioner Smith and Commissioner Baum. Also together was the Chair of the Fairmount Park Historic Preservation Trust, Mr. Bernstein.

COUNCIL PRESIDENT VERNA: Wonderful.

CHAIRMAN NIX: At the outset, if it pleases the Chair, I'd like to read a short statement and then open for questions.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCIL PRESIDENT VERNA: Thank you. Please do.

CHAIRMAN NIX: At the outset, let me say that I am grateful for the opportunity to testify about the Park and work that we are doing to preserve our treasured open space, especially at a time when continuing budgetary constraints, together with the growing demand for development in Philadelphia, have made our mission more challenging than ever.

We are at a crossroads in Fairmount Park. And while I know that all Philadelphians share great pride in the Park and are concerned about its future, just as we are, the fact is that we must resist any quick-fix solutions that do not get to the heart of the problem and offer real meaningful ways to protect the Park's legacy and its future.

With all due respect, while I appreciate the views of those who would call for the abolishment of an

independent Park Commission in favor of a consolidation under the Department of Recreation, consolidation just isn't the answer. It ignores the work that already has been done to combine functions and achieve savings. And it simply assumes that a larger combined bureaucracy will somehow be able to demand more of the City's budgetary resources.

Let's face the facts. The real problem facing the Park is money. The Park's budget today is roughly half of what it was in 1975. For most of the last decade, City funding for the Park has remained static, even as our duties have increased. In fact, the Park's operational budget is less than 0.45 percent of the City's total budget. We spend about $1,500 per acre on the Park in Philadelphia. As a point of comparison, Chicago spends about $40,000 per acre.

I am not here to complain about these budgetary facts of life, but let's

be clear about what we're facing without a significant increase in funding. Consolidating the Park and the Recreation Department simply won't solve the problem.

The assumption in Council Resolution No. 050778 is that by combining the two organizations, Park issues will demand a larger share of the City budget. This viewpoint is misleading for the following reasons: There is no provision anywhere guaranteeing that financial support for the Park will be increased as a result of a departmental merger. In fact, the City's revenues for its operational budget are shrinking, not growing. The savings that can be realized by combining the functions of the Park Department and the Recreation Department, accounting, purchasing and others, have largely been achieved already, thanks to the work that the Commission has been doing with the Rec Department over the last three years.

Private support for the Park will decline as a result of the merger. The Commission found that raising private dollars as a government agency was a very difficult task, and for that reason, it formed a 501(c)(3) non-profit, the Fairmount Park Conservancy, to raise private dollars from private and public sources. If the departmental merger occurs, the Conservancy's successes would be significantly hampered.

Recognizing these limitations, the Park Commission has been working hard with the resources at hand to create a new vision for the future of the Park. We have made great strides in recent years. Some of the examples as I listed is Please Touch Museum at Memorial Hall, Schuylkill River Park Recreation path, the School of the Future, The Restaurant at the Waterworks, the Arthur Ashe Youth Tennis and Education Center, the Mann Center for the Performing Arts expansion, the collaboration with LaSalle University

at Wister Park, and the Three Parkway Aviator Park. And we are poised to do much more.

Last year, the Commission accepted a strategic plan that set forth an action plan for the future. The strategic plan calls for a number of changes in the operations, funding and governance of the Park. The professional Park staff has instituted a number of these recommendations presented in the plan, although it has been hampered from doing so more fully because of the lack of staff and funding.

The Commission has continued to demand of its staff to report on the implementation of the plan's recommendations, and that work will continue.

So too will our effort to professionalize the governance of the Park system. That is why the Commission passed a resolution that would provide qualifications for the appointment of

Commissioners.

Most recently, we have created an independent Advisory Committee to review the Park's vision and to provide recommendations on the Park's future, including recommendations on the continuing implementation of the strategic plan, Park governance issues and development and fundraising recommendations to help the Park become increasingly self-sufficient. An example of this is the efforts of the Commission to reach an agreement with the City for the Commission to retain 50 percent of all new revenues generated in the Park.

Finally, I want to stress that Resolution No. 050778 fails to address how consolidation would impact the Park's role in the preservation of green space throughout Philadelphia. Since the Park's founding by state law in 1867, the Commission has been the number one defender of the parks. We are very effective in preserving and protecting

our open space, historic houses and art collections. It is paramount that an independent body or a commission be maintained to oversee these and all the assets of our parks. Shrinking the Commission's role does not bode well for maintaining its ability to serve this guardian function for our open spaces, especially at a time when the demand for development in Philadelphia puts the City under great pressure to yield some of this acreage for development.

The citizens of Philadelphia and the region have repeatedly said that the Commission should be independent, outside of City government. Surveys, including the one found in the strategic plan, show that more than 50 percent of the citizens want the Commission to keep its independence. This opinion was further expressed last night at the town meeting, yet Resolution No. 050778 ignores the need for an independent Park watchdog. In fact, the Council proposal

would demote the Park's Executive Director to a Deputy under the Recreation Commissioner. This will only serve to further mute the Park's voice in City government and make it difficult to retain and attract top-notch talent.

We recognize that Council's intention is to find ways to improve our Park system. I intend, on behalf of my Commission with all the other Commissioners, to work with Council to jointly make a better system of parks. The creation of the independent Advisory Committee is a major step in that direction, and I pledge that the Commission will share the Committee's recommendations, which should be forthcoming in the next 90 days, with Council and that we will work with you to build a strong and exciting future for the Park.

Thank you for giving me the opportunity to testify today and I am now available for questions.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCIL PRESIDENT VERNA: Thank you very much, Mr. Nix.

Do other members of the Commission like to testify? Would any of the Commissioners like to testify?

(No response.)

COUNCIL PRESIDENT VERNA: Seeing none, Mr. Nix, I will then open this period of time for question and answers, if you don't mind.

COMMISSIONER NIX: Certainly.

COUNCIL PRESIDENT VERNA: You state that the Commission created an independent Advisory Committee for the Park. Who are the individuals or organizations in this Committee?

CHAIRMAN NIX: I don't have the list with me, but the Chair of that Committee or Co-Chair of that Committee, Zack Stalberg, is here and will be testifying. I'm sure the Chair can identify each member of the Task Force.

COUNCIL PRESIDENT VERNA: You state that the Commission passed a

12/14/05 - WHOLE - BILL 050753 - RES. 050778

resolution that would provide qualifications for the appointment of Commissioners. Has the Board of Judges accepted the Commission's recommendation?

CHAIRMAN NIX: As far as I know, Madam Chair, the Board of Judges has taken no action.

COUNCIL PRESIDENT VERNA: Did the Commission make any progress in getting the City to agree to allow the Commission to retain 50 percent of all new revenues generated in the Park?

CHAIRMAN NIX: The Commission had -- when the former Managing Director, Mr. Goldsmith, was in place, the City and the Commission had an agreement that was never signed, and when Mr. Goldsmith left office, the agreement has withered. So currently there is no existing agreement for that revenue sharing.

COUNCIL PRESIDENT VERNA: But that was supposed to be part of an agreement?

CHAIRMAN NIX: Yes.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman O'Neill.

COUNCILMAN O'NEILL: Thank you, Madam President.

Mr. Nix, I don't want to get into the substance of the bill, because there's more witnesses coming and it would be premature, I believe, but your opening statement at the very beginning mentioned the budgetary constraints of the Park, and I may just be short on memory, but I can't remember since I've been in Council for about 26 budgets having the kind of public pressure coming from the Park through the citizenry -- and you have supporters all over the City that we heard from just on this issue alone -- compared to, for instance, the library cuts twice probably in the last five years, the fire station cuts that happened very recently, and I'm just wondering if there's ever been any discussion within the Commission within staff to sort of reach out.

I mean, these numbers are kind of staggering, and it's been going on long before this Administration. It probably gets back to the '70s, your cuts compared to percentage of budget and amount of cuts, staff reductions and all that.

Has there ever been any discussions at the Commission about mounting a sort of -- I don't say a public relations campaign, but a campaign to get the average citizen that cares deeply about the Park informed and sort of organized on that issue, sort of your grassroots lobbyists?

CHAIRMAN NIX: Councilman, I can remember in the past at some of the budget hearings where I attended where the room would be packed with supporters with signs saying, Fund the Park to a higher level. As we all know, the practicalities are Council can allocate whatever number dollars it would like, the Administration has to approve the

spending.

So we have reached that with the Administration, but we are working on -- one of the reasons we work with the former Managing Director, one of the things we worked on is the revenue share, because the Park does have a number of revenue opportunities.

So what we have pledged to do is even if you just keep our budget level and we can generate other revenues, if we can keep those revenues, then we are effectively increasing our budget.

Some of the other jurisdictions have actually worked that way, particularly New York where the revenues they generate go into the General Fund, but there's kind of a check system where if there is targeted budget cuts, the revenues can offset those cuts and then even increase revenues.

So we have tried to work it out. We continue to work at that, and I will say that the current Managing

Director favors that, but it's a very, very difficult budgetary time.

COUNCILMAN O'NEILL: Let me just say, it may have been a little different with the libraries because of the hours of service that were just being cut out completely and the use and the small children involved, but something like that the Park Commission should really consider as an initiative coming from the Park through its user and its advocates.

CHAIRMAN NIX: Thank you. I will.

COUNCILMAN O'NEILL: Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam President.

Good afternoon, gentlemen and ladies.

CHAIRMAN NIX: Good afternoon.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN CLARKE: Real briefly, I'm not going to ask you a lot of questions because we had a pretty good debate last night, because I know we have a lot of individuals that are here to testify.

Let's start out with one, the selection of Commissioners. You've indicated you made some recommendations to?

COMMISSIONER NIX: The Board of Judges.

COUNCILMAN CLARKE: The Board of Judges. And what exactly were those recommendations?

CHAIRMAN NIX: At that point in time, there was -- what the recommendations were? There's a fairly long list, and I think we sent Council a copy. I'll re-send it. But it really sets qualifications. On selected Commissioners there should be -- and there's qualifications of what the service talents level should be. And if

I haven't sent it to Council, I will ask the secretary to re-send it.

COUNCILMAN CLARKE: So it primarily focuses on the qualifications of the applicant?

CHAIRMAN NIX: Yes, because I don't think -- yes, because I'm not sure it's our responsibility or our bailiwick to go out and say how the selection process should be done.

COUNCILMAN CLARKE: I mean, you brought it up.

CHAIRMAN NIX: Yes. That's what --

COUNCILMAN CLARKE: That's the only reason I'm asking you.

Do you recall if in that recommendation there was a recommendation of a more public process as it relates to selection of Commissioners? Or not a more public process, a public process, period?

CHAIRMAN NIX: If it doesn't say, I would fully support as public a

process as possible. But I believe it does.

COUNCILMAN CLARKE: So you would support a process as it relates to the selection of Commissioners that would be public in nature, not the current process where essentially a number of names get referred to the Board of Judges -- and I'm not even clear how that happens and when it happens and who does it -- and there is some discussion or debate, I'm assuming, somewhere where they actually get selected? You would support formation of a process?

CHAIRMAN NIX: I will support a process.

COUNCILMAN CLARKE: Would you support a process that the Commission members would be selected by virtue of an ordinance or resolution having a public process in this particular Chamber or in another chamber somewhere where there was full participation of the community?

CHAIRMAN NIX: I might. I'd

like to see the ordinance, but, I mean, I wouldn't say no just on its face.

COUNCILMAN CLARKE: You'd like to see the ordinance? I'll have it to you before the end of the day.

With respect to the Commissioners, what level of public accountability do the Commissioners have? I mean, we, as elected officials, at the end of the day, the public can reach us pretty easily, and they know every Thursday we'll be here, they know where our offices are.

Beyond the day of the Commission meeting, what level of access does the public have to Commissioners and what level of accountability does the Commissioners have to the public?

CHAIRMAN NIX: I don't really know how to answer that. I think the public knows where the Park offices are. If they want to reach the Commissioners, they can reach out to the Park office.

I guess as President, I'm

probably reached out to, contacted more than the others, but I think there's an office. There's a Fairmount Park Commission office. With the move of the Park staff from Memorial Hall to 1515, it probably makes it less easily contacted because it's not as identifiable being an office building as it was in Memorial Hall. But I think --

COUNCILMAN CLARKE: That's where the staff is.

COMMISSIONER NIX: It was. Now they are.

COUNCILMAN CLARKE: Where are the Commissioners?

CHAIRMAN NIX: The Commissioners have their own professional careers, so the Commissioners are wherever their business takes them during the day.

COUNCILMAN CLARKE: So there's no accessibility to Commissioners beyond the --

CHAIRMAN NIX: Well,

accessibility meaning can I walk into the Commissioner's office? No. But can I reach out and contact the Commissioner? I would think, yes.

COUNCILMAN CLARKE: All right.

MS. WOLF GOLDSTEIN: Councilman Clarke, if I might add, I think all of the elected Commissioners, and we're all volunteers, have received calls at home, at work from people who have concerns about Park issues. We're in the phone book. We can be reached. When people call the Park office, they can call us at home. So we're all very accessible in that way.

COUNCILMAN CLARKE: All right. And let me tell you why I'm asking that line of questioning. I'm asking that line of questioning in the context of our proposal, because our proposal calls for a little different set-up, particularly as it relates to the day-to-day operation of the Fairmount Park system. Personally, and I hate to keep saying

this, but I was in fact a Fairmount Park Commissioner for a number of years and I was in fact the President of the Fairmount Park Commission Advisory Council, so I have a little knowledge about that side of the table.

Our proposal essentially calls for, particularly as it relates to operational components, a situation where you have a daily Executive Director, which you currently have, and Deputy Directors that deal with different aspects of the operational side, which you currently have, but our proposal calls for a Commission, understanding the nature of the Commission, where people have private jobs and private lives and work for free. So I can't very well expect you to sit in an office somewhere and deal with issues as it relates to the daily things that come up in operations of a Park and Rec system.

Our proposal calls for a body, a Park and Recreation Commission or the

Commission of the Parks and Recreation, because of the limited ability of you to be around on a daily basis to take the time, the very valuable time that you have, to focus on issues that deal more with Park conservancy, that deal more with Park lands, to deal more with wetlands, to deal more with policy-related issues as it relates to the Park, to deal more with funding opportunities for the Park, and it frees you up from the day-to-day operations of having to review permits and permitting processes for play areas or to review the Parkway operations that happened at -- every other month I get a call from my constituents down here that want me to limit the number of events on the Parkway.

CHAIRMAN NIX: I get those calls, too.

COUNCILMAN CLARKE: You get those calls, too.

So what we're attempting to do

is to create an environment because of your limited time and your commitment, that you have the ability to do the things on a global scale, to bring the Park system up to the level that it should be, freeing up, as it relates to the operational component, freeing up your time and letting the government do the day-to-day operations of the Park and not having you involved at the level that you're currently involved, because it can be somewhat cumbersome. That's one of the things that we're attempting to do.

Commissioner Binswanger, you look like you want to --

COMMISSIONER BINSWANGER: Councilman, my concern with that is that -- you're talking about personnel. Right now there's a lot of time being put forth by members of the Commission personally outside of their normal business, and they should be. That's what we committed to do and that's what our job is. We do not run day-to-day --

I agree with you, certain of our Commission meetings get bogged down with trivia, and I think Bobby has been able to get rid of a lot of that in the last year from back in the old days, but there is some, and I guess there will always be some.

But staff is running all those things. We're not running those. We're still dealing with the issues of how to run a park and to get the best park here, how to raise money for this park.

Everything that you're going to talk about, and I respect what you're trying to do, is really getting back to staffing and dollars, and I don't think we can forget that and put it aside like it isn't an issue. If we had the funding that we believe we should have and I think you believe we should have, a lot of these issues are going to go away. And the Park will be run more what you would like it and the more the way we would like it.

So I think all of these questions are proper. I'm very pleased that they're out in the open and that we're doing this, because I think the process is beneficial for all of us, but I can't get away from the fact that it is really a dollar issue. It is nothing more than that at the moment.

Thank you.

COUNCILMAN CLARKE: Well, I agree with you that it is a dollar issue, but I disagree with your statement that that's the only issue on the table, is that there's simply not enough funding. I agree more funding would position our Parks in a better position to be enhanced, but I do not agree that's the only problem associated with the operation of Fairmount Park.

COMMISSIONER BINSWANGER: We have problems. We have things we must correct. I have no question about that. There are things we can do better, and we should together figure out what they are

and make it a more efficient operation. But putting it into the Rec or combining it with Rec is not the single answer.

COUNCILMAN CLARKE: I don't believe there is one single answer. I believe that there are a number of things that need to happen, but I do think that fundamentally this is one of the things that we should do.

Let me ask you another question.

Madam President, are we on a timer?

COUNCIL PRESIDENT VERNA: We haven't been, but I think we're going to have to start very shortly, because a number --

COUNCILMAN CLARKE: Let me get my questions in before we get on the timer.

COUNCIL PRESIDENT VERNA: -- a number of Councilmembers want to be recognized. So would you finish your line of questioning?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN CLARKE: Okay. Thank you.

Mr. Nix, you indicated in your testimony that the consolidation would possibly cause the private support for the Park system to decline. Why do you believe that to be the case?

CHAIRMAN NIX: It has been our experience the Commission is an arm of government. It's an independent body. It's still an operating department.

In the past when the Commission was trying to raise private and non-City public dollars, there was resistance many a times. It was very difficult to raise dollars because it was viewed as giving dollars to government for a function the government should be funding. To that end, we formed the Conservancy, which Commissioner Binswanger chairs, which is the more independent arm, and our experience is is that that entity has had much better results at fundraising.

COUNCILMAN CLARKE: Now, you

understand that this proposal does not call for the elimination of the Conservancy?

CHAIRMAN NIX: I understand that. I understand that, but it does call in its original form -- and I know we spoke last night about changes to the original form, but it does abolish the Commission from -- abolish is the wrong word. It does reduce the Commission's authority, so it makes an Advisory Commission rather than the Commission is today.

COUNCILMAN CLARKE: What does that have to do with the Conservancy?

CHAIRMAN NIX: Well, because I still believe, and I'll believe this forever, is that the Commission is one -- it's layers. Commission is one layer away from City government. The Conservancy is the second layer. When you remove the layer, it gets closer, I think, the Conservancy, to have more --

COUNCILMAN CLARKE: So if you

had a more enhanced Commission, this newly formed Commission, dealing with all of the issues that I mentioned earlier, it would bring back -- and eliminating the trivia, as you indicated earlier, which I think we agree with, some of the stuff you probably don't need to be dealing with at the Commission level.

If you made it a substantive Commission that dealt with all our parks and all of our rec centers, forgetting the operational side of the Commission's day-to-day or month-to-month and having the Park Conservancy in its full form adequately receiving whatever resources we need and the Commission now having more time to support the Conservancy's efforts, would that work?

CHAIRMAN NIX: I speak for myself. I believe most of the Commissioners would agree. I think if that Commission is an independent body and it is -- if we agree on it, I mean, I'm not so sure what the trivia minutia

is, but let's assume that there is a layer of that that would be removed. I would agree with you.

COUNCILMAN CLARKE: When you say "independent," because we throw that term out a lot, I just want to get clarity what independence you'll require.

CHAIRMAN NIX: I think independent in the original no-frills bill. I forget how you phrased it last night, but the first --

COUNCILMAN CLARKE: The first cut, yes.

CHAIRMAN NIX: The Commission's appointed Mayoral appointees, Council confirmation.

If there were to be a change, I think there are better models. One of the things -- and I'm not saying this is a fact, just as a thought, is PIDC I think is 40 percent Mayoral appointment, 51 percent business appointment. That's what I mean by independent, where the transparency is is that the Mayor or the

selected officials don't select everybody.

COUNCILMAN CLARKE: You must have read my amendments.

CHAIRMAN NIX: Great minds think alike.

COUNCILMAN CLARKE: I actually think we should go a step farther, because I believe that there should be some sort of nominating panel so we, the Council and the Mayor, wouldn't come up with a name out of whatever process we use directly, that that nominating panel should actually be the entity that recommends those names to the Mayor and to the Council for its consent, because I think another layer of independence would be there.

And in addition, which we also believe, that that Commission that is formed should also have advocates on the Commission, because one of the things that I was always frustrated with when I was a member of the Fairmount Park

Commission Advisory Council, I was only allowed to go so far in terms of what we were attempting to do in support of the Park, and I was reminded on a couple of occasions that I was not a Fairmount Park Commissioner, I was only an Advisory Councilmember.

So I think that the advocacy group should have a voting member at least, probably three voting members, on that newly formed Commission and have full voting rights. Do you agree?

COMMISSIONER NIX: Not to argue the number or the details, but I think community involvement is critical.

COUNCILMAN CLARKE: Okay.

MS. WOLF GOLDSTEIN: Councilman Clarke, if I may, I think independence has different facets. One is how they are elected and who has a say in that, but the other is the scope of their responsibilities. And under the draft of the bill, as far as I read it, the scope of the responsibilities of this

independent body is drastically reduced, and whether -- at this point, of course, the Commission has a big say over disposition of land, acquisition of land, disposition of land, and it's very important that that independent role continue on into the future so that some independent body has a say over the disposition of land. So I think the scope of the responsibilities needs to be looked at more closely.

COUNCILMAN CLARKE: I understand, and we heard you in our earlier discussions. We're going to make some proposals to change some of that, particularly as it relates to the responsibilities of the newly formed Commission. And for the record, one thing that individuals here should know, that disposition of land I clearly understand is a very important issue, but the current system requires that City Council dispose of any Park land. So it's not a situation where the Commission

can ultimately sell off Park land without going through a governmental process, for those who don't know that. So we are involved in that process currently.

I'm going to ask my last question, then I'll come back on the second round.

With respect to some of the recommendations that you've made, that you spoke of today, would you acknowledge that a substantial amount of those happened after or either around the time that the Councilwoman and I introduced this bill?

CHAIRMAN NIX: I would acknowledge that the sponsor to the bill -- the bill has been a very good agitator for sparking action, yes.

COUNCILMAN CLARKE: This is my concern, just speaking personally: Some people suggested that we delay until whenever, is that if we don't do anything, nothing is going to happen. Because I've been there before and we've

had -- and you and I have talked. We've had these discussions years back about doing some things, and nothing ever happened. I'm just concerned if we don't do something, then nothing will ever happen and we'll be here three, four years later talking about our Park systems are not --

CHAIRMAN NIX: The only thing I would argue now is, I think what the Council bill has done, it's allowed the Commission to be much more aggressive in its outlook. The Task Force has been empowered and asked to make sweeping recommendations. These recommendations now, I don't think the Commission has a chance -- I don't think we're going to have an opportunity to sit back, and I don't think you'll let us sit back. So in that case, it may have happened in the past. I don't see it happening in the future.

COUNCILMAN CLARKE: Okay. Just to understand, personally I think this is

something we should do and it's my intention to move this process forward and ultimately get a bill passed.

CHAIRMAN NIX: The only thing I would say is, personally I would disagree with some of the bills, but I agree with the action you speak of.

COUNCILMAN CLARKE: That's fine. Thank you.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: You're welcome.

At this time, the Chair recognizes Councilwoman Brown, and I would like to remind her that a number of Councilmembers would like to be recognized.

COUNCILWOMAN BROWN: Surely. I'll certainly honor that, Madam President.

COUNCIL PRESIDENT VERNA: Thank you.

COUNCILWOMAN BROWN: I need to go on record, however, also in saying a

huge thank you to the members of the Commission for engaging us in what I thought was a spirited, healthy, informative debate last night and a real signal that there's still work to be done and we're prepared to do that.

If you were asked to identify one, two or three, the top three, attractive, appealing, productive, relevant functions of the Commission, what would they be?

CHAIRMAN NIX: I'm sorry.

COUNCILWOMAN BROWN: If you were asked to identify the top three functions of the Fairmount Park Commission where you believe you're indeed making a difference, what would they be?

CHAIRMAN NIX: There's probably more than three, and it was one of the things that the Task Force is looking at. But I think at least three is open space management.

COUNCILWOMAN BROWN: I actually

wrote that down.

CHAIRMAN NIX: I think the second thing is the ability to create new sources of revenue through fundraising and revenue zones. I think it's very important that the Commission supplement its budget.

COUNCILWOMAN BROWN: Supplement?

CHAIRMAN NIX: Supplement the budget. Given the times we're in, we should be responsible to raise more and more dollars, but we have to be given the tools to do it.

COUNCILWOMAN BROWN: Okay.

CHAIRMAN NIX: And, thirdly, open space and I think the maintenance of the collections, the historic houses and the assets with it.

COUNCILWOMAN BROWN: And if you had to identify three items of functions on the back end that you could absolutely do without, what would they be?

CHAIRMAN NIX: That's funny, I

tried to do that in the past, and the reason why we asked the Task Force to look at things and we want to have further discussions is -- and I'll give you my example which I use. One of the things I thought about when we first chatted with yourself and Darrell -- with Councilman Clarke, I'm sorry, was, we talked a little bit about why does a Park do street tree cutting, and it seemed to me that that could be a Streets function very easily, but then when you get through it, that crew that does that street tree cutting or that group that oversees the cutting, they also do tree removal in the natural areas. They also do non-street tree cutting.

So it was difficult for me to find three things that are easily locked off. So that's why I basically asked for help.

COUNCILWOMAN BROWN: Okay. Well, I should mention that in the City of St. Louis where they have a Department

of Recreation and Parks, they actually have an entire division devoted strictly to all tree-related issues. All of those issues fall under one division of that department.

Next question, in areas where the relationship with the Department of Recreation works, what examples can you cite where but for that relationship, this particular activity, function or whatever would be jeopardized?

CHAIRMAN NIX: I don't understand the question.

COUNCILWOMAN BROWN: There are a number of examples that currently exists where the relationship between Fairmount Park Commission and the Department of Recreation is healthy, positive, it works. Cite for us examples where that partnership works for those two worlds.

CHAIRMAN NIX: I think where we transfer responsibilities. And we said a little bit -- I think of what Phil

Goldsmith said last night very well, when we talk about active and passive, we kind of lose the focus a little bit. But the things that we have to do on the Park side is, we have to ensconce ourself on -- right now, in my opinion now, I'm not speaking for everyone else, the Park is a big, big entity with a lot of different parts and pieces. I think we have to share off some of the pieces, refine what we do, refine our vision, refine our mission.

Let's hope that's what our Task Force would do. Once we do that, I'd be better to answer the question what works and what doesn't work.

COUNCILWOMAN BROWN: All right, then. My final question -- I have others, but I'm going to save them for the current Managing Director.

You mention that currently members of your team have come together to craft recommendations. Is one of them to actually define a vision, a unified

vision, for the Parks going forward?

CHAIRMAN NIX: Yes. That would be -- and I think that the Chair of the Task Force will testify to that, but that is the linchpin to what we do, the unified vision. I think then once you have unified -- as I see it, once a unified vision is established, the governance issues kind of fall into line, the funding issues -- what the funding issues are fall into line. So I think the discussion narrows dramatically once the overall vision is agreed to.

COUNCILWOMAN BROWN: Very well. Thank you for your testimony.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam Chair.

Mr. Nix, just a couple preliminary questions just for the

record. Good afternoon.

CHAIRMAN NIX: Good afternoon.

COUNCILMAN NUTTER: Are the Park Commissioners paid?

CHAIRMAN NIX: No.

COUNCILMAN NUTTER: So you serve as a volunteer?

CHAIRMAN NIX: Yes, sir.

COUNCILMAN NUTTER: Your term of office is how long?

CHAIRMAN NIX: Five-year term.

COUNCILMAN NUTTER: Is there any limit?

CHAIRMAN NIX: No.

COUNCILMAN NUTTER: How would you characterize the relationship between the Park Commission and the City Administration? I'm not asking specific to the current Administration. You've been on the Park Commission for some time. Is it one where the Commission routinely makes decisions that are contrary to requests that may come from the City Administration from time to

time?

CHAIRMAN NIX: From time to time, I think we differ, but I think for the most part, there's been open discussion. I think sometimes there's not agreement on everything on the discussion, but for the most part, what we've been able to do over the last two Administrations is really kind of formulate relationships with the Managing Directors, at which point some of the aggress will go --

COUNCILMAN NUTTER: Some of the what?

CHAIRMAN NIX: Some of the tension is released because there's conversation, and the debate is done prior to a confrontation, but there are issues where there are disagreement.

COUNCILMAN NUTTER: Can you recall in recent times any proposal or plan by the Administration where the Park Commission just refused to either take action or take the action that was

requested?

CHAIRMAN NIX: I wouldn't say the Administration proposed it, but, I mean, one of the examples was Burholme Park near and dear to Councilman O'Neill. When that discussion arose, the original proposer from an economic generator from the City wanted to take a number of acres of Park land to expand and increase economically jobs and tax basis. The Commission then disagreed with the City and had the overall amount of land and the use of the land limited.

We worked with Council, I think, and I spoke with Councilman O'Neill over it, and there's some things still not resolved. But there's an example of something where I firmly believe that were there no Commission, the negotiation wouldn't have gone the same way. There wouldn't have been a limiting of the amount of land to be developed.

COUNCILMAN NUTTER: So for the

most part, the Commission, even though there might be differences of opinion from time to time, ultimately this is a relationship where you work in a cooperative spirit with the City Administration?

CHAIRMAN NIX: I would say so with the Administration, yes.

COUNCILMAN NUTTER: Is Fairmount Park Commission an independently funded agency?

CHAIRMAN NIX: No, it's not.

COUNCILMAN NUTTER: What's the source of your funding?

CHAIRMAN NIX: It's all City of Philadelphia funding. We do have $4 to $5 million of trust funds that are probably 90 to 95 percent restricted funds with uses.

COUNCILMAN NUTTER: So you have to spend them pretty much for whatever the donor requested, right?

CHAIRMAN NIX: Right.

COUNCILMAN NUTTER: And are all

of your staff public employees?

CHAIRMAN NIX: Yes, I think. I believe so.

COUNCILMAN NUTTER: So notwithstanding the general independence of the Commission, whether it's by way of appointment and the various Commissioners and how they might get on the Commission, Fairmount Park Commission, for all intents and purposes, is both funded and controlled by the City of Philadelphia.

CHAIRMAN NIX: I would say it's funded by. I wouldn't say controlled, but there is a working relationship.

COUNCILMAN NUTTER: Well, I use the word "control" in the context of a budget --

CHAIRMAN NIX: Yes.

COUNCILMAN NUTTER: -- perspective. You don't have the ability to ultimately hire however many people you want or do whatever you want because you have a set budget to live within, correct?

COMMISSIONER NIX: Yes, sir.

COUNCILMAN NUTTER: Do the Commission members have offices, set offices?

COUNCILMAN GOODE: Point of information.

COUNCIL PRESIDENT VERNA: Excuse me, Councilman.

The Chair recognizes Councilman Goode for a point of information.

COUNCILMAN GOODE: Thank you, Madam President.

Excuse me, Councilman.

Chairman Nix, in your response to Councilman Nutter's questioning, you said that the Fairmount Park Commission has had a close working relationship with the Managing Directors in the last two Administrations. Could you elaborate on that?

CHAIRMAN NIX: Well, the authority line is the Executive Director of the Park reports directly to the Managing Director.

COUNCILMAN GOODE: I mean, could you elaborate on which Administrations.

CHAIRMAN NIX: Certainly the current Administration because of -- I think the Commission worked very well with the former Executive Director and Managing Director, Phil Goldsmith, and I think that relationship continues with Mr. Ramos, but in the past, I believe -- now, the former Administration, the Managing Director and the Chief of Staff roles were semi-reversed, so the relationship was more with the Chief of Staff.

COUNCILMAN GOODE: Under the Goode Administration?

CHAIRMAN NIX: The Goode Administration, I was -- I just got on at the end, so I can't answer because -- I know I look older than I am.

COUNCILMAN GOODE: Is it true that the Goode Administration attempted to do the same consolidation?

CHAIRMAN NIX: I don't know.

COUNCILMAN GOODE: Is there any member of the Commission that remembers that?

CHAIRMAN NIX: I'm the senior member of the Commission, so no.

COUNCILMAN GOODE: It's my understanding that the Goode Administration attempted to do the same consolidation, and the compromise that was reached was that the Recreation Commissioner would chair the Fairmount Park Commission, which I believe ended up to be a very tight working relationship.

CHAIRMAN NIX: When I went on the Commission and Mayor Goode was Mayor when I went on, the President of the Commission was Fitz Dixon, so it had to precede me. So there were arrangements. I just don't know it.

COUNCILMAN GOODE: Thank you, Madam President.

Thank you, Councilman.

COUNCILMAN NUTTER: Sure.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam Chair.

Mr. Nix, I think I just asked you whether the Park Commissioners have offices or office space somewhere designated for Park Commissioners.

CHAIRMAN NIX: No.

COUNCILMAN NUTTER: So there's no central place for the Commissioners. Other than a meeting, there's no place for them to be --

CHAIRMAN NIX: Yes.

COUNCILMAN NUTTER: -- where people would access them.

This may have been touched on earlier, but I'd like to ask the question directly. Who is in charge of the day-to-day operations of the Park? Is it the Commission members or your staff?

CHAIRMAN NIX: It would be the

staff; namely, the Executive Director, Mark Focht.

COUNCILMAN NUTTER: I assume the Commission members from time to time get any number of requests regarding activities in the Park?

CHAIRMAN NIX: Yes, and those activities are forwarded to staff.

COUNCILMAN NUTTER: And what's the level of either staff or Commission member involvement in permitting decisions? Is that a staff function, a Commission member function or sometimes both?

CHAIRMAN NIX: Currently, now it's a staff function. I think when Councilman Clarke was on the Commission in that time, every permit did come to the Commission. Today that function is more staff-driven, where I do not believe the Commission approves permits in particular.

COUNCILMAN CLARKE: Point of order.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN NUTTER: Point of order.

Madam Chair, there's a point of order.

COUNCIL PRESIDENT VERNA: I'm sorry. Point of order for Councilman Clarke.

COUNCILMAN CLARKE: Thank you.

Are you telling me that the current Commission does not approve permits for the Parkway?

CHAIRMAN NIX: The Commission, as I understand it right now, and I think I'm correct, we have to approve their major events, but, for instance, we used to do permits for ball fields back then. The ball fields are done by staff. So only what we would call major events and permits that would -- because on the Parkway, I think there's a Commission resolution stating there should only be eight events on the Parkway. So to do a ninth event, you're contravening the resolution.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN CLARKE: Thank you.

Thank you, Councilman.

COUNCILMAN NUTTER: Sure.

COUNCIL PRESIDENT VERNA: You're welcome.

Councilman Nutter.

COUNCILMAN NUTTER: Thank you.

Just briefly to touch on the funding issues. Do you have any information at the moment as to what the impact on your budget has been the past few years of funding decisions?

CHAIRMAN NIX: As in most City departments, there's been constant reductions. I don't have the percentage in front of me. I can get them to you. But in '04, I believe the operating budget funding was around $14, $14-1/2 million, and projected for '06 it's $12.4 million.

COUNCILMAN NUTTER: And your staffing levels, have they gone up or gone down over the past few years?

COMMISSIONER NIX: The staffing

levels have continued to decrease from in '04 a level of 215 employees to projected in '06 at 169.

COUNCILMAN NUTTER: And over the past few years, total acreage in the Park has actually grown?

CHAIRMAN NIX: Yes. As we have joked about before, the acreage is -- I don't know -- I would say we don't have an exact count, but it's hovered around 9,200 and we've probably acquired more.

COUNCILMAN NUTTER: Last question. Can you give us an update on what is the status of the strategic plan? I know it was done. I know it was produced. What is its status with regard to the Park Commission? Has it been either received, adopted? Are various components being implemented? What is the status of that report?

CHAIRMAN NIX: The strategic plan has been received. There are a number of initiatives under the plan that have been implemented. There are a

number of recommendations that we continue to look to implement. We are limited by funding and resources under the plan -- to implement the plan. Some of the things, they would require funding.

So, for instance, one of the examples in the plan says we should create a number of revenue zones and those revenues would go to the Park for maintenance of the Park. So until there's some kind of agreement with the Administration that these dollars go back to the Park, the revenue zones are effectively impossible to create.

COUNCILMAN NUTTER: Well, then how are you going to implement the plan?

CHAIRMAN NIX: We will do as we can with the means we have, but there are certain things that just won't happen.

COUNCILMAN NUTTER: What would it take to be able to implement the plan?

CHAIRMAN NIX: Well, in my discussions with the planners, I think to

implement the plan, you would need to be funded to a level of the peer group park, which is almost -- it's more than double what our current budget is. To do that then, it allows you to hire the professional staff, hire the grant writers and the like you need.

So a lot of it is -- it's almost like being stuck in snow. You're just treading. You can't turn because there's no traction.

We can't get more grants without a grant writer. You can't cut more grass without more dollars to cut grass.

COUNCILMAN NUTTER: In your estimation, given the legislation in front of us at the moment, what's the impact of this legislation in the context of your ability to implement the plan or address any number of issues that are components of the plan? How does the one either enhance or interact with the other?

COMMISSIONER NIX: I don't see how combining departments helps implement the plan. I mean, what you could argue is that the plan has -- one of the proposals over a period of time in the plan would be the combination of the two departments, but that's one of three alternatives in the plan.

The way I read the plan is that the plan says give the Commission three to five years, give them a chance, and then see what plan should be initiated through that period of time as how the Commission reacts to the plan.

COUNCILMAN NUTTER: Okay. I'm sure I'm way over my time, so I will impose some discipline on myself.

Madam Chair -- this is a rare moment -- I'll come back.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilman Kelly.

COUNCILMAN KELLY: Thank you,

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Madam Chair.

Can't get over that.

Mr. Nix, Commissioners, good afternoon.

CHAIRMAN NIX: Good afternoon.

COUNCILMAN KELLY: I just want to follow up with what Councilman Nutter was mentioning about revenue. I know presently you're trying to reach an agreement with the Administration on retaining 50 percent of all new revenues generated by the Park. Could you give me an idea of what we're talking about here as far as the estimated revenue projection? Would this be a dedicated funding stream given directly to the parks?

CHAIRMAN NIX: I guess it would be dedicated such that if we generated -- for instance, an example is the restaurant the Waterworks. Right now the contract reads that X amount of dollars goes to the maintenance of the site, $100,000 a year or so, and then three

percent of the contract, which equates to the rental payment, comes to the City as a General Fund number.

If that 50 percent arrangement were in place, 1.5 percent would go -- and I'm not good on detail. Maybe it all comes into funding, it gets credited or it gets accounted. I don't know how you do it to earmark funds, but 1.5 percent of the gross revenues would be allocated to Park usage, if there were agreement.

COUNCILMAN KELLY: Would this make up for the reductions you've been receiving with budget cuts in any way if you were to receive that?

CHAIRMAN NIX: Well, in a perfect world, what we would like is the steadying of the budget and then allow us to raise more and more dollars. In a perfect world, we'd fund --

COUNCILMAN KELLY: This would be in addition --

CHAIRMAN NIX: Yes, sir.

COUNCILMAN KELLY: -- to what

you feel that you need?

I also have a question on the -- you have a pact, a non-profit pact, which you mentioned here in your testimony that you've been raising private dollars. Could you give me an idea of what you have been raising and what you project to raise?

CHAIRMAN NIX: It's a 501(c)(3). It's not a pact. We're not the political side.

COMMISSIONER BINSWANGER: Councilman Kelly --

COUNCILMAN KELLY: I always think of political things.

CHAIRMAN NIX: That's fine.

COMMISSIONER BINSWANGER: We have been fortunate to raise or obtain, or however we have it, approximately $10.3 million over the last several years.

COUNCILMAN KELLY: Could you repeat that, please?

COMMISSIONER BINSWANGER: 10.3

million over the last several years.

COUNCILMAN KELLY: And that was over the last several years, right?

COMMISSIONER BINSWANGER: And we are continuing that process. We continue to go out to the private sector to get dollars for or institutions or whatever for various capital needs of the Park. We are not raising money for operations. That's one of the issues that I have with the concept that can we raise money going forward with the Rec Department and all together, because at least the information we get back from that private sector is that they're interested in the capital issues, they're not interested in serving and replacing money that the City should be paying to run the Parks or to run the Rec or any other place.

I think it changes dramatically our job if we're in a different mode as far as the structure of the Recreation and Commission combined in whatever form.

We have been relatively successful. We have currently funded a study by PFM for revenue opportunities that might be out there for us within the Park system that we could generate real income over a period of time. That study will be available by the end of the year. It's another thing I think should come before the Council in the next, whatever the session is, that they should see and have an understanding of, but we're working to try to determine where those definitive revenue areas are, because we'll need those to supplement what the private sector is doing. It's not going to all come from one area.

COUNCILMAN KELLY: I would just like to say that I'd like to give you a pat on the back, for many years ago I know that I dealt with the Commission in regard to obtaining some additional grounds for Cardone Industries, who was probably the largest manufacturer in the City of Philadelphia, and you came

through very well and they were very happy at the time, and I believe now that Cardone is also interested in obtaining additional space, and I'm sure that --

COMMISSIONER BINSWANGER: I'm call them.

COUNCILMAN KELLY: That's your district, I know. But it worked out well and --

COMMISSIONER BINSWANGER: It did work out well.

COUNCILMAN KELLY: And that was quite a few years ago when the district was different.

COMMISSIONER BINSWANGER: Thank you, Councilman.

COUNCILMAN KELLY: And I thank the Councilwoman Tasco for her interest in Cardone Industries. Thank you very much.

Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilman

12/14/05 - WHOLE - BILL 050753 - RES. 050778

O'Neill.

COUNCILMAN O'NEILL: Thank you, Madam President.

Mr. Nix, I appreciate you saying that this legislation has really begun to cause some agitation, because I do believe that whether one supports this abolition of the Commission and the creation of something else, that the Park Department -- and we'll just say the Commission, because I don't think it's just the Commission itself that's been the focus -- but needs a lot of fixing, and I can just tell you from a service standpoint that even though your revenues have gone down drastically over four decades probably now or certainly three decades, and pretty bad in the last couple of years, in about the last three, four years, the level of service to citizens as it comes out of my office and I'm sure my colleagues has been drastically inadequate and yet wasn't while somehow -- and maybe you've reached

a tipping point with employees and budget, and maybe that's something we have to really focus on, because every organization has some level that they really can't operate well beneath. And I don't know if it's that or if it's something internal, but I'm not ready to support this now, and I don't think I could ever support something that took away the Commission's -- and I do think there's that independent step.

Even though Council is needed to pass legislation that would dispose of Park land, it doesn't get to us unless you say it's okay, and I think citizens realize it hasn't gotten to us just about ever unless there's been a school like Microsoft where there's a swap.

I mean, I agree with you on -- and I'll just leave it with that on that point, but the second thing is, I do think the Park Commission did not have its finest moment on the Fox Chase Cancer Center discussions and negotiations, but

I do agree that it was still a lot better than what would have come directly from the Administration, because there would have been no regard at all for the Park issue. It would have been strictly an economic development issue. And I would hope from our lessons learned, if that came back again, we might be in a position where the Park and myself and my constituents were in greater agreement. But I still have to agree that that would not have been the same if it had just come out of a City department just out of the Mayor's office, because their focus is jobs, their focus is economic development. The balancing comes in, Park advocates on your side, legislative position on mine, talking about the neighborhoods around the Park and what the issues are are there.

And so I just hope we can fix this, because I think it's worth saving, and it's worth saving in the sense that you could probably go back to the

beginning of the Park. Not only don't we get rid of Park land or dispose of it, but the Commission has really actively sought to increase it and only dispose of any where there's been a real trade-off that's better off for the Park afterwards usually than before.

CHAIRMAN NIX: That's what we believe. Thank you.

COUNCILMAN O'NEILL: Thank you.

(Applause.)

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Goode.

COUNCILMAN GOODE: Thank you, Madam President.

Good afternoon, Chairman Nix and members of the Commission.

CHAIRMAN NIX: Good afternoon.

COUNCILMAN GOODE: Let's pretend for a while that I wasn't Vice-Chair of the Parks and Recreation Committee of Council, that I knew nothing about this issue, that I wasn't lobbied by different sides of this issue, but

came to a public hearing as a member of Council and read the legislation. The debate wouldn't mean as much to me, because essentially this Charter change legislation simply deals with organizational structure. I mean, in order for it to be a Charter change legislation, it would have to be very specific. It is confined to a number of words that go on the ballot. It has to fall within the structure of the City Charter as it is; in other words, amending it. And that Charter change and that ballot question will not discuss policy, won't discuss a plan, won't discuss funding, won't discuss strategy.

So isn't this actually Charter change legislation that simply deals with organizational structure?

CHAIRMAN NIX: I would agree with you, except for the fact that you're doing a Charter change without discussing policy, procedures, operations. So you're saying we'll get rid of this and

then we'll fix it later.

COUNCILMAN GOODE: That was the set-up question.

So let's say we agree upon policy, plan, funding and strategy, and we have an optimal approach to how we're going to better our Park system. Could that approach be implemented by the new organizational structure?

CHAIRMAN NIX: I would think if that partnership were there, I think it should be -- I don't know the legalities. It could be implemented without a Charter change.

COUNCILMAN GOODE: But could it be implemented? If we agreed upon policy, plan, funding and strategy, could that approach actually be implemented by a new organizational structure as proposed in this legislation?

CHAIRMAN NIX: As proposed in the legislation?

COMMISSIONER BINSWANGER: No; as opposed to.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN GOODE: As proposed in the legislation.

CHAIRMAN NIX: Proposed or opposed?

COUNCILMAN GOODE: Proposed in the legislation.

CHAIRMAN NIX: I don't think so because I think there's some -- as drafted, I don't believe so.

COUNCILMAN GOODE: The legislation simply deals with organizational structure. So we agree upon policy, funding, strategy. What possible reason would there be that that approach could not be implemented by the new organizational structure?

CHAIRMAN NIX: So we're not talking about the existing bill. We're talking about --

COUNCILMAN GOODE: Let's scrap the bill, period, for a second. If we agree upon policy, funding, strategy, that approach could be implemented by a different organizational structure than

it is now?

CHAIRMAN NIX: Could be, yeah.

COUNCILMAN GOODE: And does not have to be implemented by Fairmount Park Commission, could be implemented by the Recreation Department or some other entity?

CHAIRMAN NIX: If there was widespread agreements, I would believe so.

COUNCILMAN GOODE: Thank you. Thank you, Madam President.

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam Chair.

Mr. Nix, I want to go to the other side of this discussion. First, again, just for the record, there's 16 Commissioners, right?

CHAIRMAN NIX: Yes.

COUNCILMAN NUTTER: Ten are

members of the public and the other six are ex officio who are essentially automatically on the Commission due to the nature of their position in the government, right?

CHAIRMAN NIX: Yes.

COUNCILMAN NUTTER: So they're not really picked, if you will. They automatically sit if they're in those particular positions, right?

CHAIRMAN NIX: Yes.

COUNCILMAN NUTTER: And the public has nothing to say about that.

CHAIRMAN NIX: No.

COUNCILMAN NUTTER: From the strategic plan, I'm going to read you a series of community and stakeholder input comments and then I'm going to ask you for reaction.

Confusing governance system; limited access to leadership and decision-makers; complexity; confusion; overlap and non-conformance in the roles and responsibilities between Fairmount

Park Commission and Department of Recreation; archaic Commissioner appointment process; no formal accountability by Park Commission; limited understanding of the Park Commissioner role and their perceived value; Commissioners perceived to micromanage; disconnect between the Managing Director of the Fairmount Park Executive Director and the Fairmount Park Commission President; Fairmount Park Commission operates out of political and personal mode; Commissioners are viewed as being elitist; lack of system-wide vision; Commissioners are filling in for leadership vacuum.

As an operational review on Page 59, it talks about "Commission does not have an articulated or written vision. Park Commissioners have created a culture that is largely introspective. The Commission operates in a manner that appears to be for self-preservation versus a focus on Park and open space

needs of the City of Philadelphia; a lack of focus on policy development by the Commission; lack of clearly defined or recognized accountability for Commissioners based on resource allocation, budget management, performance measurement, contract management and property management; no clear definition of roles or responsibility between Commission and staff; lack of strategic thinking, entrepreneurial practices and planning process; no plan in place for joint recreation programming of Park facilities. Fairmount Park staff has a victim and bankrupt culture. The staff is very distraught by years of lack of vision and leadership. Fairmount Park Commission and the staff are removed from the, quote/unquote, City physically and an identity creating a disconnect in achieving mutual goals and operating in isolation.

What's your response to that?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

CHAIRMAN NIX: Well, I would say that some of the content I think is dead on. Some of it I would disagree with strongly. But, again, it is a snapshot. It's a consulting company intending to look, saying here's where we are today, here's what I see.

So if we were to go down that list step by step by step, some of the things are in fact a problem that hopefully we're working through. Some of it I think is just inaccurate; ergo, that's why the Commission is plotting through the plan rather than flying through the plan, because some of the aspects we think are incorrect.

COUNCILMAN NUTTER: Do you believe that under the current structure, given many of the items that have been raised in this report -- and that was certainly not all of them and I could have read on other pages many complimentary aspects that the consultant found, but I chose to get to the heart of

the matter and I think what's driving some of this.

Do you believe that the Park Commission, in your words I think now more recently, energized by some of this discussion? Do you believe that you can turn many of these issues around?

CHAIRMAN NIX: I believe we can turn many of the issues around. Some of the issues are going to be beyond our control because of -- for instance, in the strategic plan, we should have a strategic planner, one or two or three identifiable individuals, implementing the plan every week. We don't have that individual. So one of the things the plan says in there, one of the things I always find interesting is that one of the complaints was the Commissioners are too involved in day-to-day operations. Well, that's kind of like a curse and a kiss at the same time, if you would, because you have folks that are volunteers who are getting their hands

dirty because they're trying to help. Now, they may try to help, but it's like you're fixing your own car. You don't always make it better, but you shouldn't be damned for an effort.

So what we're doing now is -- perhaps we should focus, and we are doing that, and we will implement as much as we can, but we are limited in our ability.

COUNCILMAN NUTTER: Well, I would only say, Mr. Nix -- and you've been involved in this business for a long period of time -- you know that there is no inconsistency in politics that we do curse and kiss people at the same time. You understand that.

Last question. With regard to all of these items and many more that are in the report that do not necessarily paint the most wonderful picture of current Commission operations notwithstanding all of the implementation steps that you've taken since the report was released last year, just give me your

perspective on those criticisms in the context of this proposed merger between Fairmount Park and the Recreation Department. Is there anything about the proposed merger that either enhances or impedes your ability to implement the kind of changes that clearly need to be made?

CHAIRMAN NIX: I believe that the merger as proposed would -- well, certainly the merger if the merger were incorporated, the Commission would have absolutely no authority to implement any changes, and I don't understand -- I mean, it could be something that's going to come, but I don't see how a combined department addresses a lot of those issues from the Park end, because the 169 people are still 169 whether they have a Park shirt on or Recreation shirt or a Parks and Recreation shirt on. They're still only 169. They can only still work at this level at this time.

So I don't see it as a cure-all

other than what it does, it does spark the debate. It does get on the front page, and it does energize us. I will say it does -- it motivates me. I think it motivates everybody else who is here.

COUNCILMAN NUTTER: Thank you.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Madam President.

Is it safe to say that the real value of the Commission is the preservation of the land that is so valuable in an economy and in a City where we seem to be always strapped for cash? We're all trying to maximize our investments and try to make as much money for other services that we need to provide. Isn't the preservation and conservation and stewardship of this largest urban park in the world, I guess,

and the pressure on that park to be pieced off for various potential development proposals, isn't that the real gatekeeping function of the Commission, that it's outside the realm and control of any Administration that has a different agenda in addition to preserving Park land but an agenda to maximize the opportunities to make money for the City to provide services?

We're always hearing about the cutting of fire companies and we have more healthcare issues and we have a growing population of poor and elderly, our school system. And it's not that they're bad development proposals, but isn't protect the land from incursion, whether it's a good project or not, the most important function?

COMMISSIONER NIX: I agree wholeheartedly. I think the Commission --

(Applause.)

COMMISSIONER NIX: -- or an

independent body is imperative to have. I absolutely agree.

COUNCILMAN KENNEY: I honestly don't think it's impossible or even I think it's worthwhile to explore every area of consolidation of services and making sure we purchase together and we coordinate tree cutting and grass mowing and field maintenance and whatever else we can do with the Recreation Department. Because I was just talking to someone today. To me, the Recreation Department employees and the Fairmount Park employees really do have a true mission, and I know from working with both of them, both groups, that they really take pride in what that mission is, that's recreating kids and having good facilities and taking care of that land.

So I don't think there's anything that's keeping the two entities from cooperating in every area possible now, but the one place where you diverge, the one place where you go off into your

bailiwick is that that Park land needs to be preserved as best as possible, and I think that's the real hurdle that you provide from developers or the Administration or us trying to get over and use that Park land for other purposes.

CHAIRMAN NIX: I would agree. Yes. Thank you.

COUNCILMAN KENNEY: Thanks.

COUNCIL PRESIDENT VERNA: Thank you.

Councilman Kelly, and then I'll recognize Councilman Clarke.

COUNCILMAN KELLY: Yes. Thank you, Madam Chair.

I just have a problem here. I think that this is about funding, funding and funding. If under the perfect world this Council and the Administration would say to you that we're going to increase your budget by 100 percent, I don't think any of us would be here. I don't think any of us would be contemplating any

merger with anybody at this point. I think this is the --

(Applause.)

COUNCILMAN KELLY: I think the problem all has to do with budgets and has to do with proper funding for any department or any commission or anything else in this City, and I, for one, don't look favorably on just merging for merger's sake. I don't think it's going to produce anything. I don't think it's going to improve anything.

So I just want to put those comments out there and just hope that we do find proper funding in the future for this great Park of ours.

Thank you.

CHAIRMAN NIX: Thank you.

(Applause.)

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Clarke.

Councilman Clarke, Councilman Rizzo just put his light on.

COUNCILMAN CLARKE: That's

fine.

COUNCIL PRESIDENT VERNA: Can we recognize him or did you want to be recognized first?

COUNCILMAN CLARKE: No. I just wanted to give one small statement following up Councilman Goode's question, but I defer to my good friend, Councilman Rizzo.

COUNCIL PRESIDENT VERNA: Very well.

Councilman Rizzo.

COUNCILMAN RIZZO: Madam Chair, I just wanted to point out an observation that I've had for many years. Growing up in this park and seeing a beautiful park in some cases, with no fault of the people that work there, just become in disrepair, and look back at the day when they had, I believe it was, as many as 800 people working in the park. And you can't do fence repair and you can't fix bridle paths and you can't do all the things you need to do with mirrors. You

need people and money to do it. And one of the things that I think has been great for the park is the friends groups that have pitched in.

When you drive through the park on any particular weekend or even during the week, you see people cleaning up debris, you see them doing all of this work, and it really -- you feel good on one hand and you feel bad on the other because you wonder why there has to be so much volunteer labor to do the things that employees of the park should be doing. It's great that they're doing that. And I personally believe it's about money myself. If the park was properly funded, we wouldn't be as Councilmembers getting the calls from our constituents complaining about the lack of maintenance, complaining about the way people refer to the way it was. And I think that that's what we really need to straighten out, because you just, again, can't do this without bodies and you

can't do it without money. I know that there's a need for both of those things to make this park a better place.

So, again, I agree with most of my colleagues here today, that something needs to be done, and I think that you guys are professionals and you know how to do it, and I don't -- in the conversations I've had, I have seen no resistance in trying to take a good, hard look at it and say, Hey, look, there is a better way to do business. And as long as I see an honest effort to do things that need to be done -- and I know for years I've mentioned that -- and you did it. There were some areas with the Recreation Department where some of the neighborhood parks were at one time in the Recreation Department's responsibilities and it got shifted, at least I hope it did, got shifted over to where experts that know how to do that work are now doing some of that work.

So as long as I don't see any

resistance in at least taking a good, hard look and doing some of the things, again, I want to have an open mind and hear -- that's what this hearing is all about -- the pros and the cons.

So as long as I hear that commitment from the Fairmount Park Commission's leadership, I'm just going to sit by and listen very, very carefully.

CHAIRMAN NIX: Thank you.

(Applause.)

COUNCIL PRESIDENT VERNA: Councilman Clarke, I know your light has been on. Councilwoman Tasco --

COUNCILMAN CLARKE: Go ahead. Go ahead, Councilwoman.

COUNCIL PRESIDENT VERNA: Councilman Clarke is recognizing you.

COUNCILMAN CLARKE: That's all right.

COUNCIL PRESIDENT VERNA: She said she's yielding to you.

COUNCILMAN CLARKE: Thank you.

Thank you, Councilwoman.

Real briefly, in terms of the time line, Councilman Goode was talking about any potential time line as it relates to implementation of any changes in this particular bill would actually call for a vote on a referendum in the May primary, and as Councilman Goode indicated, it would simply talk about an organizational change, it would not talk about the specifics of any changes that were proposed. But that does not mean that during the course of the time of the passage of the bill and the actual referendum there could not be that level of discussion.

The amendment that we anticipate proposing would actually call for the implementation to be in July -- I'm sorry; in January '07. So you're essentially talking about more than a year to formulate a process that works as it relates to the nuances of the structure of the departments, the

jurisdictional issues, the actual Commission and the roles and responsibilities. So we did not or we cannot get into that level of specificity in the actual bill, but we do have time if in fact we agree to move ahead with some process to get to that level of specificity.

Yes, Commissioner.

COMMISSIONER BINSWANGER: I don't know if you're directing --

COUNCILMAN CLARKE: I was just talking to anybody.

COMMISSIONER BINSWANGER: I was just going to suggest, I think the concept -- it's very hard to ask obviously the Commission, the public, even the Councilmembers to vote on something which we don't know the answer to. I think that Councilman Goode said if we had all the answers and we could get to an agreement, could we all sit here and vote. I'd say yes, if we had all those answers. But to try to go

ahead and say we'll have a Charter change or an amendment and then worry about what it's going to be after, to me, just doesn't make logical sense.

COUNCILMAN CLARKE: I hear you, and I agree with you. I would not ask you to vote for something or support something that you don't understand or it's not clear to you what we're attempting to do. I must say, though, in all due respect, Councilwoman Blondell Reynolds Brown and myself have been reaching out since June to attempt to get people to respond to give us information, because we indicated clearly in the introduction of the bill that this was the first cut and we were soliciting support and information from everybody to tell us how we need to formulate this process, how we need to formulate the ultimate outcome of the proposal.

Now, could we have done a better job? Probably so. But I remain and continue to be interested in

listening to ideas about how we do this.

I agree with you, the original cut as it related to the roles and responsibilities of the Commission were woefully inadequate, and as a result of that, we're talking about now having monthly meetings, public meetings. We're talking about expanding the roles and responsibilities of the Commission on Parks and Recreation.

So, I mean, we've heard you, and we're willing to entertain anything that you have that brings us to an end that ultimately enhances our Park system and our Recreation system, but if I don't have that response from anybody, it's very difficult for us to craft something that people are comfortable with. That's all I'm saying.

COMMISSIONER BINSWANGER: That's very fair. Thank you.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: Thank you

very much.

This report, A Bridge to the Future, of the Fairmount Park Strategic Plan, where are you all with this in terms of the recommendations, the overall view and the recommendations?

CHAIRMAN NIX: There are a good number of recommendations. What I would characterize is, the low-lying food has been picked. We're looking at ways to get to the middle-level fruit. In other words, the things that are easily accomplished with current levels of staffing and funding have been implemented. Those that take some maneuverability of moving monies around or moving people around are being looked at and trying to determine how to do it. Those that require both at the same time on a constant basis are at this point unreachable.

Did I answer your question?

COUNCILWOMAN TASCO: I'm just kind of out of the loop on this issue

here in terms of the details of it.

Who commissioned the study? Did the Commission?

CHAIRMAN NIX: It was commissioned actually through the Managing Director's office, but the Commission did not disagree with it. I mean, but it was commissioned through the Managing Director's office and funded through the City and, as Councilwoman Brown said, the William Penn Foundation.

COUNCILWOMAN TASCO: I remember that now. Okay.

Thank you very much.

COUNCIL PRESIDENT VERNA: Thank you.

Are there any other questions from members of the Committee of the Commissioners?

(No response.)

COUNCIL PRESIDENT VERNA: Seeing no one, I thank you all very much.

CHAIRMAN NIX: Thank you.

COUNCIL PRESIDENT VERNA:

You've been very patient. Thank you.

Thank you.

Mr. McPherson.

MR. McPHERSON: The next witness is Phil Goldsmith.

COUNCIL PRESIDENT VERNA: Hello. Welcome home.

MR. GOLDSMITH: Thank you. So nice to be here.

COUNCIL PRESIDENT VERNA: Good seeing you. Please identify yourself for the record and proceed with your testimony.

MR. GOLDSMITH: Phil Goldsmith. Good afternoon, Madam President, members of City Council. My name is Phil Goldsmith. I'm a former Interim Director of Fairmount Park and most recently Managing Director of the City of Philadelphia.

I want to commend Councilwoman Blondell Reynolds Brown and Councilman Darrell Clarke for serving as catalysts for change by introducing legislation

that will bring the governance system of our Park system into the 21st century.

My views on Fairmount Park, its governance system and its relationship with our Recreation Department have evolved over time. I've had the benefit of serving in a variety of public positions and have had the opportunity to both manage the Park on a day-to-day basis and then, as Managing Director, to have oversight over as well as the other operating departments of the City, including the Recreation Department.

As a result of my direct experience, my involvement with the strategic plan for Fairmount Park called A Bridge to the Future and my research into the best practices of other park systems, I enthusiastically support this initiative.

I support it because I believe it is a reform effort that brings accountability to government, that facilitates sound business practices and

will promote a cohesive and rational Park and Recreational plan for our City that will better serve our residents and make us a more attractive place for employers and visitors.

I might quickly add that what is being proposed is not radical, it is not untested, it's not out of the mainstream with the practices of the vast majority of jurisdictions in our nation, whether they be suburban, rural or urban. Cities as diverse geographically, politically and demographically as Pittsburgh, Baltimore, New York City, Phoenix, Houston, St. Louis, San Francisco, San Diego, Seattle, Denver, Portland, District of Columbia, Indianapolis, Boston, San Antonio, San Jose, Austin, Dallas, El Paso and Los Angeles all have a Park and Recreation Department.

This initiative was recommended in the comprehensive strategic plan, which, to set the record straight, I

believe was encouraged and really instituted by this body, City Council. It was participated in and funded along with a generous grant from the William Penn Foundation. I believe we owe it to the taxpayers to bring this plan to life rather than to allow it to gather dust.

Given the practices of other cities and the advice of the strategic plan planning experts, I am somewhat at a loss, frankly, to understand why there appears to be some hand wringing over a proposal that brings accountability to government, facilitates sound business practices and promises to provide a rational and cohesive open space and active and passive recreational plan for this City.

As someone who spent a considerable amount of my adult life dealing with organizational change, I know that change can be difficult, and I don't subscribe to the theory that just because everyone else is doing it, we

should automatically do the same thing.

So let me start with -- so I would like to take a few minutes and explain why I believe this reform initiative makes sense. Then I would like to address some of the concerns that I have heard about it.

Let me start with bringing accountability to government. There is no tenant of good government more essential than accountability. Elected officials who are responsible for the public good should not be shrouded in secrecy or out of harm's way of the democratic process of voters or have the ability to shield themselves by a privately elected, third party Commission.

Unfortunately, that is precisely what we have today with the Fairmount Park Commission. In saying that, I am not criticizing the individual Commissioners who have given generously of their time, but I am criticizing a

system that selects Commissioners in private with no explanation nor any recourse.

The officials who funds the system; that is, the Mayor of Philadelphia and City Council, who are ultimately responsible to the taxpayer, have no say as to who oversees the Park system which encompasses ten percent of this City's land mass.

Nor is there any significant recourse to the Commission by citizens. During the strategic planning process, focus groups as well as individual surveys were conducted with citizens. As reported in the strategic plan, citizens complained that there was perceived limited access to Commissioners, there was an archaic appointment process for those Commissioners and there was no formal accountability of or by the Commission.

I should add for the record, since I have mentioned the strategic

plan, that there was a selection process and oversight process for the plan itself. The selection of the consultant was done by a group that included the President of the Fairmount Park Commission; the President of the Park Alliance; the Executive Director of Fairmount Park; the Commissioner of Recreation; the President of the William Penn Foundation; the Chairperson of City Council's Park and Recreation Committee, Councilwoman Brown; the City's Budget Director; the Mayor's Chief of Staff; the Managing Director and a Senior Executive of the Pennsylvania Horticultural Society.

Many of those persons also served on the Steering Committee to oversee the planning process itself, including representatives of Fairmount Park. A key member of Fairmount Park staffed the project.

Everyone was kept abreast of the plan and invited to regular meetings.

In no instance were the consultants instructed to come up with certain conclusions.

I mention all this because occasionally people who do not like the results of a process they participated in subsequently forget or try to distance themselves from their participation in it, and they become concerned not by its gathering dust but by its gathering steam.

Aside from the current process of a privately chosen group of Commissioners that provides no accountability, the system allows a Mayor and a City Council to shield themselves from responsibility by saying that they do not control the Park. It's the Commissioners, they can say.

In short, no one is accountable for one of the City's great treasures. It breeds neglect, cynicism and frustration of those who know and want things to be much better.

I am reminded of the Charter change approved in 1999, changing the selection process of the Board of Education. As you will recall, until then, Mayors appointed Board members on a staggered term, so a Mayor did not have a full complement of his Board members until near the end of his term.

Such a system allowed Mayors to duck behind this cloak of not being responsible and thus avoid accountability. In 1999, the voters, with the impetus from City Council, changed the system to give an incoming Mayor the power to immediately select all nine members of the Board.

It is little coincidence, I believe, that this Mayor became the first Mayor in my memory to take a full and active role in our educational system. And it allowed him to engineer a deal with the Commonwealth of Pennsylvania of shared responsibility that has resulted in increased funding for our schools,

increasing test scores and a host of other bold reform initiatives.

And for those who seek more funding for our Park system, I say there is no better chance of success than to make a Mayor and City Council both responsible and accountable for its operation. We now have that opportunity. Don't run from it.

Another reason I strongly favor this initiative is that it will facilitate the acceleration of sound business practices. There is not a businessperson worth his or her stock options that would allow their business to operate with as much redundancy, confusion and overlap as we have allowed in this Park system.

Until recently, each had its own swimming pools and recreation centers. Each had its own financial and personnel staffs. Each had its own tree pruners. Each had its own lawn mowers. One would think we were talking about two

different Park systems in two different cities. Instead, we are talking about two separate Park systems in the same city, our City, the City of Philadelphia.

You could go to Cobbs Creek Park and see an ice skating rink run by the Recreation Department and just a few yards away a recreation center run by Fairmount Park. Different maintenance staffs, different supervisors, but the same plot of ground in the same city.

I am proud to say that during my tenure as Managing Director we changed some of this craziness. We moved all the swimming pools from Fairmount Park to the Recreation Department, which had the experience of managing far more pools. We also transferred Fairmount Park's recreation centers to the Recreation Department for the same reason.

We created an administrative cluster, headed by an Assistant Managing Director, to serve both Recreation and Fairmount Park in financial and personnel

matters.

We then transferred Recreation Department's turf maintenance operations to Fairmount Park. By doing so, we increased the frequency of cuttings for Recreation Department property, which maybe had been mowed once every three or four weeks. We changed that to what the Park Commission has done. The Park Department wants every two weeks. And we did that while reducing the entire cost for the City by $250,000 or a million dollars over the Five-Year Plan.

In short, in a day and age when we are stretched for money by competing needs for more tax reduction and citizens' needs and desires for greater services, how can we dare to allow such duplication to exist?

And yet it still does. We still have separate maintenance operations, grants writing, warehousing, special events, permitting and separate equipment and fleets.

And the reason is that the current dual system does not facilitate change, because you end up with department heads regardless of how good they are, Fairmount Park and Recreation, competing rather than collaborating, trying to protect their turf, both figuratively and literally.

I might remind you that the last master plan that was done for Fairmount Park was 1982 or 1983. It called for the transfer of Fairmount Park recreation centers and swimming pools to the Recreation Department.

It took over 22 years to make that simple transfer happen. Why? Because the two department heads, administration after administration, arm-wrestled with each other, and I finally forced the issue because of my prior involvement with managing Fairmount Park, and as Managing Director, I had the power to do it. I knew the world would not come to an end, but you cannot expect

a Managing Director to involve himself in those types of issues. He or she simply has too many other responsibilities, and that's one of the key roles a Director of Parks and Recreation plays, to make sure resources are organized in a way that makes sense for the entire Park system.

Our taxpayers cannot wait another 20 years to make some of the improvements recommended in this strategic plan, to say nothing about the former 1982 plan. It needs a driver. It needs a leader. It needs someone who can oversee both units.

Finally, I believe this initiative will help facilitate a cohesive and rational policy for open space and active and passive recreation activities. Imagine this: We have one Park system that has 49 soccer fields, we have another Park system that has 75; baseball fields, 29 in Fairmount Park, 140 in Recreation; tennis courts, 125 in Fairmount Park, 170 in Recreation;

playgrounds, 43 in Fairmount Park, 200 in Recreation. Fairmount Park has 64 acres of neighborhood parks, Recreation has 812 acres.

This is the result when you have two departments operating in a vacuum, with little planning, collaboration, cooperation and no one is able to bring them together to provide a cohesive strategy for passive and active recreational activities.

I do not subscribe to the belief that a change in governance alone will be or is the answer. There's a need for better leadership. There's a need for better management practices. There's a need for standardized operating procedures. There's a need for more intense fundraising. There's a need for more strategic thinking and, most of all, there's a need for a vision for a Park system that will excite people and want them to contribute, whether it be their private funds or their taxpayer funds.

But I think I can safely say that it will be difficult to bring about those improved practices without a change in governance.

I would like to take a few minutes to answer some of the concerns I've heard about this initiative. One, it will subordinate Fairmount Park to the Recreation Department. Actually, it does just the opposite. If you read the City Charter, you will note that Fairmount Park is subordinate to the Recreation Department. Section 3-100 of the City Charter places the Fairmount Park Commission in the Department of Recreation, in the same status that the Board of Trustees of American Flag House and the Betsy Ross Memorial.

Section 5-602 states that the Fairmount Park Commission shall conduct its programs in "accordance with the recreation program formulated by the Department of Recreation."

As I understand this

initiative, there will be a creation of a new Department of Parks and Recreation. It does not make Fairmount Park subordinate to the Recreation Department. In fact, if you look at the organizational charts of other cities, as I have done, you will see instances where they are co-equal, a Recreational division and a Parks Division, supported by shared functions for administration, maintenance, fleet and equipment and capital planning. Some of them have a natural resource division. They have a fundraising division.

No. 2, the dissolution of the Fairmount Park Commission will undermine its reason for creation; i.e., to protect the City's water supply. At the time Fairmount Park was created, there was a legitimate concern as more and more industry coalesced around our rivers, but that was 200 years ago.

Today we have a professional, first-rate Water Department. It has its

own Office of Watersheds, responsible for implementing a comprehensive watershed-based initiative to remedy the primary cause for the ill health of our urban streams, storm water runoff or non-point source pollutions.

Working closely with Fairmount Park, the Water Department has assumed responsibility for cleaning and clearing short-dump sites and removing large trash, such as cars, shopping carts and other debris, from the 100 miles of stream systems that define our City neighborhoods and watersheds.

But there was another purpose for the formation of Fairmount Park. It was to improve the quality of life for its citizens, specifically the health associated with open space and its enjoyment particularly for the City's working class.

In fact, Fairmount Park came into existence at the time when Philadelphia was being consolidated

around 1855. In fact, the author of the enabling legislation, Eli Kirk Price, a State Senator, said, quote, One impulse, one heart and one pulsation will equally pervade and give life and power to the whole.

In short, they created a unified Park system for a newly unified City. It was not until the 1930s, as a result of a legislative investigation of the Park Commission by the state legislature into the Commission's management practices and neglect of recreational activities, that a separate Recreational Department was created.

It seems to me we have come full circle. It is time to unify our dual Park system and significantly alter the role, responsibilities and selection process of a Commission.

It makes no sense for us to operate two separate Park systems as it did then, when our City leaders understood the need for consolidation.

Three, I have heard concerns that this does not address the real needs of funding. Frankly, I believe before you ask City Council and the taxpayers to fork up more money, you need to make fundamental management improvements. First and foremost is to proactively eliminate the duplication and redundancy that I have outlined.

Managing its existing funding should have been a starting point for improving the Park, but history has demonstrated that the Park has not exploited its existing funding streams to its potential.

Let me point out that the Fairmount Park could have had more funding if it not mangled two important concession agreements that the Commission itself gave birth to: First, a system-wide concession agreement for food that produced a paltry sum of money of $36,000 to the Park and City and ended up in expensive litigation. Secondly, a

golf concession agreement that three years ago produced $1.4 million in revenues and now provides $146,000.

We can argue all we want about giving the Park 50 percent of new revenues, but there aren't new revenues to give 50 percent to.

This bungling has resulted in Fairmount Park receiving less than seven percent of its revenues in concession fees. The best practices of other cities indicate that percentage should be closer to 40 percent.

Let us also not forget that Fairmount Park is a beneficiary of trust funds, some of which are specifically dedicated to certain projects in certain locations and others are more general in nature. You cannot talk about the adequacy of funding without fully understanding those funds and how they are used.

Finally, let us not forget that Fairmount Park was a recipient of a $21

million grant from the William Penn Foundation and had to return about $10 million of that grant.

Much of this is now water over the dam and did not involve this Commission, but, frankly, the Commission's track record as an institution does not merit the energy of those who clamor for reform in other areas of the City but cling to a vestige of another era.

Four, I also hear concern that people will not donate to the Park if it is perceived as part of City government. In fact, the Park is City government. Each employee of Fairmount Park is a City employee. They're part of Civil Service. They're represented in almost virtually all the cases by the City's municipal unions and it is funded by the City taxpayers.

I will also point out that the Philadelphia Free Library has done a great job of raising money through its

foundation, and I believe the relationship of the foundation of the library is a type of model that the Fairmount Park Conservancy should follow. Such a model has an Executive Director who presides over both. It provides consistency of purpose and priorities. It is a model that was recommended by the consultant retained when the Conservancy itself was launched but then ignored. It is a model used in many other systems.

It is a model that has boded well for our library system that has been very successful in elevating its prominence of this library by hosting a very, very successful lecture series at an annual fundraising ball.

And I will note that the Mural Arts Program, which at one point served under the Recreation Department, has done a wonderful job of external fundraising and developing an extensive constituency. Its secret is simple but not easy to replicate, because we're not allowed to

clone individuals, but it's because of the leadership of Jane Golden, who brings a passion, energy and can-do attitude to the job.

Five, without a Commission, the entire Park system will be turned over to developers. That is simply a red herring. There are enough federal laws and regulations to prevent that from happening, and any such actions would have to be approved by City Council and only after extensive hearings.

Now, I do believe it would be smart to have an advisory group of outstanding professionals to advise the City Administration, City Council on any such proposals, perhaps similar to like an Art Commission.

Six, another refrain I hear is, Let us wait, give us more time to get our Park house in order. Furthermore, it's argued that the strategic plan listed three alternatives for governance and suggested that consolidation not occur

for five years.

In fact, if this change takes place with the start of the next Administration, it will be almost five years since the proposal first surfaced, and it will provide ample time to do the necessary planning and transition work.

But, most importantly, asking for delays ignores a major reason for change. The current governance structure flies in the face of good government for the reasons I indicated earlier: No accountability, no clear lines of responsibility, an Executive Director who must serve two masters. A privately selected body answerable to no one is not going to improve with age. We are not talking about wine. We are talking about a governmental reform. And now is the time for reform.

Despite the best intentions for those who ask for more time, experience also tells us that regardless of motive, it often becomes a delaying tactic in the

hopes that the public spotlight shifts elsewhere so the status quo can reign. And I would take more comfort in allowing time if the Commission had a track record of proactively addressing some of these issues itself. Instead, it left the Park system in interim hands for far too long. It has not clarified its role as indicated by the strategic plan. It's often separated the wheat for the chaff, only to deal with the chaff, and has only shown signs of life as its very existence has been threatened.

There are other concerns I have heard and they go something like this: This is a good start, but... There is no greater enemy of progress than the word "but." If you want to kill an idea, the best strategy is to say you support it and then suffocate it with a bunch of conditions.

I submit that this change, hopefully to be voted on this May, be made effective at the start of the next

City Administration. It allows people to focus on the issue rather than personalities. It will also allow ample time to iron out whatever details have to be ironed out.

Again, I salute Councilwoman Reynolds Brown and Councilman Clarke for their courage in raising this initiative, which I know has attracted a swarm of bees like a honeycomb in a Wissahickon pine tree.

Frankly, I don't know if there is a such thing as a Wissahickon pine tree, but I sort of like that phrase.

In my judgment, this is not only about reforming government, facilitating sound business practices and creating a cohesive and rational Park plan for Philadelphia; it's also about the type of city that we wish to live, work and play in.

I am reminded when I was Chief Executive Officer of the School District of Philadelphia and we were about to go

to Harrisburg to meet with then Governor Tom Ridge because we were running out of money. We were literally a few days away from making payroll.

As I approached the School District building to meet some of my colleagues who I would be traveling with, two School District employees got a hold of me. I thought they were going to wish me luck on our meeting. After all, we were trying to get money to pay their salaries. But instead they pointed to a plot of ground in front of the administration building and asked whether they could plant flowers there.

It dawned on me then that we all have our own little garden. My garden at that time was the School District and the Mayor's was the City and Governor's was the Commonwealth. For these two employees, their garden was that little plot of land.

But we all really live in the same garden, because what happens over

there will impact my part of the garden over here. What this initiative is really about is whether we are willing to recognize that our Park and Recreation facilities are all part of one garden or separate gardens. In my judgment, it's time to see the forest from the trees and realize it's all one garden.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

(Applause.)

COUNCIL PRESIDENT VERNA: We have a number of Councilmembers that would like to be recognized. I would like to remind my colleagues that we have approximately 30 people who would like to testify.

COUNCILMAN KENNEY: I have a question.

COUNCIL PRESIDENT VERNA: Yes, Councilman Kenney.

COUNCILMAN KENNEY: I can't believe we wind up on important issues

like this all the time in this situation, where we have a 3 o'clock in the afternoon hearing and 60 witnesses. I mean, considering the importance of the issue, why are we doing this in this way? I never understand it. I mean, 60 witnesses at 3 o'clock in the afternoon is going to naturally drive some people away with the inability to wait around forever and --

(Applause.)

COUNCIL PRESIDENT VERNA: And I totally --

COUNCILMAN KENNEY: I don't mean that as any personal criticism. I just don't understand.

COUNCIL PRESIDENT VERNA: I totally agree. This was listed at the time it was at the request of the sponsors, and at the time, I indicated that I also had a very important commitment at 4 o'clock and I was told that somebody would replace me, and I'm still waiting. And the witness list was

given to me this morning only because I asked for it.

COUNCILMAN KENNEY: This has been a long-gone 14-, 15-year frustration for me, because we always wind up with this kind of situation.

COUNCILMAN CLARKE: Point of order, Madam President.

COUNCIL PRESIDENT VERNA: Yes.

COUNCILMAN CLARKE: This hearing was requested at 1 o'clock. It moved it back to 3 o'clock to accommodate the Fairmount Park Commissioners because they had a 1 o'clock meeting.

COUNCIL PRESIDENT VERNA: Even 1 o'clock is kind of late.

COUNCILMAN CLARKE: I'm just saying for the record, we wanted to do this at 1:00. We moved it back to accommodate them, most of whom are no longer here.

COUNCILMAN KENNEY: I understand that, but why would we schedule a meeting on the day the

Commission meets? I mean, don't they have an interest? I mean, isn't there other days of the week besides the day the Commission meets?

COUNCILMAN CLARKE: With all due respect to the Commission, and this is part of the problem, is that we've been attempting to get the Commission to meet with us on this very important matter since June, and we had one meeting with the Executive Board, and they refused to sit down and work with us to craft reasonable legislation. I don't know why we continue to accommodate them, if they can't figure out a way to sit down and help us formulate a process that makes some sense.

Last night and today was the first substantive conversation that we've had with them in a meaningful way, because they've tried to figure out a process that will essentially block the legislation as opposed to sitting down and working with us to come up with

something that works for everybody. That's the problem.

COUNCILMAN KENNEY: Thank you.

COUNCILWOMAN BROWN: Madam Chair.

COUNCIL PRESIDENT VERNA: Councilwoman Brown.

COUNCILWOMAN BROWN: If I could further reflect that we moved the meeting to accommodate the Fairmount Park Commission and allow them to be here. We could have very well left the meeting at 1 o'clock, but in an interest to be partners in this process, we ended up where we are.

COUNCIL PRESIDENT VERNA: I think Councilman Clarke just said that.

COUNCILWOMAN BROWN: I'm repeating for the record that what he stated is accurate.

COUNCIL PRESIDENT VERNA: It is on the record now, so I think we ought to get moving since we do have over 30 witnesses that would like to be heard.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam President.

Mr. Goldsmith, thank you for your testimony. I just have a few questions.

If you could refresh my memory just a little bit. Now, what years were you Interim Park Director?

MR. GOLDSMITH: I think it was -- I think I was there seven months, Councilman. I think it was July or June of '02 to January of '03 and then I became Managing Director.

COUNCILMAN NUTTER: July '02 to January '03. And then you were Managing Director from 1/03 to when?

MR. GOLDSMITH: 4/05.

COUNCILMAN NUTTER: So between the two positions, about three years?

MR. GOLDSMITH: Yes.

COUNCILMAN NUTTER: Three, three and a half.

MR. GOLDSMITH: That's correct.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN NUTTER: All right. Now, just a couple questions about your testimony. First, for the many issues that you laid out -- and I certainly appreciate the time and effort that you spent working on this -- any number of issues have been raised here, so first I want to ask with regard to the depth, comprehensive nature of this testimony, have you spoken publicly about these issues and proposals, changes, criticisms and the like during your time as either Interim Park Director or as Managing Director?

MR. GOLDSMITH: I believe I have, yes.

COUNCILMAN NUTTER: And --

MR. GOLDSMITH: I haven't said anything here that I haven't said before.

COUNCILMAN NUTTER: And you worked on these issues in both capacities?

MR. GOLDSMITH: Yes.

COUNCILMAN NUTTER: Now, on

Page 2 of your testimony, you say the officials who fund the system, the Mayor and City Council, who are ultimately responsible to the taxpayer, have no say as to who oversees the Park system, which encompasses ten percent of the City's land mass.

This is coming on the heels of obviously a criticism with regard to the selection process of the Commissioners. That's in the paragraph above.

Now, first, we know that six of the 16 serve on the Commission by virtue of their positions in City government, right?

MR. GOLDSMITH: I have four. I'm not sure where you're getting six. And then it's either four or five. The Mayor has an appointment. You have the Streets Commissioner, Recreation -- or the City Engineer in the Streets Department, the Recreation Commissioner, Public Property and Water, unless I'm forgetting someone. Then the Mayor

has --

COUNCILMAN NUTTER: I believe that's more than four.

MR. GOLDSMITH: That's four. There's four ex officio from the Administration. Then the Mayor has one appointment. That's five. And then City Council. But unless things have changed since I left, I didn't consider the City Council appointment necessarily always in lux with the Administration.

COUNCILMAN NUTTER: Right. No. I understand.

And notwithstanding the, quote/unquote, private nature of the process, it's not a tremendous mystery how people get on the Fairmount Park Commission, right? I mean, many of the Commissioners were just here. Within the confines at least of this room as serious people in this process, you could probably say pretty much where every one of those individuals came from, right?

MR. GOLDSMITH: I'm not sure.

I'm not sure. I mean --

COUNCILMAN NUTTER: Well, they didn't appoint themselves and it is a political process and they all have various contacts and relationships, and whether it's the Mayor or any of us or other external players, I mean, people do get involved in that process. It's generally not a mystery.

MR. GOLDSMITH: I think historically my understanding of the system is that the Board of Judges are given some direction as to who to appoint.

COUNCILMAN NUTTER: Well, that's diplomatic. Very kind. Very kind. You've become the softer, kinder Phil Goldsmith since you left City government.

MR. GOLDSMITH: I took it after reading about you in the Philadelphia Weekly, I think, but --

COUNCILMAN NUTTER: Well, I'm the boring guy, so it doesn't take much.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Now, in your capacity as either Park Director, Interim Park Director or as Managing Director, did you have occasion to recommend additional funding for the Park system?

MR. GOLDSMITH: Yes.

COUNCILMAN NUTTER: Did you?

MR. GOLDSMITH: Yes.

COUNCILMAN NUTTER: And what happened?

MR. GOLDSMITH: Well, I would say this: As Managing Director, I helped to facilitate $300,000 from the Water Department to help the Park in its watershed management. I also, when we did make the transfers of swimming pools and so forth, made sure that people were kept harmless.

And while I do not believe that Park funding is where we would all want it to be, I think during the tough times, going through the budget process in the past couple of years, the Park was hurt probably less than many of the other

departments.

COUNCILMAN NUTTER: Okay. But I think we can at least agree that not getting a cut is not equal to getting more money.

MR. GOLDSMITH: No.

COUNCILMAN NUTTER: Right?

MR. GOLDSMITH: That's correct.

COUNCILMAN NUTTER: So, I mean, you either get more money or you get the same or you get less.

MR. GOLDSMITH: Right.

COUNCILMAN NUTTER: I commend you for making sure the place didn't get overrun, but the question again goes back, how much additional funding did you recommend for the Park when you were either Interim Director or Managing Director?

MR. GOLDSMITH: I don't recall. I think my perception changed when I became Managing Director, because my position changed, and I started to see -- which I thought the budget folks, I

think, took a tough line on the Parks because they thought the Parks could be doing more in terms of management improvements and so forth, and I think also -- and I think, as I said in my testimony, before you start to give people more money, you want to make sure that it's being used effectively, that there's appropriate management practices in place and so forth.

I think the Park -- I think it will continue to improve, but I think it has a ways to go, as indicated by the strategic plan. I think to throw money at the problem is not the problem -- is not the answer.

COUNCILMAN NUTTER: No. I understand that.

MR. GOLDSMITH: Let me also say, Councilman, the real problem with funding the Park, as with many of the departments, and I think one of the larger issues we have in the City, is not its operating funds. It's its capital

budget program. And I think we all know that the City is very constrained in capital budget. The real issue with the Park is a number of buildings it has, the number of structures it has, and there's simply no money to fix those. And that's a real funding issue that's the capital dollars, not the operating dollars.

COUNCILMAN NUTTER: Well, I might have a slight difference of opinion with you about that, but when you look at some of the best practices issues that are raised in the report, obviously Philadelphia shakes out as one of the lower-funded systems, whether on the operating side or on the capital side, and you've pointed out a number of them in your testimony. But you also know as Managing Director, at the end of the day, it doesn't matter how much money any of us or if the whole body suggested increasing the Park's budget or any other department's budget, because we can't make you spend it, right?

MR. GOLDSMITH: That's correct.

COUNCILMAN NUTTER: So if we put $5 million or $10 million more in the Park's budget in the course of the budget process, what would happen?

MR. GOLDSMITH: I don't know.

COUNCILMAN NUTTER: What would have happened when you were Managing Director?

MR. GOLDSMITH: It would have been spent.

COUNCILMAN NUTTER: I'm sorry?

MR. GOLDSMITH: It would have been spent.

COUNCILMAN NUTTER: It would have been spent?

MR. GOLDSMITH: Yeah. Well, actually, the other thing is that this City Council put money -- it was in the Managing Director's budget, but for tree trimming. Now, I don't know whether those numbers are reflected in the Park Commission's numbers, but there has been increased funding to deal with the

backlogs in trees.

COUNCILMAN NUTTER: I think actually the tree money went in the Managing Director's office.

MR. GOLDSMITH: That's exactly right. Now, what I'm saying, you can't look at the numbers in the budget purely at Fairmount Park and try to make an accurate projection on what's happened with staffing, what's happened with funding. Granted, it hasn't kept place with inflation, but, for example, the money kept in the Managing Director's office to deal with street trees is really money that was used by Fairmount Park, but it doesn't show up in their budget.

COUNCILMAN NUTTER: I understand. You wanted to keep it in the Managing Director's office because apparently you didn't have confidence that the Park would do it right, correct?

MR. GOLDSMITH: I think that took place before I became Managing

Director. So I don't know what the reason for that was.

COUNCILMAN NUTTER: All right. Well, one last question I guess on the operating side for a moment. I mean, you made a statement that you thought it wasn't so much an operating side problem as it was a capital problem. Now, in the report, you talk about the City of Seattle, which is designated by the authors under the best practices section. Per capita investment in Seattle, Washington for investment in parks is $165. I know you've read through the report, so you'd also know that for Philadelphia it's $9. Do you think that makes a difference or not?

MR. GOLDSMITH: I think it makes a difference, but that's not where I would start to solve the problem.

COUNCILMAN NUTTER: I understand. Well --

MR. GOLDSMITH: As I said in my testimony, I don't quarrel with the need

for funding, but I think before you invest, you want to make sure it's going to be used wisely. And as Managing Director, and you know as well as the Councilmembers, when you have funding choices, you look at things while you're down police and you're down this and you're down that and you have to make these difficult choices.

COUNCILMAN NUTTER: Last question. From the report again, we all know that there were three alternatives presented. You've made clear in your testimony that you believe that Alternative 1 should be done immediately. I'd just like to get your perspective on why you would propose that, given the report itself recommends on Page 65 that for short term -- and I'm quoting from the report -- "begin implementing Alternative 3, which is responsibility-based alignment. This will require a concerted effort on the part of the Managing Director, Park

Commission President, Fairmount Park Executive Director and Department of Recreation Commissioner to immediately establish momentum for the plan implementation and not become consumed in political debate. This alternative provides for a period to begin making changes in culture, operating standards and coordination between the two departments. In addition, this alternative provides for the institution of the Recreation Coordination Board to enhance coordination of recreation programming between the City and the School District. It creates a mechanism for opportunity to begin a longer term solution for a full merger with the Recreation Department," and the report goes on and on for a little bit.

Longer term, the report suggests on Page 68, "Following a successful implementation of Alternative 3 in the near term, implementation of Alternative 1, single Parks and

Recreation Department should be initiated. Because of financial constraints and ability of the two departments to achieve a successful consolidation and coordination of activities, as well as the need for state legislative action, the timing of this alternative will likely be more than five years from initiation of this strategic plan. This alternative provides the best long-term solution that is consistent with best practice organizations throughout the United States."

So what I'm trying to understand from your testimony is, given the consultant's report and their recommendations, why would you suggest we start with Alternative 1, which is the long-term solution, as opposed to starting with Alternative 3 and following some of the recommendations of the report that ultimately lead to the conclusion to go to Alternative 1? Why would you start there?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. GOLDSMITH: I think there's two reasons, Councilman. Number one is, I think I tried to indicate in my testimony, as I said, I believe this should become effective with the next Administration. If you look at that date to when that proposal in the plan was really being talked about and so forth, we're close to five years as it is.

Number two, to be quite frank with you and try to always be candid, I don't have the confidence that the Park Commission can do this. That plan has been around for about a year and a half. I saw very little action on it. Two things that the plan recommends -- and while some of it costs money, there's a lot of things in that plan that don't cost money. For example, appointing a Change Agent as Executive Director.

COUNCILMAN NUTTER: Appointing?

MR. GOLDSMITH: A Change Agent as Executive Director was one of the recommendations. And the position there

lingered for a long time.

COUNCILMAN NUTTER: Haven't we had two Interim Directors for the last four, five years? There was a search that was conducted. Whatever happened with the search?

MR. GOLDSMITH: The search, for a variety of reasons, wasn't successful.

COUNCILMAN NUTTER: Why is that?

MR. GOLDSMITH: In my judgment, it wasn't conducted properly.

COUNCILMAN NUTTER: Wasn't conducted properly?

MR. GOLDSMITH: Was not conducted properly.

COUNCILMAN NUTTER: Were there any candidates identified?

MR. GOLDSMITH: There were some, yes.

COUNCILMAN NUTTER: Were they interviewed?

MR. GOLDSMITH: Yes, they were.

COUNCILMAN NUTTER: Who were

they interviewed by?

MR. GOLDSMITH: They were interviewed by the Commission, I presume. They were interviewed by me, and a few were interviewed by the Mayor.

COUNCILMAN NUTTER: You didn't find anybody?

MR. GOLDSMITH: No. For a variety -- I mean, I would say in a couple cases they simply weren't qualified and they shouldn't have even been presented.

I should say I used to be Chief Operating Officer of an executive search firm, so I know a little bit about the business.

They should have never been presented. Another one, who was terrific, was making over $250,000 a year, which obviously we couldn't match, and then got promoted, so he withdrew his name.

COUNCILMAN NUTTER: How do you know you couldn't match it?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. GOLDSMITH: Well, it didn't matter whether -- well, we couldn't match it, but that was sort of irrelevant because he got promoted and he had a very handsome position.

And the other one chose not to take the position. But it was a laborious process.

COUNCILMAN NUTTER: Well, I mean, it wasn't a secret that Philadelphia was looking for an Executive Director of the Park system. So was there something deficient about our situation that excellent directors from all over the country wouldn't have an interest in coming to possibly run the largest urban park system in the United States of America?

MR. GOLDSMITH: Well, as I said last night, we are not the largest urban park system. As I said, we shouldn't really seek to be the largest. We should seek to be the best. There are other park systems that are significantly

larger than Fairmount Park.

COUNCILMAN NUTTER: We certainly agree on that.

MR. GOLDSMITH: But, yes, there is something deficient, and that's the governance structure and the process. I think if you were going to get someone out of another park system that, let's say, was head of Parks and Recreation in a medium-sized city, you're asking him or her to come here and take half a loaf, Fairmount Park as opposed to an entire park system. And I think the pay schedule also was a problem, but I think basically it's a half a loaf to a lot of people.

COUNCILMAN NUTTER: Okay. Well, I guess my last comment on that was, but you don't think that the fact that the Park system has been starved for years, apparently gets not a whole lot of attention from the City government in general, is significantly underfunded, understaffed and has gone through two

Interim Directors, neither of which were given the full responsibility, you don't think that might have an impact on a serious park person as to whether or not they want to come here or not?

MR. GOLDSMITH: I think a serious park person, the type of person we want here, welcomes challenge, and this Park system has clearly shown. It's also a Park system I want to say clearly is not - it's not broken. It's not a Park system that's broken. It's a Park system that could be so much better and be a much greater asset for this City, and that's the frustrating thing with it. It's a wonderful place. It could just be so much more.

COUNCILMAN NUTTER: We agree.

I'll relent, Madam Chair. I might want to have the pleasure of coming back, but thank you.

COUNCIL PRESIDENT VERNA: Thank you, Councilman.

People that are sitting up on

the balcony, I think we have ample seats down on the ground floor. If you come down, I'm sure we can accommodate you down here. Thank you.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Madam President.

As I sat here and listened to your testimony, it appeared to me that you were claiming in some way that City government is some model of efficiency and doesn't waste money and contracts perfectly and doesn't have any problem with its concession deals or with its no-bid contracts and all the other things that have been going on around here. I mean, it's as if you're contending that the City government doesn't waste money and does everything in an efficient, business-like manner. And all of us who are here know that's not the case. So why would they do such a much better job managing the Park system?

MR. GOLDSMITH: They manage the

Park system now, Councilman.

COUNCILMAN KENNEY: Why would they do a better job without the Park Commission?

MR. GOLDSMITH: The Park Commission, in reality, has nothing to do with the operations of the Park. It really doesn't. I mean, it can muddle every once in a while, but it doesn't -- it has no -- it has nothing to do with the budget, it has nothing to do with any of that. It may have some policy decisions, but, I mean, one of the frustrations here is, people think that this proposal is going to make the Park part of the government. It is part of the government.

COUNCILMAN KENNEY: I understand, but given that government that can't get two ice rinks open this winter and have other problems with their facilities, why would I feel much more confident that it's going to be run any better by doing this governance change?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. GOLDSMITH: Well, I think there's two separate issues. The governance change is one issue, and then you have the operations and running a system that's not redundant. They're two separate issues, in my judgment. They may be joined in this resolution, but they're two separate issues. And I think that there's duplication that need not be duplication and there's more that can be done.

COUNCILMAN KENNEY: On Page 4 of your testimony, you listed about five major accomplishments that you as Managing Director were able to accomplish vis-a-vis the Park system and its operation, and I don't disagree with you. I think that they were pretty substantial accomplishments, and I congratulate you on them, but we didn't need to change the Charter to accomplish those things, and I think that any Managing Director -- we have a very competent, capable Managing Director now, and you certainly did a

good job when you were there -- can accomplish a lot of what we are hearing in the testimony without a Charter change, and I don't know why we just don't keep on moving in the direction of these types of substantive operational changes and efficiencies without having to take away the Commission. And I'll make a comment why I think we need the Commission. So that really didn't hamper you in making these changes.

MR. GOLDSMITH: No. Again, they're two separate issues. The issue here is, we have two separate Park systems in this City. It's not like one just deals with natural lands and the other one just deals with active recreation. They both have baseball fields, they both have soccer fields, they both have the same thing. We're running two similar systems. One may be larger in some context over here and smaller over there. It's not like they're separated into functions. It's

two Park systems.

Now --

COUNCILMAN KENNEY: But that flies in the face a little bit of your testimony saying that the City runs it now. On one hand you tell me the City government runs the Fairmount Park system now, but now you're telling me there's two separate systems.

MR. GOLDSMITH: It is two separate systems. They come under different departments. And you know as well as I know, is that when -- the problem here, while some things happened while Managing Director because I had an interest in it because I had been at the Park and I thought it should be done, we were also going through tough budget times.

But that's not the job of the Managing Director. The Managing Director shouldn't have to babysit, frankly, and get that done. He should basically say, This is what needs to get done, and it

gets done. But when you have two sort of co-equal departments, that it's harder to get that stuff done. If you have one person overseeing the two, like virtually every other city, you make those types of changes. It's basically organizational effectiveness.

COUNCILMAN KENNEY: Well, I understand. I just have difficulty in having faith in the fact that the City -- and, again, as I said earlier, the employees of both the Fairmount Park Commission and the Recreation Department have tremendous missions and are very dedicated people, are both very sorely underfunded -- that I have great confidence that this governance change will somehow magically transform the operation of the Park into this efficient model, when the Recreation Department struggles on a yearly basis to do its mission. So having this additional responsibility under, I guess, the control of the Recreation Commissioner to

me doesn't necessarily indicate to me clearly that we're going to have these great efficiencies.

MR. GOLDSMITH: Councilman, as I understand this proposal and certainly what I'm recommending, it does not come under the control of the Recreation Commissioner. It comes under the control of a Parks and Recreation Director. It's a different concept.

COUNCILMAN KENNEY: Would that be a cabinet-level post?

MR. GOLDSMITH: I don't know. I mean, I'm not sure that -- it should be, but that's not a question I can answer.

COUNCILMAN KENNEY: Isn't that a duplication in itself, that if we have a Recreation Commissioner and then we have a Parks and Recreation Commissioner, isn't that somewhat duplicitous on its face from a title standpoint?

MR. GOLDSMITH: They're different divisions. Hopefully they'll

have different functions.

COUNCILMAN KENNEY: See, I think what seems to me to be the biggest change in the governance would be the elimination of the Commission. I mean, if I'm going to have a Director of Parks and Recreation and I'm going to have a Commissioner of Recreation, it seems to me to be a bit duplicated there. The only difference that I can see -- and perhaps as we continue to talk about this and gain more efficiencies and do purchasing together and all this other stuff, I agree with all that, but I don't think you need a Charter change to do that. I just think you need some direction from either the Mayor's office or whoever to get that done.

What I see is, the elimination of the Commission is the real substantive change. And, frankly -- and I know you've talked about federal protection and other things that would keep the park land from being turned over to

developers, and I don't think it will be turned over to developers. I just believe that the pressure on a City government to generate revenue and have the Commission out of the way makes it easier in certain circumstances to transfer land to private hands, and that I think is, for me, the biggest concern, is that despite all the protections that you've talked about, when this land is under the total control of any Mayor through these individuals that will be working for him or her, the pressure without the Fairmount Park Commission in the middle, even though you call it muddling, sometimes the muddling may keep the park land from being turned over for other purposes, and that's my main concern.

(Applause.)

COUNCILMAN KENNEY: Do I honestly think that some evil Mayor and some evil Recreation Commission or Director of ours is going to say, How can

we carve up this land and give it away to everybody? No. I think that when we come up against a lot of the issues -- I know Councilman O'Neill is dealing with an issue in his district relative to Pennypack Park and a very worthwhile project with Fox Chase, but I think without the Commission as an additional hurdle, I think it becomes easier to dispose of land.

When you have more community interest appointed by an independent group, a Board of Judges, whoever that independent group is, you have to reach and cover more hurdles in order to get park land disposed of in private hands. And I think that's an important element that the Commission provides and I think potentially could be lost as a result of losing them.

MR. GOLDSMITH: I do agree. I think there should be some protection. Whether it's the Commission as presently exists or proposed, there should be some

protection. I have no quarrel with that. And, frankly, as I've looked at this issue about the Commission, I think that is basically its major, if not only, role.

COUNCILMAN KENNEY: I'm going to ask you this question relative to your experience with another hat at the School District. Obviously our schools have been improving over the last number of years. Test scores are up. We have a long way to go and we have some difficult problems, but it seems to be going in a good direction.

Do you believe that the independence of the SRC in any way contributes to that change in at least attitude and perception and the fact that that group was able to get more money, which seems to be another major issue in the discussion of Recreation and Parks? Do you think it's been a positive that the SRC is an independent body, or didn't it matter either way?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. GOLDSMITH: I think the agreement with the Commonwealth was essential to getting more money, and part of the agreement was to provide more money, and Council put up more money and so forth. So I think -- it was an essential thing, and I think the SRC has done a good job in being able to work both sides of the aisle in Harrisburg and so forth. Whether that's independence, I don't know. Maybe it's just better politics.

COUNCILMAN KENNEY: I understand.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN BROWN: Thank you, Madam President.

Good afternoon, Mr. Goldsmith.

One issue that has been raised repeatedly that I need clarity on is the

potential inability for the Commission to do outside fundraising. You cite the Mural Arts Program as an analogy which would suggest that that would not be so. Could you clarify that at least for me? Would the Commission still have the right, the privilege, the opportunity, the ability to simply raise money on its own to meet the types of needs and services it wants to implement?

MR. GOLDSMITH: Well, my understanding and belief is that yes. People would have the ability to give if they wanted to give, and nothing --

COUNCILWOMAN BROWN: Under a potential new configuration. That's what I'm talking about.

MR. GOLDSMITH: I don't see why not. And as I think Councilman Clarke indicated, this has no impact on the Conservancy in terms of its organization. Now, Commissioner Binswanger believes that this would impact their ability to raise funds, and he's head of the

Conservancy. So he's sort of the expert in it. I have sort of a different view just from looking at other organizations that -- and I mentioned the foundation for the library's Mural Arts. They have an advisory group that have been successful. And I believe they have a vision, they have a consistency of purpose, priorities, and they've had passion behind what they're doing, and I think that's really what's important to raise funds.

COUNCILWOMAN BROWN: Councilman Nutter addressed a number of questions around funding. Any other observations or insights you can offer around the issue of staffing, where it is currently and where it potentially could be if we considered a new organizational structure?

MR. GOLDSMITH: One of the things -- in some cases, we compare apples to oranges. So when we look at the numbers and the numbers that were

quoted -- and I forget what they were, 600 people down to 100 and whatever it is -- there's no question, no question, that the numbers have come down. They've come down in every department, but the only thing I caution for accuracy's sake in some cases, for example, turf maintenance was outsourced. They're not employees. They are contracted. So I don't know how many were there that did that job when they weren't contracted out, but there's ins and outs that constantly go on in the system. So I think for accuracy purpose, we'd have to really see how much that number has come down.

But I don't want to get into an argument as to whether it's come down. Of course, it's come down. Every department, with the exception maybe of the prisons, has come down.

But I think it's also just not the numbers of employees. It's the type of employees that are needed. What's

lacking, I believe, to really put us over the top, we don't have a top-notch marketing, we don't have a marketing position at the Park. This is a very difficult system to market because we have so many parks that go under different names. I mean, one of the great parks in this City is Pennypack Park. It's part of Fairmount Park, but it has a totally different name.

So there's a marketing challenge here, but I think there is key fundamental positions that are lacking in the Park, and if I had my druthers, I would like to see the Fairmount Park Conservancy fund some of those positions, like the foundation for the library funds their marketing person. See, then I think you can go out and start to market the Park and it starts to get more credibility and then it plays on itself in getting more funds.

So, again, I don't think you can just look at numbers in the absolute.

You have to see what are the types of positions we need to really make this a better Park system, as well as a better Recreation Department.

COUNCILWOMAN BROWN: My final comment is, one observation I've made is that there appears to be one consensus or one thread that everyone tends to agree with, and Chairman Nix when asked the question what top three star functions does he believe the Fairmount Park, A, does well and, B, is clearly responsible for, and his was watchdog of public space. So Councilman Kenney has underscored that, and you've echoed the same, land preservation and ensuring that the disposal of land is protected.

Is there any other one or two items that should stand tall and rank high with regards to the work of the Fairmount Park Commission?

MR. GOLDSMITH: Well, frankly, I think if you're going to have a Commission, we have a Commission today,

they should be driving a little bit harder bargain with the Executive Director, whether it have been me or whether it have been anyone else, what are you doing to get this plan done, what are you doing, how are we making improvements, how are you guys operating more effectively.

I never use the word -- to Councilman Kenney, I don't use the word "efficiency." Efficiency and government are oxymorons, but I think you can talk about effectiveness. And if it's going to be a Commission that it's going to have oversight, they should be asking those types of tough questions. They're a Board of Directors.

And you sort of have the -- what's the term in business, in Sarbanes-Oxley law or whatever? They should be making sure they're asking the right strategic questions. Why are you putting your money there as opposed to over there? What's our priorities in

doing this as opposed to that? Because you can't do everything. Frankly, you could double the budget in the Fairmount Park and you'd still have issues, 9,200 acres of land, when people come and they litter and they do this and they do that and just the normal erosion of time. It's a tremendous burden. It's a tremendous burden.

So you have to start to think strategically, and a Commission, I think, should be asking those questions, not in a confrontational way, but that's providing the leadership and then the assistance to the staff.

I have high regard for the staff. Probably none of them will talk to me anymore, but they work hard. I mean, I go by -- I used to have a ground keeper by the name of Terrence. Terrence worked in East Park. Every day he walked down that road and every day he picked up paper, did his job with a smile on his face, and the next day he was back there

picking up paper, because people are throwing paper. And that's the type of dedication that you have, and they do need more support. They need more support from the Commission, from taxpayers and so forth. But there's some fundamental things that have to be done.

And I want to go back. This is not just simply about cost. It's also about good government and accountability in government, and it's also about whether we're going to have -- whether this City can afford one Park system or two Park systems and to have a more cohesive and strategic plan for the City. I think that's what's important here.

COUNCILWOMAN BROWN: Well, I thank you for your testimony that is based on not just having read a report, as I did, but based on experience both as Managing Director and as the former Park Director. I thank you very much for your testimony.

Thank you, Madam President.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Clarke.

Councilman Clarke, do you have any questions or comments of Mr. Goldsmith?

COUNCILMAN CLARKE: Actually, Madam President, I just wanted to clarify one thing. Actually, Councilman Kenney was raising the issue with respect to the Recreation Commissioner.

Essentially, the Recreation Commissioner, as we know it, will go away. There will be a totally new department formed. It will be the Department of Parks and Recreation. The new Director or Commissioner of that particular department will not be the Recreation Commissioner. I have no idea whether or not it's going to be Victor Richard. If it is, he would have to apply for the job, just like everybody else, but there's some misunderstanding

that -- and that was a part of some of the language that we're going to amend, that it appeared that we were essentially going to subordinate the existing Fairmount Park Commission to the Recreation Department. But that is not what the intent is. It will be a totally new department, and I have no idea as to who ultimately the person will be that will run that department.

One of the proposals calls for possibly two, maybe three deputies within that department. There was a couple proposals that talked about having a deputy who will be responsible for the parks, the parks portion of the department, and the deputy who will be responsible for the operational side. And as the Councilman mentioned earlier, there were also some possibilities of having a deputy in charge of Forest Street.

So those are the kind of things that can be worked out in the formulation

of the process, but in the formulation of this program, there will not be a Recreation Commissioner and a Commissioner of Parks and Recreation. I think Councilman is gone, but I just wanted to clarify that for him.

COUNCIL PRESIDENT VERNA: Thank you.

Are there any other questions or comments of Mr. Goldsmith?

(No response.)

COUNCIL PRESIDENT VERNA: Thank you very much.

MR. GOLDSMITH: Thank you.

COUNCIL PRESIDENT VERNA: Our next witness.

MR. McPHERSON: Pedro Ramos, the City's Managing Director.

COUNCIL PRESIDENT VERNA: Mr. Ramos, you've been extremely patient, and it's my understanding that you are very late for a very important commitment that you have.

MR. RAMOS: Yes. And I won't

presume to speak for any member of City Council, but I know at least one other member of City Council is probably expected to be where I'm going next in the Latino community, but if I may, with your indulgence, Madam President, read my testimony into the record. It's very brief and practical. Or submit it in writing, whichever you prefer, and be happy to come back and answer any questions or take any submissions and offer responses from our office.

COUNCIL PRESIDENT VERNA: Since we all have copies of your testimony and I know you're pressured for time, we would be more than happy to simply make this as a part of the record. We'll give a copy to the stenographer, and if need be, if anybody has any questions, you could certainly come back at a later date.

MR. RAMOS: This is certainly an important issue, but you'll never catch me asking Council whether I can

stick around longer than Madam President suggests.

COUNCIL PRESIDENT VERNA: It's your call.

MR. RAMOS: I would then request that my testimony be submitted for the record.

COUNCIL PRESIDENT VERNA: Thank you. And, again, thank you very much for your patience. You've been extremely patient.

COUNCILWOMAN BROWN: Madam President.

COUNCIL PRESIDENT VERNA: Yes. Just a moment, sir.

COUNCILWOMAN BROWN: I would only ask that depending upon the outcome of today's hearing, that it would be okay with inviting the Managing Director back at a later date to deal with any potential questions. I do have some regarding the second page, but I can certainly wait until then.

MR. RAMOS: We would also be

happy to take any questions in the interim to respond, as we do during the budget season, in any means that you'd like.

COUNCILWOMAN BROWN: Thank you. Thank you, Madam President.

COUNCIL PRESIDENT VERNA: Thank you.

Our next witness.

MR. McPHERSON: The next list is a panel of the Philadelphia Parks Alliance, Lauren Bornfriend, Graham Finney, Beth Ounsworth, Doris Gwaltney.

COUNCIL PRESIDENT VERNA: Good evening. Welcome. Thank you for your patience. Please identify yourself for the record and proceed with your testimony.

MS. BORNFRIEND: I am Lauren Bornfriend, the Executive Director of the Philadelphia Parks Alliance, and I am joined by our Board President, Beth Ounsworth, and our Public Policy Chair and Board member, Graham Finney. Doris

Gwaltney, who is a Board member and also the President of Carroll Park Neighbors, had to leave.

Thank you for the opportunity to testify this evening, and special thanks to Councilmembers Reynolds Brown and Clarke for stimulating a much-needed and frank discussion about the future of Philadelphia's extraordinary and very much undervalued Parks. The Philadelphia Parks Alliance believes that this opportunity is long overdue.

As one of my Board members said the other day, the most important thing Philadelphia has to offer is that it's a great place to live. Our open spaces and green places rank among our greatest assets, and preserving and enhancing them is key to the City's future growth and prosperity.

This is the lens in which we see the entire Park reform and reorganization. Parks should not be seen as a burden to be downsized. They should

be seen as an asset that, properly managed, will bring great returns to the City and its residents.

But how should this be done? What do Philadelphians want and deserve from their Parks? And how do their wishes relate to the proposed legislation now being considered? I'd like to give you some background about what we've been doing to address these questions.

For several months now, the Parks Alliance, in partnership with the Pennsylvania Horticultural Society, has been convening a series of working groups. We've been examining key questions of leadership, land use, maintenance and fundraising. We've consulted extensively with close to 150 Philadelphians, including community and business leaders, park users, former Park officials and people who work in partnership with the Park. These working groups have considered a number of prospectives and proposals, including

those of the City's own strategic plan for Fairmount Park. Their ultimate charge is to help us understand how Philadelphia's Park system can better serve the City's residents.

Our conversations are still ongoing, and our goal is to present the City with detailed recommendations based on these ongoing meetings in February 2006. But given the timing of this hearing, we have prepared an interim report.

If I had to boil down our working groups' finding thus far to two points, these would be the points: While our working group members recognize the hard work of the present Commission and its small overburdened staff, the status quo for Fairmount Park and the Park system overall is unacceptable. While we recognize that Philadelphia operates under a very tight budget, any reform of the Park system must enable it to do more, not less, in the years to come.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Simply downsizing the Park's administration is not an acceptable option.

Given these starting points, while the Parks Alliance supports major reform of Philadelphia's Parks, we cannot give our complete support to the current legislation as now written. We have some specific recommendations for improving the proposed legislation, but before I discuss them, I'd like to share some findings from our working groups that will give you a sense of their overall concerns and ideas.

While our working group members are not unanimous on any subject, we can fairly summarize their opinions to date as follows: The Fairmount Park Commission -- and by this, we mean the 16-member Board -- is seen as an institution that needs to be reformed but not abolished. As an independent body charged with protecting invaluable open spaces, it is an essential part of the

Park system of checks and balances. Without it, many fear that the Park could become a land bank that would soon be open for business.

The procedure by which Fairmount Park Commissioners are appointed through the Board of Judges is seen as outdated and opaque, distancing Park leadership from the elected officials who should be held accountable for the state of the Park system.

The steps already taken to better align the operations of Fairmount Park and the Department of Recreation are seen as logical, and they should continued. Interdepartmental transfer of all recreation areas to the Rec Department should be considered.

A strong entrepreneurial development staff is seen as an absolute necessity if the Park system is to get the most financial support possible from federal, state, philanthropic and profit sources.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

In order to create an incentive for the Park to maximize its revenue generation, it is thought that the Park system must be allowed to retain some or all of the funds it generates.

Neighborhood parks and recreation areas are seen as lacking in support and attention. Given the large number of citizens they serve and the critical roles they play in community and economic development, any reform plan must ensure that they get their fair share.

Despite all the discussion of reorganization and reform, our working groups noted the lack of a clear vision or defined mission for parks and open space. If major changes are to be made, they should be guided by a vision that goes beyond improving operational efficiency. No such vision now exists.

If any proposed Charter change appears on the 2006 ballot, many believe the changes should be deferred until the

next City Administration takes office.

Our constituents and working group members have made one thing very clear. Their frustration with the Park's status quo has left them willing to support major changes, but only if they promise significant improvements.

These same constituents are understandably wary of losing the protection that the Park Commissioners have traditionally provided to our parks, watersheds and other open spaces. Most of them will not support any change that does not guarantee that the City's land and water will be protected.

And, furthermore, the overwhelming belief among these constituents is that the Park's administration must do more than get more efficient in delivering current services. It must get more dynamic and creative in its management of everything from partnerships to revenue generation to fundraising and marketing.

Given these starting points, the following concerns were raised in regard to the proposed legislation: It would eliminate the present Fairmount Park Commission, replacing it with a new advisory body, but the role and responsibilities of that body have not been defined, nor have the qualifications and appointment criteria for its members.

Given this lack of definition, there is great concern that the new Board might well become a toothless body with no real power to protect open space, set creative Park policy and provide badly needed leadership around questions of parks and open space.

The proposed legislation does not explain how a consolidated department would create a stronger, better-funded and more proactive Park administration or how the proposed new Department of Parks and Recreation would be organized to respect and balance the Recreation Department's mandate, which is to provide

programs and services with the Fairmount Park's mandate, to protect environmental and historic resources.

Nor does the proposed legislation clarify how the department will allow the Park system to improve its fundraising, partnership building, collaboration with economic and neighborhood development initiatives, and overall resource development.

Despite these concerns, there is a strong feeling within our four working groups that the time is ripe for some kind of reform, especially concerning the current method of appointing Fairmount Park Commissioners.

The proposed legislation proposes that a new Park Advisory Board would be appointed by the Mayor. This change would have the advantage of making it perfectly clear to Philadelphians who is responsible for the state of their Parks.

What the Parks Alliance

proposes is that the existing Fairmount Park Commission structure be retained, but that its members, the Commissioners, be appointed not by the Board of Judges but by the Mayor, using specific criteria that will ensure that its members are qualified and strong park leaders who can assure the public that the Commission's long tradition of independent oversight will be sustained.

To be effective, this revised Commission would require the following: Future Commissioners should be required to demonstrate concrete qualifications for their positions, and the Commission should be structured to assure adequate representation from all areas of public life, including the private sector.

The revised Commission should operate with a clear approval process, a defined mission and clarified responsibilities and accountability measures.

The revised Commission must

also have the staff capacity needed to handle critical questions of fundraising, resource development, marketing and outreach, partnership management and, of course, the obvious, the protection of Park land. Such a model has greatly benefited other Philadelphia institutions, notably the Free Library, and could evolve from a closer relationship with a non-profit Fairmount Park Conservancy, as recommended in the strategic plan.

The revised Commission must have a defined mandate to provide oversight and policy direction to all Philadelphia Parks and Park-related lands, setting a system-wide vision.

The revised Commission must be created in conjunction with the necessary state legislation.

Given the dramatically different missions of the Recreation Department, which focuses on providing programs for people, and Fairmount Park, programs for people, and Fairmount Park,

with its mandate for environmental and historic preservation and its integral role in protecting water supply and watersheds, we believe that total departmental consolidation is neither prudent nor necessary at this stage.

Instead, we propose that the City continue with the current incremental approach known as responsibility-based alignment, under which the two departments are working to eliminate redundancies and maximize their collective resources. This approach is recommended in the City's own strategic plan for Fairmount Park, and we recommend that it continue.

In order to move forward responsibly, this alignment requires the following: The revised Commission should be charged with assisting in the continuing realignment of Fairmount Park and the department's day-to-day operations as described above.

The City Administration should

prepare an independent analysis examining the best way to maximize interdepartmental operational efficiencies while preserving each department's ability to deliver its unique services.

The Commission's Executive Director should be held responsible for protecting Park interests throughout the process of aligning operations and updating the Park's mission and capacity.

And, critically, City officials and Park and Recreation leadership should collaborate to produce a strategy by which the Park system's ongoing efforts to preserve and improve open space are integrated with the City's own economic and community development efforts. Vital questions of watershed management, riverfront development, tourism, special events and environmental and historic preservation require a collaborative approach.

Finally, no formal changes in

the City Charter affecting Parks should take effect until the new City Administration takes office.

In closing, let me restate what is at stake here. The question facing Fairmount Park and the Department of Recreation is not simply how to manage Park land at a minimum of expense. The question is how to manage it to the maximum benefit of Philadelphia as a whole in the years ahead. Our parks and open space are assets. They attract residents and visitors, raise property values, promote fitness and anchor neighborhoods. They advertise our City as a great place to live and work. They are the backyard we play in, the front yard we show off to neighbors, and the wild woods that we escape to. We need to give them the leadership they deserve.

I want to thank you once again, Councilwoman Reynolds Brown, Councilman Clarke and City Council, for stimulating this discussion. By doing so, you've

definitely raised public interest and excitement, and much can be done if we organize to do it right. As we move forward, the Philadelphia Parks Alliance pledges to do the best that we can to make sure that this opportunity is not lost.

Thank you.

(Applause.)

COUNCILWOMAN BROWN: Are there any other members of the panel that would like to present remarks, comments?

MR. FINNEY: No, ma'am.

COUNCILWOMAN BROWN: Very well.

I do see that Councilwoman Marian Tasco has a question.

COUNCILWOMAN TASCO: Yes. I want to ask a couple of questions of the Commission. I think there's some concern been raised about the selection process. It seemed to me back in the day when the framers of the Charter set up the Fairmount Park Commission, they did so with the appointments through the courts

to alleviate the political appointment.

So if we change the appointment, you're putting it right in the bed of the politicians. Do you think it's going to be any better?

MR. FINNEY: Ma'am, we think that at the core of our discussion is leadership and energy to revitalize the Park system. The present method strikes against creating that energy. These folks, all of them well meaning and well intended and many of the members of the present Commission hard-working and doing their level best, come out of a process which is invisible to the public. The Alliance has for three years tried to make it a more open process, with some results but not sufficient.

We really think that to stimulate the changes that are proposed in this legislation and in our proposal, which runs somewhat counter to it, a change in that system would give the enormous number of people who are really

vitally interested in the Park system a chance to run for the Commission. They don't have that chance now. It all happens behind closed doors, and would give us a footing upon which to make the other kinds of reforms that are based in here. It's as simple as all that.

The School Board was taken out of that sort of secret chamber some years ago. It's time for the Park process to have the same results.

COUNCILWOMAN TASCO: Well, the School Board went from one secret chamber to another.

MR. FINNEY: Well, that's another comment.

COUNCILWOMAN TASCO: The game of politics is ever-changing. Be careful what you ask for.

Thank you.

COUNCILWOMAN BROWN: Councilman Clarke.

COUNCILMAN CLARKE: Thank you. Thank you, Madam Chair.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

First, I would like to thank you all for participating in last night's forum in helping us get the word out to the many members across and all the Park advocates, and it was really wonderful to see the level of participation.

One thing, for the record, for those of you that are still here, I just wanted to say as one of the sponsors of the bill, I just want to indicate that I will not be calling for any action on the bill today. If there are people who have other things to do, I'm going to request of the Chair that this particular hearing be recessed at the end of all of the testimony to the call of the Chair.

So if there is anyone that has to go somewhere that cannot stay, because I know there's a long list of individuals that are scheduled to testify, that there will be another opportunity to testify.

The primary reason for me asking for us recessing this at the end of the testimony is, based on some of the

testimony that I've heard, particularly from the Commission and the members of the advocacy group, that there appears to be a willingness to sit down and work together over the next month or so to talk about a process that we can all feel comfortable with, a process that will hopefully take us to the next level as it relates to our Park and our Rec system.

So I would like to say that I've heard that testimony, speaking for myself. I think it will be appropriate, before we ask for any action, that we take an opportunity to sit down and kind of talk this through, because there appears to be a lot more things that we agree with than we disagree with. So I think because of that, we probably should sit down and have further discussion.

MS. BORNFRIEND: We'd like to do that. Thank you.

(Applause.)

COUNCILWOMAN BROWN: The only thing I would add for the record is that

from square one, we have been open and attentive to important issues raised wherein we have been enlightened, beginning with the request to move the call for the Charter change from November to May.

So I will concur with the co-sponsor of this bill and indicate that we remain open and willing, but it takes two. It takes several voices at the table, not just us pulling and reaching for voices to help us walk our way and move our way through wanting to create a better Park system.

So I will concur and support my co-sponsor of this bill and, at the end of today, recess. For those of you who do have other demanding things on your schedule, you're welcome to return when we readjourn to continue to hear about this bill.

Anything else from the panel?

MS. BORNFRIEND: No, thank you.

COUNCILWOMAN BROWN: Thank you

very much.

MR. McPHERSON: The next witness is Zack Stalberg.

MR. STALBERG: Good evening.

COUNCILWOMAN BROWN: Good evening, Mr. Stalberg. Welcome.

MR. STALBERG: I am Zack Stalberg. I'm a life-long user of Fairmount Park. I am Co-Chair of the Task Force that was referenced earlier by President Nix and that was convened by the Fairmount Park Commission but is not a servant of the Fairmount Park Commission. I am also President and CEO of the Committee of 70.

Given the hour, I'd like to try not to repeat the other testimony and just to focus on the group that I co-chair.

I do want to thank you and Councilman Clarke, not just for creating a sense of urgency around the Parks but, based on the latest statements, for your willingness to really spend the time over

the next month to try to develop the best legislation possible. And also speaking on behalf of the people sitting behind the bar, I also appreciate the heads-up in terms of what was going to happen for the rest of the evening. That was great.

I'm here to describe the committee I co-chair. The Task Force is also co-chaired by Bob Nix, III, President of the Fairmount Park Commission, and it was sanctioned by the Commission. Three Commission members sit on this Advisory Committee, John Binswanger, Debra Wolf Goldstein and Philip Price, Jr.

That said, I hope and believe that City Council will find in the end that this Committee is not the Commission's surrogate. I know independence when I see it, and I will be frank with this Council if I feel that the full Committee was not able to produce an independent set of conclusions.

The Committee will, I hope, offer fresh insights on how to improve, manage, govern and fund Fairmount Park. Our final report will include a sharper version for the Park than the one suggested in the 2004 strategic plan. And it will, of course, address the issue of how the Park should be managed in relationship to City government, the issue addressed by the proposed legislation.

I want to stress a few other points about this Task Force. Other than the four Fairmount Park Commissioners, there are a dozen other members of the Committee, including representatives of the Administration, the private sector and organizations such as the Greater Philadelphia Tourism and Development Corporation and Philadelphia Industrial Development Corporation.

Three subcommittees have gone to work on the issues of vision, governance and funding. They are chaired

12/14/05 - WHOLE - BILL 050753 - RES. 050778

by Paul Levy of the Center City District, Joan Reilly of the Pennsylvania Horticultural Society and F. John White of Public Financial Management.

The Park Commissioners who serve on the Task Force are not serving on the subcommittees that will fashion the final recommendations.

The Task Force is about a month away from offering its recommendations. I know the sponsors' current desire is to get a ballot question in front of the voters in May. The Task Force will do its best to finish its report in January so that it will not interfere with that timetable.

I hope the sponsors will not move on this legislation until you have an opportunity to both see that report and the two or three or four other studies and reports that are underway now in an effort to help inform the current debate.

And I'm delighted that there

will be a second public hearing and probably an opportunity to look at some or all of those reports that are in the works, including the final report referenced by the Parks Alliance just now.

Finally, I want to emphasize that this Task Force is not in business to preserve the status quo. I have not met anyone yet, and that includes members of the Park Commission, who believe we are optimizing the Parks. And there seems to be a broad consensus that some elements of the current system often yield bad results or bad perceptions or both. And there's been several references today to the method of appointment of Park Commissioners, and perhaps that's the best example.

Speaking only for myself, because it is too early in this process to really speak for the Task Force, I just want to conclude on this note: The Park might be the single asset that makes

Philadelphia truly unique among American cities. Because of the diverse nature of the Park system, its configuration throughout the City and especially its vastness, a well-thought out, well-managed, well-funded Park has the potential to serve Philadelphians far better and to be a lure and a revenue-producing lure for suburbanites and for out-of-towners.

I believe City Council has one good shot in this term to accomplish comprehensive Park reform, and I hope you will view that as your goal.

Thank you very much.

(Applause.)

COUNCILWOMAN BROWN: Thank you very much for your testimony. And I will say that I am encouraged to hear, and I now quote, that the Task Force is not designed to maintain the status quo. If that were the case, then we wasted $600,000 and 18 months' worth of work. So to know that we're now at least

reading from the same sheet of music and we want to move the Philadelphia Fairmount Park system and the Recreation Department forward is a good thing. So we will look forward to the content of the pending report.

MR. STALBERG: And I can just give you my sense of the Commissioners that I'm dealing with on this Task Force, and I believe that their desire is not to preserve the status quo as well.

COUNCILWOMAN BROWN: Thank you very, very much.

MR. STALBERG: Thank you.

COUNCILWOMAN BROWN: Mr. Stalberg, we thought you could leave, but you cannot. My colleague, Councilman Michael Nutter, does have questions.

COUNCILMAN NUTTER: Thank you, Madam Chair.

Just a quick one. And if I missed this in the course of your testimony, I apologize, and don't go back over it.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

This Task Force, I think you indicated you expect the work to be done in January?

MR. STALBERG: Hopefully mid to late January.

COUNCILMAN NUTTER: Did you happen to mention how many people are on this Task Force?

MR. STALBERG: There are 16, I believe.

COUNCILMAN NUTTER: Perfect match with the Commission.

MR. STALBERG: A pure accident.

COUNCILMAN NUTTER: How coincidental.

And did you happen to mention who all the members are?

MR. STALBERG: Unfortunately, I have only one copy of this, but if I can give this to the Clerk and if the Clerk can pass that around or duplicate it, that would be fine. It's four members of the Commission, a dozen members from various segments and all who have some

concern in the Park, some who have specific Park expertise.

COUNCILMAN NUTTER: And what do you then expect to have happen with the Task Force report?

MR. STALBERG: Pardon me?

COUNCILMAN NUTTER: What do you then expect to have happen with the Task Force's report?

MR. STALBERG: It will be delivered to the Commission, which asked us to go to work in the first place, and to the public shortly after that. And I hope it will have a constructive influence on this debate.

I mention, for instance, the question of vision. We are treating the strategic plan as if it's some sort of sacred document, but when I looked, for instance, at the vision for the Park, it was pretty mushy, in my view. It said that we will have a signature park, and that was it. And personally I'm not sure what that means, and it doesn't feel

enough like a vision to me.

So I hope we will be able to offer -- I use that as an example. I hope we will be able to offer to the Commission and to City Council and to the public a sharper vision for consideration than that.

COUNCILMAN NUTTER: Last question. Is any part of the Task Force work to seek to identify not only -- and this has come out through the strategic plan, certainly best practices in a variety of cities. The plan lays out different categories of what best practices are and then different cities that have done extraordinary things.

Is this Task Force taking any part of its time to think about or identify who these stars or rising stars in Park management, whether they're just Parks or who have Park and Recreation background? Who are some of the people that we should be looking at in the context of Change Agents and people with

vision that we might have a potential interest in in the future?

MR. STALBERG: I hope we will be able to go that far. As a practical matter, the upside of the timetable, the current timetable, is that it's created a sense of urgency. The downside is that it probably limits how much work can be done on any of these issues, but my hope is that the Governance and Operations Subcommittee of the Task Force, which is chaired by Joan Reilly, will be able to get to questions like that.

COUNCILMAN NUTTER: Lastly, do you have any particular opinion -- and, again, if you already articulated this, don't go back over it -- any particular opinion with regard to the timing of all this, when the changes should be made or when any proposal to merge or consolidate functions, when should that be conducted or when should it be effective?

MR. STALBERG: Speaking for myself, I would love to see it effective

with the beginning of the next Mayor's term. I believe it's difficult to implement any change of this magnitude at the end of an Administration. And so that would be my personal recommendation, but, again, I'm not speaking for the Committee on that point.

COUNCILMAN NUTTER: I understand. Okay. Thank you.

Thank you, Madam Chair.

COUNCILWOMAN BROWN: Thank you, Councilman Nutter.

Councilman Brian O'Neill.

COUNCILMAN O'NEILL: Mr. Stalberg, I'm getting the impression -- I just wanted to make sure I'm correct in it -- that the Task Force will be recommending a Charter change?

MR. STALBERG: No. I'm sorry if I gave that impression. It's probably too early in our process to suggest that. All I'm trying to emphasize is that based on the conversations we've had so far, nothing has been ruled out. And even the

Commissioners who are part of this group have indicated that if their jobs change or their lives change but we get a better Park system as a result of it, that that will be satisfactory to them.

COUNCILMAN O'NEILL: You mention discussions today about qualifications or how the Commissioners are appointed. Will you also, as part of your scope, be looking at the number of Commissioners and also whether there should be six ex officio from the City as opposed to from the world outside? Is that number fixed or is it something also open to the Task Force review?

MR. STALBERG: It's very much open to the Task Force review. I think, in a sense, the fact that there is such a bad feeling about the current appointment system invites deep discussion of other issues around this, either the existing body or the new body, how many, how many ex officio, et cetera.

COUNCILMAN O'NEILL: Okay.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. STALBERG: It's very much open.

COUNCILMAN O'NEILL: Thank you.

COUNCILWOMAN BROWN: Thank you, Councilman O'Neill.

Any other questions?

Councilman Darrell Clarke.

COUNCILMAN CLARKE: Thank you, Madam Chair.

Good evening.

MR. STALBERG: Hi.

COUNCILMAN CLARKE: Just one quick question with respect to you indicating from your personal perspective of having this implemented in the next Mayor's term, and I think you said that sometimes at the end of a Mayor's term, it's difficult to get things done, particularly things of this magnitude.

Would you agree that sometimes a new Mayor coming in may have difficulty getting things of this magnitude done, particularly given the fact that -- and I have no idea, no crystal ball as to who

the next Mayor will be.

I'm sorry. I couldn't resist. It's getting late, folks. I'm sorry. I couldn't resist. This is my buddy over there.

COUNCILMAN NUTTER: I could maybe help you with that.

COUNCILMAN CLARKE: I would be, to some degree, a little concerned about understanding how sometimes when a new Administration comes in, you have to get new people, you have to gear up, you have to get a sense of the government. We could possibly be two years putting in place the appropriate department heads in various agencies.

I'm just a little concerned about -- because you could conceivably be adding three years to this process. Having been around for actually four Administrations now, I see when there's a change, it like takes a long time for people to get up to snuff.

MR. STALBERG: I think that's a

very fair point. I'm generalizing based on three and a half decades of hanging around this building, that it's tougher to get things done at the end of an Administration than at the beginning of an Administration. But I see no reason -- and, again, I want to emphasize I'm speaking personally. I see no reason why there can't be an acceleration of these transitional steps and with full implementation of a comprehensive reform plan at the beginning of the next Administration.

COUNCILMAN CLARKE: That's your opinion. Thank you.

COUNCILWOMAN BROWN: Thank you, Councilman Clarke.

COUNCILMAN RIZZO: Could I just --

COUNCILWOMAN BROWN: You certainly may, after Councilman Nutter.

COUNCILMAN NUTTER: I'm sorry. That was from earlier.

COUNCILWOMAN BROWN: Very well.

Councilman Frank Rizzo.

COUNCILMAN RIZZO: You talked about the end of the Administration versus the beginning of a new one. Obviously this is going to become, if it lingers on -- don't you believe it's going to become a political issue, it's going to be an issue during a mayoral campaign?

MR. STALBERG: My own personal view is that there's a relatively short window here in which we can all have a good conversation about how to improve the Park system, and then we'll come under the shadow of the 2007 municipal election. So that's one of the reasons that I personally think it's better to be discussing this -- trying to discuss this topic now as opposed to three months from now or six months from now.

I hope that goes to your question.

COUNCILMAN RIZZO: But based on what I'm hearing here today, I don't

think this is going to -- the time line that I see does not suggest that this is going to be resolved soon. At least that's my feeling. And I would bet that if it does not get resolved soon, it probably won't happen before the next mayoral election.

MR. STALBERG: I imagine, Councilman, that we're just in a speculative game here, but --

COUNCILMAN RIZZO: Right.

MR. STALBERG: -- I think I agree with your conclusion, that if it's not -- if there isn't a consensus around a good plan relatively soon, we enter a political phase and then not much will be done with it until the next time around.

COUNCILMAN RIZZO: Thank you.

Thank you, Madam Chair.

COUNCILWOMAN BROWN: You're welcome, Councilman Rizzo.

Councilman Jack Kelly.

COUNCILMAN KELLY: Yes. Thank you, Madam Chair.

Mr. Stalberg, I just want to ask you, in your Commission report, which you're going to be issuing probably sometime in January or February or whatnot, are you going to be recommending any ways to increase revenue or to increase the budget for the Park itself?

MR. STALBERG: There's --

COUNCILMAN KELLY: In other words, we could have all the great ideas -- I'm sure there are a lot of them that are going to come out of your report -- and unless we have the proper funding and revenue to implement them, I think it's going to be -- I think that's a very serious question that I have.

MR. STALBERG: There is a subcommittee made up of some very good people who are focused on funding both the proper level of City funding and the issue of how to generate additional outside revenue. So I hope we'll be able to put some fresh ideas on the table in mid to late January.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILMAN KELLY: Thank you.

COUNCILWOMAN BROWN: You're welcome.

Any other questions from members of the Committee?

(No response.)

COUNCILWOMAN BROWN: Very well. Thank you again, Mr. Stalberg.

MR. STALBERG: Thanks very much. Happy holidays.

MR. McPHERSON: The next witness is Carroll Towarnicky.

COUNCILWOMAN BROWN: Good afternoon and welcome.

MS. TOWARNICKY: Good afternoon and thanks for the opportunity to appear today. I'm Carroll Towarnicky. I'm here as a long-time City resident, a park user and a park neighbor, but also because as the Chief Editorial Writer for the Philadelphia Daily News, I co-wrote a series of editorials about the City's parks that have run over the past four and a half years.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Our most recent series in September argued for the elimination of the Fairmount Park Commission in its present form and in favor of a City Department of Parks and Recreation, which is pretty much the basis of the legislation that's been produced.

I'm used to sitting over there, so it's a very odd feeling to be sitting in this seat. In fact, I wasn't sure it was appropriate for me to be here to give testimony, because until last month, November 18th to be exact, I was covering the Park issue as part of my job at the Daily News. Journalists shouldn't be part of the story. We're supposed to be objective.

But I have covered the Parks for so long now, that I'm anything but objective about its current state and its future, and I have strong views on this issue in particular. And my personal views, of course, aren't necessarily those of my former employer, the Daily

News.

So I want to focus mainly on the issue of accountability to the voters and the taxpayers, and it goes to the selection process that people have mentioned so often today. When we first began looking into the Parks, we learned a lot about that process that is still a mystery to many well-informed Philadelphians, how the ten at-large members of the Fairmount Park Commission are chosen.

Not that we know much even now about how Commissioners actually are picked, since they're voted into their five-year terms by the Board of Judges of the Court of Common Pleas at meetings that aren't open to the public or the news media.

Judges are elected, but it's safe to say that no Philadelphian casts a vote for a judge with the idea that the judges choose the people to run our Parks. Nor can we hold the judges

accountable at election time if the commission they choose turns out to be less than dynamic.

Of course, our Mayor and City Councilmembers are elected, but here the accountability is clear. We may not vote on a single issue, yet we expect these elected representatives to provide services for our City.

We don't need to know the name of the Streets Commissioner. If the snow isn't removed properly, we know whom to blame, the person who appointed her, the Mayor. But if you have an issue with any aspect of Park management or leadership, who are you going to hold accountable? A group that was picked behind closed doors, who don't officially report to anyone in City Hall and are unconnected to any City department.

In the past, often the first anyone heard about the process of selecting Fairmount Park Commissioners was after it was over. So in 2002 when

the at-large Commission members' five terms were up, we at the Daily News urged the Board of Judges to break from past practice and open up the selection process.

As part of our campaign, we invited Commissioners in to meet with the Editorial Board. Those interviews were one of the first times that City Commissioners ever had to answer questions, articulate a vision or accept accountability in any remotely public manner.

In a process that was more open than ever before, the Board of Judges selected six new members for the Commission, but the later appointments went right back to the old way of doing things, without public notice.

Now, more than halfway through their five-year term, the Fairmount Park Commission still doesn't seem to have exhibited a unifying vision for the Park and how it meshes with the overall vision

of Philadelphia as a good place to live and visit.

Regardless of its individual members, the structure of the Commission and its separation from the City Administration works against that. To a great extent, the Commission is forced inward as it tries to get consensus among its own members rather than outward to work with the rest of the City Administration.

We've heard a lot today about the Park's real problem being funding, but consider, would the City give more money to a department over which it doesn't have full control? As the Commission is quick to point out, it doesn't control its budget. The Mayor and City Council do. But this is an argument to abolish the Park Commission, not retain it.

It's not likely that unelected Park Commissioners ever will have the power to tax or set their own budget, and

even if the Fairmount Park Commission had managed to achieve a vision for the Park and to provide leadership, it still would be up to the Mayor and the Council to fund that vision and to make it work.

The fact that the fate of the Parks already is in the hands of the Mayor and the City Council should be more clear to park users, to the voters and to the taxpayers.

It's time to look ahead. I believe, like other people, that the Charter amendment being discussed today should take effect with the next Administration, but even if it goes into effect sooner, the major changes will depend on the next person to occupy the Mayor's office and the members elected to the next Council.

Do nothing, and 2007 will see a replay of 2002. The Board of Judges will choose ten at-large Commissioners using criteria only they know for new five-year terms, with no actual accountability to

the voters.

But if we amend the Charter to hand over the Parks to a newly created Parks and Recreation Department, then 2007 will provide an opportunity for the Parks to be a major campaign issue debated by candidates for Mayor and for City Council, who then will have the power to follow through on their promises. That finally would give the voters a voice in the future of their Parks, a voice they don't have now.

Thanks for listening.

COUNCILWOMAN BROWN: Thank you very much for your testimony.

Any members of the Committee have a question?

(No response.)

COUNCILWOMAN BROWN: We thank you very, very much.

Two housekeeping items. One, we've started actually at 3:00 and our stenographer started at 2:00. We want to give her a few minutes that she needs to

take a rest, just a few minutes.

And then, secondly, let me repeat that this Committee hearing will be recessed. If you must leave, please let us know that you wish to testify at the next rescheduled session of this Committee.

So we will take five minutes and allow our stenographer to take a break.

(Short recess.)

COUNCILMAN CLARKE: Folks, we're going to reconvene.

MR. McPHERSON: The next witnesses are a panel, Blaine Bonham and Mike Groman from the PA Horticultural Society.

COUNCILWOMAN BROWN: If there's anyone that, again, has to leave but wants to be notified for the next hearing, please make sure you see David Forde or Will Carter on our staff to ensure that you're notified so that you can come back, please.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Good afternoon, gentlemen. Welcome.

MR. BONHAM: Good evening.

COUNCILWOMAN BROWN: It is that, isn't it?

MR. BONHAM: Councilwoman, thank you.

COUNCILWOMAN BROWN: Thank you.

MR. BONHAM: We have given you copies of the testimony, and in the interest of time, we're going to shorten it, but I'm assuming that the full testimony will be read into the record.

COUNCILWOMAN BROWN: Absolutely.

MR. BONHAM: Is that how that works?

Thank you for the opportunity to speak to you. The Pennsylvania Horticultural Society lauds the initiative of Councilmembers Clarke and Reynolds Brown to take on the challenge of promoting significant and substantial change to the current management systems

of our City's parks.

The proposed legislation has sparked a robust discussion about the future of the City's parks, something that's not happened for a long time. We have partnered with the Philadelphia Parks Alliance to create the Citizens for Better Parks Initiative to provide a forum for discussing future management of Philadelphia's parks.

However, we strongly recommend that any action to combine the Department of Recreation and the Fairmount Park Commission into a centrally managed Parks and Recreation Department as it moves ahead before it is as it's proposed, that several issues be thoroughly examined and considered as key to the final resolution.

I'm going to skip to those critical issues.

One, of course, is funding. And for the past 30 years, both systems, particularly Fairmount Park, have been

severely underfunded, resulting in significant --

COUNCILWOMAN BROWN: Mike, please forgive me. Our stenographer failed to hear your full name. Forgive me for having to interrupt.

MR. BONHAM: I probably didn't give it. I'm Blaine Bonham, Executive Vice-President of the Pennsylvania Horticultural Society, and this is Mike Groman, Senior Director, Philadelphia Green for the Horticultural Society.

COUNCILWOMAN BROWN: Thank you.

MR. BONHAM: For the past 30 years, both systems, particularly Fairmount Park, have been severely underfunded, resulting in significant reduction to services and staffing. And a system once built on quality service consistently and broadly applied has been pressed to respond frequently to only the most critical and desperate needs.

You've heard a lot of statistics this evening and this

afternoon. Trust Republic Land, which is a national non-profit conservation organization, shows that on average each employee of the Fairmount Park system is responsible for over 46 acres of land, while park employees in other comparable cities, like Detroit, Washington, D.C., Boston and Baltimore, are responsible for only 9 to 15 acres.

Philadelphia spends about $48 per resident on its Park systems, while residents in other cities mentioned spend as much as $289 per resident, as in Washington. The inherent stress on the Philadelphia Park system is obvious.

Now, on the other side of the balance sheet, we believe a centrally managed Park system can hold the promise of greater operational efficiencies and subsequently lower costs. Over the past several years, the two Park systems have been consolidating management of certain components, including pools, recreation centers and administrative functions

related to finance and human resources. However, the potential for greater efficiency should be completely understood and publicly documented before a full system merger takes place.

Another issue is the public-private partnerships. Due to the other competing interests and pressing needs in the City at this time, we realize that the City budget alone will not be able to provide adequate funding to the Park system. Therefore, creating and maintaining innovative partnerships with outside private entities, including Philadelphia Green, for instance, the Fairmount Park Conservancy, community-based and other organizations poised to support parks, is one of the most effective ways to increase resources.

And just, for example, over the past 12 years, our partnership with the Department of Recreation and Fairmount Park through our Parks Revitalization

Project has been able to attract over $13 million for capital improvements from the city, state, foundations and private corporations.

Moving forward, these relationships need to be expanded, nurtured and developed to their fullest potential, which will require the time and energy of the Directors and Managers at each of the systems.

Another issue is maintenance. Quality maintenance is key to the success of an urban park system. Neighborhoods with parks that are well managed reap all the social, environmental and economic returns on investment. Conversely, parks that are poorly maintained can be catalysts for neighborhood degradation.

PHS recommends that clean, green and safe should be the minimum standards applied across the board. We also recommend that the City's procurement process be streamlined to facilitate timely and effective park

maintenance.

The maintenance staff within both systems are poised to do good work. However, they're often hampered by a lack of equipment. So for the lack of a spark plug, the grass doesn't get cut. The systemic problem needs to be resolved.

Leadership and vision, another critical issue. Park leadership needs to have the responsibility and, more importantly, the authority and accountability to get the job done. Without authority, the leadership cannot be held accountable for the efficient and effective performance of the system that the citizens of Philadelphia deserve. Also, the leadership structure would benefit from an independent body of park advisors who can provide guidance and oversight and can seek opportunities to leverage resources. Its members should have a clear affinity for parks and open space, as well as skills and expertise in the business of developing and managing

such a dynamic asset that demands a high return on investment for the City.

Most importantly, the Park system in Philadelphia needs to be guided by a clearly articulated vision for the role it plays in the City and the region. A well-defined vision sets a common goal, energizes constituents and paints a picture of a park system that's more than a solitary jewel but a vital component of the City's civic vitality. It protects the health, safety and welfare of the residents of Philadelphia and enhances their economic well-being and quality of life.

The well-respected park authority and park advocate, Peter Harnik, who works for the Trust Republic Land, says this about money, which is interesting, because there's been a lot of discussion this afternoon and this evening about money, but he says that the lack of money is not the problem, it's almost always the symptom. When there's

a clear vision and proper leadership built into a park management system, the resources will follow.

The Pennsylvania Horticultural Society recognizes that change needs to happen for the future of the Park and the City. We would encourage City Council to consider these issues as critical to the proposed legislation so that the long-term result is the best possible Park system for Philadelphia.

Thank you.

COUNCILWOMAN BROWN: We thank you very much for your testimony.

Any other comments you'd like to make?

MR. GROMAN: He said it all.

COUNCILWOMAN BROWN: I should state for the record that we tried hard to get the appearance and participation of Peter Harnik for this hearing, and scheduling made it virtually impossible. So we might be more fortunate --

MR. BONHAM: He might be able

to come for another session. I know he'd be glad to talk about it.

COUNCILWOMAN BROWN: Well, he's a well-respected park guru, if you will, that has a national perspective on what's possible with regard to creating outstanding park systems.

So we thank you very, very much for your testimony.

MR. BONHAM: Thank you.

COUNCILWOMAN BROWN: Questions from the Committee?

My Co-Chair?

COUNCILMAN CLARKE: No.

COUNCILWOMAN BROWN: Thank you very much.

MR. McPHERSON: The next witness is Bill Mifflin.

MR. MIFFLIN: Good evening.

COUNCILWOMAN BROWN: Good evening.

MR. MIFFLIN: Good evening, City Councilmembers, apparently Co-Chairs of this auspicious event. My name is

William Mifflin. It is indeed a pleasure and honor to appear before you today on this most important matter, the proposed transfer of the powers and duties of the Fairmount Park Commission to the Philadelphia Department of Recreation.

As you know, I had the privilege and the honor to serve in a leadership role in both agencies. I have retired after 37 years of service to the citizens of Philadelphia. Both agencies are remarkable, progressive and resourceful. The employees are professional and dedicated to their professions.

I submit to you that the City of Philadelphia is very fortunate indeed to have two agencies serving the multiple park and recreational needs of our citizenry.

I further submit that now is not the time to consolidate the two departments, and I urge that Bill Nos. 057780 and 050753 not be approved. I

make this recommendation out of total respect for the co-sponsors of this bill, Councilwoman Blondell Reynolds Brown and Councilman Darrell Clarke, who have historically both been huge supporters of both the Fairmount Park Commission and the Department of Recreation and myself.

I can understand and appreciate to some extent the rationale behind these bills. There may be a perception that the departments are duplicative or that the lines of program and maintenance are confusing to elected officials and the public. There is also an awareness that Philadelphia is one of the few cities where the departments appear to be separate entities.

I believe that these issues can be resolved without the loss of the authority of the Fairmount Park Commission. The two agencies have always cooperated and shared limited resources to every extent possible.

I have personally, along with

other members of senior staff of both agencies, along with the Managing Director's office, on at least two separate occasions analyzed and researched the financial, economical and effective gains of merging the two agencies, and on every occasion, the gains were minuscule or not to be found.

Through the years and up to the present, general and specific responsibilities in programs and maintenance have been transferred or reconfigured to take advantage of the strengths of the other agencies. In fact, it is the responsibility of the Recreation Department to provide City-wide recreational programs and facilities, including those in Fairmount Park. The City Charter and the official City organizational chart presently accounts for the Fairmount Park Commission to be one of the agencies reporting to the Department of Recreation.

However, given the enormous responsibilities of both agencies, it has been recognized by many having two agencies which complement each other while focusing on their respective missions.

Philadelphia is a special City. We have history, numerous resources and a population that cares passionately and unselfishly about our Parks and Recreation. We have a reputation of getting things accomplished that is the envy of park and recreation programs across the state and our country. I am proud that we still have a Park Commission that can or could be independent.

The mission of the Park Commission is very similar today as it was when it was first incorporated: Maintaining open space and the protection of the quality of our water. It is even more critical today that we maintain and reinforce that mission. The Commission's

loss of authority to an advisory role would seriously jeopardize that important responsibility. However, I would like to take this opportunity to make a few recommendations for your consideration regarding the future.

Fairmount Park and the Department of Recreation are embarrassingly understaffed and underfunded. They have been for decades, and the toll of deferred maintenance, unsafe conditions and burned out employees have reached a critical level. They must receive a larger portion of the City budget.

The work of these two departments actually serve and assist other agencies, such as the Police in fighting crime, the Water Department in storm water management, Health Department in fighting childhood obesity through organized physical activities, the Commerce Department in supporting and hosting large special and cultural

events, and have always been a partner with the School District of Philadelphia in the education of our children.

There are other agencies that are affected by their work which largely goes unnoticed, unrecognized and unrewarded financially. Additional funding could be spent strategically and would represent one of the best returns on our dollars.

The agencies do an excellent job in receiving grants and support from corporations, government agencies and, of course, the wonderful friends groups and volunteers. However, the City needs to support the Fairmount Park Commission and the Department of Recreation so that we can more effectively leverage the support.

No. 2, upon completion of the term of the existing Commissioners of Fairmount Park, we must have in place a different appointment process that would change the present process of election by

the Board of Judges to a more open, transparent process, with criteria established that would ensure the most qualified and dedicated candidates would serve.

Further, the maximum number of Commissioners should be between seven and nine, and we should continue to include the representation from City Council, the Recreation Commissioner and I suggest that we add the Managing Director, among others.

Three, creation of a regional park. My vision is to encompass East and West Park and the Wissahickon. This acreage contains some of the finest cultural, historic, tourism and recreational amenities anywhere in this country. The district -- and I use that in quotes -- could be managed in partnership with the Commonwealth and the federal government along with the support of a special Cultural and Recreational District. I think that separating East

and West Park and Wissahickon from the other 9,000 acres, it makes a great deal of sense, and I sincerely believe that we could have other levels of government interested in helping create that as a national showpiece.

No. 4, the Fairmount Park Commission has as much in common with the Philadelphia Water Department Watershed Management Division as they do with the Department of Recreation. Consider creating a special entity with the Park Commission to focus on storm water management issues throughout the City.

No. 5, expand partnerships with universities, such as Philadelphia University, Temple University, Penn, Drexel and others in support of both departments. I know I've about teaching at Temple since leaving the City employment and I've been able to craft numerous internships and partnerships in natural resource projects here. So it can really be leveraged. And the

faculties of those universities, quite frankly, would be very interested in supporting our Parks and Recreation.

No. 6 is to reenergize and enforce the City Charter responsibilities of the Recreation Coordination Board. The major benefit of this would be the assurance of the School District of Philadelphia participating in providing in provisional recreational programs.

No. 7, the Executive Directors of the Fairmount Park Trust and the Conservancy should report to the Fairmount Park Commission through the Fairmount Park Executive Director. I will note that in addition to these reporting relationships, that the City Managing Director is responsible to supervise both the Department of Recreation and the Fairmount Park Commissioner and its Executive Director. So the Managing Director's office, again, is sort of the glue that keeps the two departments together.

No. 8 is support the expansion of such programs as the Pennsylvania Horticultural Society Philadelphia Green Program that has done so much to improve our parks and open spaces in the City, and, of course, you just heard from them.

In conclusion, I would commend City Council for bringing attention to the need for improving the delivery of services of the Fairmount Park Commission and the Philadelphia Department of Recreation.

Much has been accomplished and much more needs to be done. The status quo is not acceptable. The City is blessed with significant natural and historical resources and a substantial infrastructure of recreational amenities. The agencies responsible for these amenities need the support of everyone. The agencies do not overlap, but struggle daily to meet their responsibilities. Administratively the two can work cooperatively. However, it is critical

that we have an effective Fairmount Park Commission to ensure that future generations have a Park system of which we will all be proud to have been a part and a protector of.

Thank you very much. I'd be happy to answer any questions you may have.

COUNCILWOMAN BROWN: Thank you very, very much.

MR. MIFFLIN: Sorry to read quickly through it.

COUNCILWOMAN BROWN: Quite all right. I'll reread it with interest, and your recommendations in particular.

Speak briefly, if you could, or elaborate on potential partnerships that could exist with universities. I think all City departments need to think out of the box and look to the next generation of leaders in various professions.

And elaborate, if you will, on -- you mentioned a number of departments, Police, Water, storm water,

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Commerce Department, School District, which rely on or interface with Fairmount Park.

MR. MIFFLIN: Sure, and the Department of Recreation. Both.

Well, with regards to the universities, as you know well as an educator, there's really a wealth of information and interest in working with, from the Presidents of the universities on through the School District, with working with the City and making this City a first-rate educational City, and the Park can become a laboratory, a science laboratory, for many of the classes and many of the schools.

At the high school level, the environmental science is now part of the science curriculum for the Commonwealth of Pennsylvania. And in other areas of the Commonwealth, they use the state parks, again, as their classroom laboratory.

So we could be doing much more

and going beyond presently what we're doing, but I think it has to be a summit from the Mayor with the Presidents of these universities, and really begin to think about how they can interact with these City agencies.

They're here in the City. I don't know of another city that has this opportunity. And Penn has landscape architecture seminars and they have a major in landscape architecture, as does Temple University. Philadelphia University now, of which I'm also teaching, is environmental sciences, and, of course, Temple University has horticulture as well.

As I speak to the faculty members, they would be extremely interested in doing research and doing increased internships and really working more cooperatively with both agencies.

As it relates to the other City agencies, of course, we have been doing this forever, quite frankly, at both

departments, but storm water management is becoming one of the most critical issues facing our natural resources, and the Water Department does really a very effective job, I believe, given its resources in watershed management, and they are presently working cooperatively with Fairmount Park. My suggestion is that this could be a focus for both agencies. The Water Department has a serious budget there and could perhaps help the Park Commission and look -- they look at Park property as detention and retention areas for storm water management, and I think this is an opportunity to do even more work like we're doing at Sailor's Grove along Lincoln Drive, and I just think that really could be a focus of both the Commission and the Water Department to really begin to think about how we manage our natural resources here.

When we talk about what white-tailed deer does to the Wissahickon

and the Pennypack and some of the other things, we have admitted that uncontrolled storm water runoff is, quite frankly, probably a worse or a greater damage to our natural areas than white-tailed deer, particularly now that we're bringing that somewhat under control.

It's difficult to document what recreation programs do as far as crime prevention is concerned, but we know that having children in gymnasiums, quite frankly, as opposed to being out on the street or in after-school programs -- the School District and the Department of Recreation have to sit down and come up with a policy of who pays for when schools stay open later than the end of the school day, because the one doesn't want to pay for the people to open and lock up the doors. And it's ridiculous, because we're really missing significant opportunities here.

I have a number of issues like

that that I'd be happy to -- that I didn't articulate in detail in this testimony, but I'd be happy to provide it to you as well.

COUNCILWOMAN BROWN: Thank you again for your testimony. I certainly can't -- well, but I can, because I've been invited to be a member of the Steering Committee that Zack Stalberg spoke about. So therein lies an opportunity to make sure there's some cross-fertilization in all of the testimony that has been shared.

So, again, I thank you very, very much for your testimony.

MR. MIFFLIN: You're welcome.

MR. McPHERSON: The next witness is Penny Balkin Bach from the Fairmount Park Art Association.

(No response.)

MR. McPHERSON: The next witness is Mike McCrea.

(No response.)

MR. McPHERSON: Andrew Hohns?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

(No response.)

MR. McPHERSON: Mary Ferrell?

SPEAKER: I'm standing in for her. Her report has been given.

COUNCILWOMAN BROWN: Let the record show that we have written testimony from Mary Ferrell of the Conservancy. Thank you very much.

MR. McPHERSON: David Thornburgh?

COUNCILWOMAN BROWN: He did leave his testimony.

MR. McPHERSON: Bob Lukens and David Pope?

COUNCILWOMAN BROWN: They will return.

MR. McPHERSON: Jim Kates.

MR. MAGAZINER: Did you offer any further witnesses?

COUNCILWOMAN BROWN: Forgive me, sir?

MR. MAGAZINER: I'm hard of hearing. Are you calling the next witnesses?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

COUNCILWOMAN BROWN: Yes. We're calling up additional witnesses.

MR. McPHERSON: We're still calling the original list.

Jim Kates?

COUNCILWOMAN BROWN: Good evening, sir.

MR. KATES: Good evening. My name is Jim Kates. I'm the Vice-President of the Friends of Fox Chase Farm. Thank you for the opportunity to speak about these critical issues today.

Fox Chase Farm is a 112-acre facility administered by Fairmount Park. It is situated in Northeast Philadelphia and was jointly purchased in 1975 by the City, Montgomery County and Abington Township. At the time of this purchase, it was agreed that Fairmount Park would be responsible for the administration of the site. Since Fairmount Park did not have sufficient staff or experience to continue running this facility as a

working farm, it cleverly leased it to the School District of Philadelphia as part of the agricultural education program at the W.B. Saul High School.

In 1995, the lease and responsibility for the operation of Fox Chase Farm was transferred to Abraham Lincoln High School. Lincoln provides educational farm tours for over 8,000 school children annually from virtually every neighborhood of the City.

From the early 1980s, Fairmount Park has done farm-related public programming at this facility that attracts 10,000 people annually. The Friends of Fox Chase Farm volunteer their time at these public events. School children and adults are thrilled that they can actually come in contact with sheep, pigs and cattle and other farm animals right here in Philadelphia.

We have an active 4H program run by volunteers. The children in the 4H are preparing to show their pigs,

sheep and steers at the Pennsylvania Farm Show. They also compete in other livestock events.

The Friends of Fox Chase Farm, with a membership of over 450 families, want to ensure that this gem of a facility administered by the Fairmount Park Commission remains a working educational farm open to the public. Our members have genuine fears that Fox Chase Farm, which has been almost continually farmed since 1692, could easily be converted from fields for grazing livestock to athletic fields in a merged department. This would be a real loss for Philadelphia and City kids of all ages, including me.

There is no doubt that the Fairmount Park Commission has been underfunded and understaffed for some time. However, merging it with the Recreation Department will not solve the problems. The Fairmount Park strategic plan is only a year and a half old and it

appears that some progress is being made. Now is not the time to make hasty decisions without any details of how a merger will help either Park or Recreation programs.

Please don't ask advocates for Parks and Recreation to sign a blank check for change without the details. You all know that the devil is in the details.

The Friends of Fox Chase Farm believe it would be prudent to wait until after the Philadelphia Parks Alliance and the Task Force headed by Zack Stalberg make their report in February. If at that time a decision is made to still proceed with a combined department, please, please provide us with specific details of the roles and authority of the Park and Recreation Commissioners, as well as some way to assure that the passive recreation provided by natural areas will be protected from development and more athletic fields. The citizens

of Philadelphia and all users of parks deserve no less.

Thank you.

COUNCILWOMAN BROWN: Thank you.

MR. KATES: I just have one other comment.

COUNCILWOMAN BROWN: Please.

MR. KATES: I've heard a lot today about the Fairmount Park Commission and the dissatisfaction with the selection process. You all know that that was designed through state law. I really think the way to solve that part of the problem is go back to the state legislature, use the good offices of the City to persuade them to provide a selection process that is more open to the public. I don't think you need a Charter change. I don't think you need to merge the departments to accomplish that. You can do it by getting the state legislature and our representatives in Harrisburg to change that selection process.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Thank you.

COUNCILWOMAN BROWN: Thank you.

Any questions or comments from my Co-Chair?

COUNCILMAN CLARKE: No.

COUNCILWOMAN BROWN: First, let me say thank you for coming last night. I would be remiss not to acknowledge your passion. It is clear that you care about this issue, and we thank you for your testimony this evening.

MR. KATES: Thank you.

COUNCILWOMAN BROWN: You're welcome.

MR. McPHERSON: The next witness is Eric Werner. I believe he left. Barbara Kaplan left her testimony.

Scotty Gemballa?

(No response.)

MR. McPHERSON: Alma Jacobs?

(No response.)

MR. McPHERSON: Ellen Wert?

COUNCILWOMAN BROWN: Good evening.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MS. WERT: Good evening. Thank you very much. You were kind enough to listen to my testimony last night, and I won't reread it. I will submit it, but I just have a quick addendum.

COUNCILWOMAN BROWN: Please state your name.

MS. WERT: For the record, my name is Ellen Wert and I represent the Friends of Cloverly Park in Germantown.

I just want to reiterate our statement last night that the Friends of Cloverly Park urge Council to defer action until such time as the findings of the Task Force and Citizens Initiative be presented in February 2006 and considered by Council and advocates of the Park system.

We'd also like to leave you with three seemingly impertinent and cranky questions, but they are not. They are meant as cautions, and they are requests.

COUNCILWOMAN BROWN: They're in

your testimony as well?

MS. WERT: Yes.

COUNCILWOMAN BROWN: Great.

MS. WERT: Can City Council assure citizens and stakeholders that merging the Parks with Recreation in a City department is truly an effective practice and, moreover, that it is appropriate for our unique and extensive Park system? Many people have said that other systems have a merged system. It may not be -- just because they have it doesn't mean it's effective.

Can City Council assure citizens and stakeholders that this proposal is not designed to cede to City Council control of an important entity and advanced political aspirations? And, finally, can City Council assure citizens and stakeholders that the proposed merger is not about securing the resources of the Fairmount Park system and enabling the City to sell Park land to developers and other interests?

12/14/05 - WHOLE - BILL 050753 - RES. 050778

Thank you very much for your consideration and this opportunity.

COUNCILWOMAN BROWN: We thank you very, very much for your testimony.

Councilman Clarke.

COUNCILMAN CLARKE: Did you want any answers?

MS. WERT: I don't want an answer right now. I want you to think about it, very hard.

MR. McPHERSON: The next witness is Joseph Syrnick.

MR. SYRNICK: Good evening, Madam Chairperson, members of City Council. My name is Joseph Syrnick. I'm the CEO of the Schuylkill River Development Corporation, and I'm appreciative of the opportunity to testify this evening.

The City of Philadelphia benefits from an incredible system of open space and parks unlike any other city in the nation. This wonderful system was born out of a well-founded

desire on the part of City founders to protect the water supply. Over the years, the system has grown to 9,200 acres, 62 parks and over ten percent of Philadelphia land. It's a wonderful amenity and one that Fairmount Park Commission has been the steward of for over 150 years.

While I understand that the proposal to realign Fairmount Park and the Recreation Department into a new Department of Parks and Recreation is good intentioned, I fear that unless it is looked at more carefully, the result will be less than what we would all hope.

We at the Schuylkill River Development Corporation have worked closely with Fairmount Park with their staff in landscaping the Schuylkill Trail, bringing summer programs to Schuylkill River Park, constructing two new docks on the Schuylkill River and implementing a branding and identity program for Schuylkill Banks,

Philadelphia's newest riverfront destination. We've had a great working relationship with Park staff. I'm sure this will only improve over time.

And as you've heard today, there's a number of initiatives underway to look at ways of implementing the Park's strategic plan. Allow the folks advancing these initiatives to do their work and report back to you.

The Park Commission and its staff is comprised of smart, caring people who understand their stewardship role. Our collective goal, I think, is to make Fairmount Park the best it can be. Let's fully understand and map out the best route for doing this before we begin the journey.

Thank you.

COUNCILWOMAN BROWN: Thank you very, very much for your testimony.

I have no questions.

MR. McPHERSON: Our next witness is Bill LeFevre from Bartram's

Gardens.

COUNCILWOMAN BROWN: Thank you for staying with us.

MR. LeFEVRE: Thank you for letting me speak. Good evening.

COUNCILWOMAN BROWN: Good evening.

MR. LeFEVRE: It's been a long day, and I made my wishes known last night and my concern for the fact that it's not just a matter of governance, but it really is a matter of accountability and, most importantly, funding.

I run Bartram's Garden, which is 45 acres of the Fairmount Park system. We partner public and private with the City. We worked with the Schuylkill River Development Corporation recently to build a $400,000 dock.

Just on a per-acreage basis, at Bartram's Garden, the John Bartram Association invests for every dollar that the Fairmount Park system invests, we invest an additional $10. On a per-acre

basis, for every staff member of the Fairmount Park system -- and one person takes care of about 40 acres -- I've got nine full-time equivalents taking care of 45 acres and running programming on 45 acres.

You talked about universities. Temple University's Landscape Architecture program has held their student studio at Bartram's Garden. The University of Pennsylvania's second-year architecture class will be coming this fall to run their second-year studio at Bartram's Garden.

But I have the staff and the capability to provide staff and the services to enable them to do that on our property. The Fairmount Park Commission doesn't have the staffing level in order to enter into those types of partnerships. They do need more staff. They do need more money.

But, most importantly, I think what you've done and the discussion that

I've heard in the last 24 hours, the level of public debate on this issue, the incredible expertise that we've heard in the last three hours would lead me to believe that a door has been opened here by you and Councilman Clarke that you might not have realized that you opened a few months ago or weeks ago when you wrote this legislation, that there really is an opportunity right now to fix something in the City of Philadelphia that's been broken for way too long.

There is a Commission of 16 that sits and develops policy for the Park, and I think that most people would agree that a majority of the people who sit on that Commission really have very little knowledge of or interest in the Park as a whole. It is a politicized body, and it can be fixed. And I think that you might be in a position now where the Fairmount Park Commission and City Council and the Administration in the next few months can come together and

craft a solution that will allow in the future a merging of both departments into a vital and effective Parks and Recreation Department for the City and gather the resources and the funding that's needed in order to make it all happen.

So I thank you for starting that debate, and I wish you God's speed and good luck in pursuing this now that you've opened this door that really, I think, is providing an opportunity much greater than you might have realized at the beginning of the process.

Thank you very much.

COUNCILWOMAN BROWN: Thank you for your testimony.

Councilman Clarke, comments?

COUNCILMAN CLARKE: Thank you for your testimony and thank you for your participation last night. And I concur, that I had no idea that the level of response would be what it has been. And I'm happy. There's no way in the world I

thought we'd have a witness list of 30-something people this afternoon and the level of support that came out last night, both pro and con. It was really stimulating.

So I agree with you, that I personally didn't have a sense of the magnitude of the response, but I'm glad to see that it was such.

MR. LeFEVRE: People have been talking about vision and about economic drivers in the City of Philadelphia, and really there are few things in this City that possess the potential to become a major economic driver in the revitalization of this City than the Fairmount Park system. Just the small work that we've been doing on the lower Schuylkill River with Schuylkill Banks and building a couple of docks has created a tremendous amount of excitement on just one small part of the Fairmount Park system. The potential is endless.

COUNCILWOMAN BROWN: Enormous.

It's really enormous.

MR. LeFEVRE: It really is.

COUNCILWOMAN BROWN: Let me echo Councilman Clarke's comments in saying thank you, and it's clear to me as well that we all want to end up at a different place. The challenge is finding some consensus, if you will, around one, two, three, four or 15 items that we could be so lucky that move us to a different place.

So I'll repeat by saying for me it was the strategic plan and the recommendations in the strategic plan, and we sort of picked one, and it opened up the door in a healthy way, given what has happened over the last 48 hours, but actually was started in June with meetings going through the summer all the way up until now.

So we are encouraged, but it's a clear signal, too, that there remains work to be done. So we thank you for your testimony.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

MR. LeFEVRE: If I could add one last thing. There's sort of an 800-pound gorilla that hangs out there in this whole process, and that's the politics of how the Fairmount Park Commission has gotten to be the way it is. And I don't think it's just the Commission's fault or just the judges' fault or just the Administration's fault or just Council's fault, but everybody is a part of that process. And to be able to now grasp this opportunity and to in a sort of bipartisan, even though there's really only one party in Philadelphia, but in a real unified way to grasp the opportunity to rise above that and have the strength and the courage to finally rise above that, throw some of the people under the bus, as it were, who need to be thrown under the bus and move this whole thing forward, I think it's a great opportunity, and I thank you for starting the process.

COUNCILWOMAN BROWN: Please

tell us that you have written testimony.

MR. LeFEVRE: No, I don't.

COUNCILWOMAN BROWN: Then we'll just have to reread the record in the transcript. Thank you very, very much.

MR. LeFEVRE: Thank you.

MR. McPHERSON: Our next witness is John Boyce.

(No response.)

MR. McPHERSON: Rebecca Bodner?

(No response.)

MR. McPHERSON: Mary Tracy?

(No response.)

MR. McPHERSON: Henry Magaziner? Is that it, sir?

MR. MAGAZINER: I'm Henry Jonas Magaziner. I'm an architect. Now that I've reached the tender age of 94, I can give you a little historical perspective that nobody else here has been able to do.

Back in the days of either Mayor Clark or Mayor Dilworth, they brought over to Philadelphia a wonderful

Recreation Director, Robert Crawford, who was a Recreation Director for the State of California, and Mr. Crawford ran a wonderful shop in the Recreation Department.

Before I became Regional Historical Architect for the National Park Service, I ran a small architectural office. I did a couple of jobs for Bob Crawford. He loved my work, the work of my office. He called me, said he's giving me a much bigger one. And six months later, I still didn't get the contract. Then I got a phone call. How many tables am I taking for the Rizzo dinner, the dinner to get money to raise money to have Mayor Rizzo reelected. How many tables would I take at $1,000 a table.

I didn't shake. All of the sudden, Mr. Crawford called me and said, I'm awfully sorry, that contract went to somebody else. So obviously you didn't come through the way you were supposed to

for the Rizzo campaign.

I said, Well, that's true.

So months later, I ran into Crawford on the street. He said, I am so sorry you didn't get that job, because I am getting such a lousy piece of work from someone. I won't mention the name. But this is Philadelphia.

Now, put Fairmount Park in the Recreation Department, it's going to be just as political. And I know other cities, many cities, have a Department of Parks and Recreation, but there's no city that has the kind of park that we have, with all those wonderful treasures, Lemon Hill, Belmont, Strawberry, the Waterworks. We have Memorial Hospital, all these wonderful pieces of architecture. There's no other city that has that.

And, fortunately, these buildings have been watched over by a Park Commission of people who are devoted Philadelphia citizens, who are not

politicians, who are not out to have their palms greased. These are people who are really devoted Philadelphians.

I've worked with people like Ernesto Ballard and Howard Sailor. These are wonderful citizens. They were the people on the Park Commission, and they were the ones who were entrusted to save these buildings.

Put the Fairmount Park in the Recreation Department, it's going to be political. I'll think ahead -- I talked about 35 or 40 years. Going the other way for 35 or 40 years, put them in the Recreation Department, these buildings will be loused up.

We have a responsibility to our children and our grandchildren to save these treasures, which are unique to Philadelphia, and I think that if you merge the two departments, you're going to really -- I'm thinking now as an architect. You're going to really louse up these buildings.

12/14/05 - WHOLE - BILL 050753 - RES. 050778

I know when I took over the job as Regional Historical Architect for the Park Service, I saw some of the lousy work that had been done on Independence Hall before the Park Service took over. That was when the City controlled Independence Hall.

We have a wonderful tradition in Philadelphia, corrupt and content. I remember the corruption that went into the Century Centennial. I remember the corruption that went into the Bicentennial. And even if the present Administration, if it were living clear, absolutely clear and pure, and if the Recreation Department had no politics, I'm thinking ahead 35, 40 years, Philadelphia, as -- who was it? Lincoln Steffens, I think, wrote "Philadelphia is corrupt and content."

And this is what keeps happening in Philadelphia, and we have to save these treasures. These are not just -- they are not just pieces of

architecture. These are great pieces of America's heritage that we fortunately have inherited and we have to save them. And putting it in the Recreation Department, it's just going to louse them all up.

That's the end of my story. Any questions?

COUNCILMAN CLARKE: No questions. Thank you.

COUNCILWOMAN BROWN: Councilman Clarke.

COUNCILMAN CLARKE: No, Madam Chair.

COUNCILWOMAN BROWN: Well, I first thank you on behalf of this entire Committee for the historical perspective. It comes at a perfect time as we move towards adjournment. And we thank you for just reminding us that out of all of the issues that have been raised, I think you are probably the first or the second that put the spotlight on the fact that our Park does have unique one-of-a-type,

one-of-a-kind architectural facilities. So you then give us another assignment as we look to come up with an ultimate end point that factors in, that we have to protect our architectural buildings as well, architectural treasures is what you called them.

So we thank you very, very much for your testimony.

MR. MAGAZINER: Thank you.

COUNCILWOMAN BROWN: You're welcome.

MR. McPHERSON: Is there anyone else who wishes to testify?

(No response.)

COUNCILWOMAN BROWN: Well, then on behalf of the Committee of the Whole and -- please come forward.

MR. MAURER: Fred Maurer. I won't give full testimony today. I think everyone left. Councilpeople are not here. And I'm not going to give full testimony, but I think I'd like to at least ad-lib some remarks after Henry.

He gave a good history of it. I've been doing a lot of history, too. Besides these historical structures, the structure of Fairmount Park 167 years ago was a major accomplishment, which we seldom realize how difficult it was for all the politicians to do this thing, to give up their income and their resources and create a Park system that -- when the City Charter came about, we had 50 years of republican rule, a lot of corruption. Henry just mentioned a few of them. But all the 50 years of corruption, they left a good Park system.

We had a full staff of Parks. We had a full -- a Park Ranger system, Park Guards. We had a wonderful Park system. Everyone said before about what was here before. We had it. Republicans brought it. That playground that Darrell Clarke played in at 33rd Street, that was made by a republican, Barney Samuels, who made the first recreation programs in the City of Philadelphia. That's the kind of

status we had.

After republicans left, we had a good system. Unfortunately, the reformers left. They're no longer here, Clark and Dilworth that Henry mentioned. We don't have that same attitude among our present Administration.

Fifty years of democratic rule have forgotten that we inherited a wonderful system. And the two-park system we have of -- it's really not a two-park system. It's two different programs. The Recreation Department, which no one has talked about at all, was created in City Charter with three purposes. One purpose was just to be an integrator between the Recreation Department and the Fairmount Park. The second purpose was to run a recreation program. The third purpose was to run Veterans Stadium, because we had to save the Phillies from leaving town. So we created Veterans Stadium, made a multi-purpose stadium so both stadiums

would survive in the City.

Now, Veterans Stadium, that was an economic resource for the City to create income for the City. That park where the stadiums are built was part of League Island Park. When Henry talked about the Bicentennial -- or the Century Centennial, that was done in League Island Park. We divided that in half. We said one half of it was going to be FDR Park, the other half is going to become a benefit to the City. We built stadiums there, municipal stadiums, then Veterans Stadium.

Now, Philadelphia Department of Recreation Commissioner was responsible for the management and the income sources from Veterans Stadium. Once they demolished Veterans Stadium, we no longer had those income resources. Half of the job of the Recreation Commissioner is gone.

So when you talk about getting rid of Fairmount Park, you might just as

well say the Recreation Department. What are you going to do to them? Do you want to demolish them because the same one -- or are you going to say they are capable -- you haven't said how they're going to be handled in the future. How are they going to survive?

Bill Mifflin said about how they work together. We have. We had very good cooperation between those two agencies. There's not been a problem. And I think you have to put some perspective in this. We had a good system. Once we got rid of the stadium where we could have funded income streams from there, but we gave all our tax benefits to the stadium. All the teams have big incomes for their team players. They make millions of dollars every year for each player, but we have no income from the City coming from that. If we had an income stream alone from that stadium complex, we could fund the Recreation Department and Fairmount Park

budgets completely. One resource alone would fund all the rest of it.

I think the City one year was too generous in giving away our stadium lands. You forgot that we have a Recreation program that needs constant funding. And the greatest source we had was building that stadium.

I think when you look at this a little more carefully, those resources -- every time we give a developer a tax deferral, we're stealing from Fairmount Park in order to benefit their business, but we're not taking care of the City's business. I feel very sad that we're giving all these tax benefits -- and I think last week you had the article in the newspaper about the benefit that the Commerce Department for tax relief, you're giving out thousand dollar donations to the politicians, which Mayor Goode -- or Councilman Goode rather rejected his. I mean, that kind of problem still exists.

I think we have resources that we're eliminating. Tax deferral now seems to be the thing that they're after. And I don't know where we're going to go, but it makes me sad to think that we had given away Veterans Stadiums, given away a constant stream of income to the City.

How are we going to develop that again where we can those assets to fund the rest of the Recreation Department, including Betsy Ross House, all these little things that play -- the City Historical Museum down on 7th Street, all those little things that come under the Recreation Department Commissioner, which he's responsible for oversight, not for management but for oversight.

So I think you need to look at this thing. We have a uniform budget system, and the Recreation Department Commissioner is supposed to be assured that all those agencies that are under him for oversight get adequate funding.

If he doesn't get enough for his budget, we don't get enough for the Park, we don't get enough for the Art Museum.

Giving away stadiums was a great loss, and I don't know of another thing until maybe we get the Olympics to come here or have another big event which may produce some income.

But that's some ad-libbing information for you.

COUNCILWOMAN BROWN: Well, we thank you for your testimony. You've raised a number of important questions that we expect will be addressed as we continue to go through this process.

Thank you for your participation.

MR. MAURER: When you advertise for your next hearing, I'll reschedule myself with -- will your assistant Forde be doing the same thing?

COUNCILWOMAN BROWN: Yes, yes, yes.

MR. MAURER: I will call him.

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COUNCILWOMAN BROWN: We will welcome you and your written testimony.

We want to thank everyone for coming and staying. The record should reflect that the Friends of Pastorius Park, Incorporated were here and left their testimony to be a part of the public record.

We want to say thank you to the Friends Park Alliance for helping us get the word out. We'll lean on you again to help us spread the word, along with our own internal notification process. So we thank you all very, very much. The door is open, and we're all going through it until we get to a place where we have a great Park system. Have a happy holiday.

We will recess to the call of the Chair.

(Committee of the Whole adjourned at 7:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on December 14, 2005, and that this is a true and correct transcript of same.

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MICHELE L. MURPHY

RPR-Notary Public

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