

No. 11-21-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 215, entitled “Boards, Commissions, and Committees,” Article III, entitled “Council of Friends,” in order to update provisions governing advisory entities relating to the County Parks, and repealing prior County law on the subject.

WHEREAS, in 2002, Allegheny County Council established nine entities designated as the Councils of Friends for the nine County Parks, under the terms of Ordinance 54-02; and

WHEREAS, per Ordinance 54-02 (currently codified at Chapter 215, Article III of the Allegheny County Code of Ordinances), the Councils of Friends were created to facilitate communication “with citizens and interested parties about matters that affect our parks:” and

WHEREAS, while the provisions relating to the Councils of Friends have been altered over the years since they were first enacted, and while County Council has legislatively approved a guidance document for the Councils of Friends, it is the judgment of County Council that the provisions of Chapter 215, Article III should be reviewed and updated in a comprehensive fashion;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety herein.

SECTION 2. Repeal of Prior Law; Effect of Repeal.

- A. The existing provisions of Chapter 215, Article III of the Allegheny County Code of Ordinances (relating to the establishment, function, powers, and duties of the Councils of Friends) are hereby repealed in their entirety, as of the effective date of this Ordinance.

- B. Motion 10207-17 (approving a guidance document entitled *Friends of the Park Guidelines*) is hereby repealed in its entirety, as of the effective date of this Ordinance. Pursuant to this repeal, the *Friends of the Park Guidelines* shall no longer be in force, nor should they be read, interpreted, or otherwise deemed to apply to the Friends of the Park.
- C. Motion 11652-20 (establishing a moratorium on all Council of Friends activities, pending revisions to the Friends of the Park ordinance), together with all extensions of that moratorium are hereby repealed in their entirety, as of the effective date of this Ordinance.
- D. As of the effective date of this Ordinance, the terms of all current members of the Councils of Friends are deemed expired. Nothing contained within the provisions of this Ordinance shall be read, interpreted, or otherwise deemed either to preclude or to require nomination or appointment of any individual(s) serving on a former Council of Friends to the new Friends of the Parks.

SECTION 3. Amendment of the Code.

The Allegheny County Code of Ordinances, Chapter 215, entitled “Boards, Commissions, and Committees,” is hereby amended and supplemented through the creation of a new Article III, entitled “Friends of the Park,” and comprised as follows:

ARTICLE III
Friends of the Parks

§215-9. Creation.

There is hereby created advisory entities, known as Friends of the Park, in each of the County parks: Boyce Park, Deer Lakes Park, Harrison Hills Park, Hartwood Acres Park, North Park, Round Hill Park, Settler's Cabin Park, South Park and White Oak Park. Each Friends of the Park entity shall be designated as the Friends of the Park for the respective park. All individuals appointed to any Friends of the Park shall be deemed Covered Persons, as defined in §1013.03 of the Administrative Code of Allegheny County, for the purposes of the County Ethics Code, and shall be subject to the entirety of the Article 1013 of the Administrative Code of Allegheny County throughout their term of service.

§215-10. Definitions.

Unless a different meaning clearly appears from the context, the following terms, as used in this article, shall be defined as follows:

DEPARTMENT

The Allegheny County Parks Department.

COUNCIL

Allegheny County Council.

DIRECTOR

The Director of the Allegheny County Parks Department.

FOUNDATION

The Allegheny County Parks Foundation.

FRIENDS OF THE PARK

Any of the nine Friends of the Park entities created pursuant to the terms of this Article.

MEMBERS

The appointees of County Council to the Friends of the Parks.

§215-11. Membership; terms of office.

- A. Nominations and appointments to each Friends of the Park shall be made as provided in Subsection B.2. Vacancies shall be filled in the same manner.
- B. Nominations to the Friends of the Park shall be made and approved as follows:
 - 1. County Council Members shall be entitled to nominate individuals to serve on the Friends of the Parks, subject to the terms contained herein.
 - 2. Once presented to the Council in the form prescribed for other nominations, all Friends of the Parks nominations shall be referred to the Committee on Appointment Review. No nomination shall be deemed approved unless such approval is by a majority of the seated Council members at a regular meeting of the full Council following the Committee on Appointment Review's deliberation and recommendation. The Committee on Appointment Review shall not take action on any nomination prior to being provided with a resume, *curriculum vitae*, or other written summary of the nominee's background and qualifications. Notwithstanding any Rule of Council to the contrary, no nomination made pursuant to the terms of this Article shall be deemed approved automatically or via any procedure other than an affirmative vote of a majority of the seated Council Members as provided in this Subsection.
 - 3. The following conditions shall apply at all times and to all nominations and appointments:

- a. No individual Friends of the Park shall have more than twelve (12) members seated at any time.
 - b. For any park located entirely within one Council district, the Council member in whose district the park is located may nominate no more than seven (7) individuals for Friends of the Park for that park. The remaining five (5) seats for that park may be filled via nomination by the other individual Council members.
 - c. For any park located within multiple Council districts, the County Council member in whose district the larger portion of the park (as determined by surface area) is located may nominate no more than six (6) individuals for Friends of the Park for that park, and the County Council member in whose district the smaller portion of the park is located may nominate no more than four (4) individuals for that park. The remaining two (2) seats may be filled via nomination by the other individual Council members.
 - d. Any member of Council without nominations to a specific Friends of the Park reserved under the terms of Subsections 3.b. or 3.c. may nominate no more than two (2) individuals to serve in any seat(s) on any Friends of the Park not expressly reserved to other Council members, provided that such nomination, if approved, would not increase the membership of any Friends of the Park to greater than twelve (12). No Council member making nominations under the terms of this Subsection may nominate more than one (1) individual to serve on the same Friends of the Park.
4. If, at any time, any seat on any Friends of the Park remains vacant for ninety (90) days or more, any member of Council may nominate an individual to fill the vacant seat. Nominations made under the terms of this Subsection shall not be counted toward the limitations on County Council members' nominations established in Subsections 3.b., 3.c., or 3.d. The nominating member of County Council shall be deemed the appointing County Council member solely for the purpose of removal of an appointment made under the terms of this Subsection.
- C. The members of the Friends of the Park must reside in the County at the time of their appointment and must maintain residence within the County at all times during their service.
- D. The term of office shall be three years for each member of the Friends of the Park. No nomination of any individual to any Friends of the Park shall specify a term of longer than three years from the date of appointment. No individual shall serve as a member of a Friends of the Park beyond the expiration of the term for which they were appointed. Friends of the Park members may be reappointed after the expiration of any term, subject to the limitation contained within §215-14.2.B., but

nothing contained within this Article shall be read, interpreted, or otherwise deemed to establish a right to reappointment for any Friends of the Park member(s).

- E. The members of the Friends of the Park shall receive no compensation for the performance of their official duties.
- F. The members of the Friends of the Park shall include, to the extent possible, representation from the labor, the disability community, education, environmental advocates, sports and athletic programs landscape architecture and historic preservation. Consideration shall also be given to diversity among members.
- G. Members of the Friends of the Park may be removed by the nominating County Council member at their discretion, or by the full Council upon approval of a motion to remove by a majority of the seated members, or in accordance with the provisions of §215-14.2. Removal undertaken pursuant to the terms of this Article shall be entirely at will.

§215-12. Election of officers.

- A. Each Friends of the Park shall have at least two officers, Chair and Vice Chair.
- B. All officers shall be elected by the members for a term of three years, and no officer shall serve more than two successive terms in that office.
- C. The officers of the Friends of the Park shall perform such duties consistent with the provisions of Robert's Rules of Order relating to such officers.
- D. Prior to convening any meeting at which a Chair will be elected by the members of a Friends of the Park, a temporary presiding officer shall be chosen from among all of the members of such Friends of the Park by lot. Such temporary presiding officer shall convene and conduct the meeting until a Chair is elected, the meeting recesses, or the meeting adjourns, whichever event takes place first in time. For any subsequent meetings held to elect a Chair, a new temporary presiding officer shall be chosen by lot and shall serve in accordance with the provisions of this Subsection.

§215-13. Function and Duties of the Friends of the Park.

- A. At all times, each Friends of the Park and all Friends of the Park members shall work cooperatively with the Council member(s) representing the district(s) in which the park is located to address issues of concern or interest.
- B. Each Friends of the Park shall receive and gather information relating to the respective County Parks from County residents and park users, and shall provide such information

to Council and the Director as appropriate for the issue(s) involved. Information may be gathered by the Friends of the Park through periodic public meetings held in accordance with the provisions of §215-14 of this Article in order to disseminate information relating to the parks and to receive input on park-related issues.

- C. Subject to coordination and authorization by the Allegheny County Park Rangers (or successor entity), the Friends of the Park may conduct periodic public volunteer projects, subject to any existing County rules, regulations, or guidelines relating to volunteer projects by groups within the County Parks.
- D. No later than January 31 of each calendar year, each Friends of the Parks shall provide an annual summary of their activities for the prior year to the Allegheny County Council Chair of the Parks Committee (or, in the absence of such committee, the Council President), the Council member(s) representing the municipalities in which the park is located, and the Parks Director.
- E. Nothing contained within this Article shall be read, interpreted, or otherwise deemed to empower the Friends of the Park to undertake fundraising activities on behalf of Allegheny County, and under no circumstances shall any Friends of the Park or individual(s) appointed thereto do so. The Friends of the Parks may, however, raise funds on their own behalf for contribution to Allegheny County for use within the County Parks, subject to the following:
 - 1. The Friends of the Park are not empowered to seek tax exempt status.
 - 2. The Friends of the Park shall not raise funds for any specific improvement, unless such improvement has already been authorized by the County.
 - 3. The Friends of the Park may only raise funds through special events, rather than by placing donation boxes or similar activities geared toward continuous fundraising. If alcoholic beverages are to be served at any fundraising event, the Friends of the Park sponsoring the event must ensure that the appropriate licenses and permits are in place, that all applicable taxes (including the Allegheny County drink tax) are paid, that all required insurance is obtained, and that the event comports to all applicable federal, state and local laws. Alcoholic beverages shall not be served at events sponsored by any Friends of the Park on County-owned property.
 - 4. The Friends of the Park shall not operate any small game of chance other than raffles and/or 50/50 drawings on County-owned property, regardless of whether such operation is licensed by the Commonwealth of Pennsylvania or any other licensing agency. The Friends of the Park shall be required to comply with all licensing and other requirements in order to operate any small game of chance pursuant to the terms of this Subsection.

5. The Friends of the Park must clearly disclose to all participants and attendees that any fundraising activities are undertaken by the Friends of the Park, and not by Allegheny County or the Allegheny County Parks Foundation.
 6. All funds raised at Friends of the Park sponsored fundraising events must be deposited into a bank account established specifically for the purpose by that Friends of the Park. Checks drawn on any account containing funds raised by a Friends of the Park must be signed by at least two members of the appropriate Friends of the Park. All Friends of the Park must, no later than January 31 of each year, provide to the Allegheny County Council Chair of the Parks Committee (or, in the absence of such committee, the Council President) and the Council member(s) representing the municipalities in which the park is located a report of all funds raised in the prior calendar year, together with clear descriptions of all purposes for which any and all raised funds have been expended in the prior calendar year. Such annual report shall also include a delineation of all fundraising events conducted in the previous calendar year by the Friends of the Park, copies of all monthly or other bank statements for any account existing in the name of the Friends of the Park in question or into which or from which such Friends of the Park deposited or withdrew any funds, and supporting documentation for all expended funds in the form of receipts, cancelled checks, or written verification of the expended funds signed by both the Chair and Vice Chair of the Friends of the Park in question.
 7. The Friends of the Park shall be responsible for the payment of any and all taxes, fees, and other expenses that result from their fundraising activities.
 8. The Friends of the Park that conduct fundraising activities shall permit unrestricted access to their financial records by the Allegheny County Controller upon request.
 9. Any Friends of the Park shall immediately terminate any fundraising activity upon request by the Allegheny County Council Committee on Parks or the Director.
- F. Friends of the Parks are strictly advisory committees, and neither the Friends of the Parks nor any of their members shall unilaterally assume any power, duty, or authority apart from those expressly provided in the terms of this Article. Under no circumstances shall any Friends of the Park or any member(s) thereof issue supervisory directives to any County employee or contractor.
- G. Under no circumstances shall any Friends of the Park or member thereof hold itself or themselves out to the public as a representative of Allegheny County. No Friends of the Park may use the County seal, letterhead, or any other identification suggesting that the Friends of the Park or any of its appointed members are acting as agents of Allegheny County, Allegheny County Council, any independently

elected Allegheny County official, or any Allegheny County department, office, bureau, employee, contractor, or other County agency.

§215-14. Meetings.

- A. Public meetings of the Friends of the Park shall be held not less than twice a year at times and places to be determined by each respective Friends of the Park Chair. Meetings shall be open to the public and shall be held within Allegheny County.
- B. Notice of each meeting and its agenda shall be provided to the public at least 72 hours prior to the scheduled start time of such meeting, via prominent posting at the location at which the meeting will take place and/or via posting to the Friends of the Park's social media account(s) (provided that the Friends of the Park in question has opted to create any social media account(s) in accordance with the provisions of §215-14.1). Notice shall also be communicated to the County Council member(s) representing the municipalities in which the park is located and the Director via email at least 72 hours prior to the meeting. The agenda items shall be at the discretion of the Friends of the Park Chair or designee.
- D. A majority of the seated members of a Friends of the Park shall constitute a quorum for the transaction of business at any meeting. Under no circumstances shall any Friends of the Park meeting or portion thereof take place in the absence of a quorum. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.
- E. Approved minutes/summary of each meeting shall be provided to and retained by Chief Clerk for County Council within 2 weeks of approval, who shall, in turn, provide copies to the Director and County Council.
- F. Robert's Rules of Order shall prevail at all Council of Friends meetings. This requirement may be waived by majority vote.

§215-14.1. Social Media.

- A. Subject to the limitations contained herein, the Friends of the Parks may, by majority vote of their seated members, authorize the creation of one or more social media accounts for their own use. Each account created shall be subject to a separate vote, and under no circumstances shall any Friends of the Park have more than one account on any social media platform. Posts to such social media account shall be at the discretion of the Chair or their designated Friends of the Park member, and must comply with all in force Allegheny County and Council social media policies.

- B. Primary administrative access to any social media account(s) created pursuant to the terms of this Section shall be given to the Chair of the Parks Committee and/or their designee(s). Under no circumstances shall any Council member or Council staff member post, remove, edit, redact, or otherwise alter the content of any material posted by a Friends of the Park in accordance with the provisions of this Section.
- C. No Friends of the Park member may, at any time, establish an individual or other social media account purporting to represent any Friends of the Park or its members, and no Friends of the Park member may post any content to any social media account or other public forum in which they purport to speak on behalf of any Friends of the Park, Allegheny County, the Allegheny County Parks Foundation, or any County department, agency, employee, or contractor.

§215-14.2. Annual Review.

- A. The Allegheny County Council Committee on Parks shall meet at least once each calendar year as soon as is practicable after receipt of the reporting required under the terms of §§215-13.D. and E.6., and at such other times as designated by its Chair or required under the terms of this Section, solely to review the function of the nine Friends of the Parks Committees and the compliance of those committees and their members with the provisions of this Chapter. In the course of such review, if the Committee on Parks determines that any Friends of the Parks or member thereof is ineffective in undertaking the functions/duties or that a committee or member thereof is in violation of any provisions of this Chapter, the Allegheny County Parks Committee may, via motion approved by its members:
 - 1. Determine that additional information must be gathered prior to reaching a decision, with additional review to be undertaken by the Committee within ninety (90) days of the determination; or
 - 2. Censure the member(s) of a Friends of the Parks Committee responsible for the dereliction or violation, with at least one further performance review to be undertaken within ninety (90) days of the censure; or
 - 3. Declare the term of any member(s) of a Friends Group responsible for the dereliction or violation immediately terminated; or
 - 4. Determine that no additional action is required.
- B. In the event of termination of any member(s) terms pursuant to the provisions of Subsection A.3., such member(s) shall not be eligible for appointment or reappointment for any subsequent term(s) on any Friends of the Park. Appointment of successors to members removed pursuant to the terms of Subsection A.3. shall otherwise be undertaken in accordance with the provisions of §215-11.

SECTION 4. Effective Date and Initial Reporting.

- A. The provisions of this Ordinance shall become effective immediately upon final approval.
- B. No later than 30 days after the first meeting of a Friends of the Park established under the terms of this Ordinance, such Friends of the Park shall provide County Council's Committee on Parks with copies of bank statements for the period from June of 2019 through June of 2021 for any account(s) established in the name of the previous Friends of the Park, or into which or from which the previous Friends of the Park entity deposited or withdrew any funds. Additional information may be required from any Friends of the Park upon a motion duly approved by a majority of the members of Council's Committee on Parks. No Friends of the Park shall conduct any additional meeting(s) unless and until such bank statements and/or required additional information are provided. Willful failure to provide such statements within 90 days of the first meeting of any Friends of the Park and/or additional information within 90 days of notification of the Committee's demand shall constitute grounds for the immediate removal of all members of such Friends of the Park by the Council's Committee on Parks in accordance with the provisions of §215-14.2. Any individuals removed pursuant to the terms of this Subsection shall be deemed permanently ineligible for reappointment to any Friends of the Park.

SECTION 5. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 6. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSORS: COUNCIL MEMBERS DUERR, KIRK and PALMIERE

CO-SPONSORS:

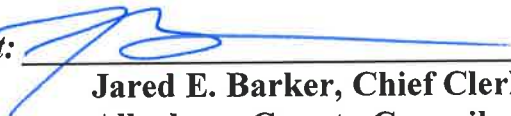
Enacted in Council, this 22nd day of June, 2021,

Council Agenda No. 11880-21



Patrick Catena
President of Council

Attest:



Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office June 24th, 2021

Approved:



Rich Fitzgerald
Chief Executive

Attest:



Jennifer Liptak
Chief of Staff