



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Staff Report
September 29, 2009

Honorable Mayor and
Members of the City Council

Title: Pass for Publication: Repeal and Re-enact City Code Chapter 2.62 Relating to the Parks and Recreation Commission

Location/Council District: Citywide

Recommendation: 1) Review an Ordinance to repeal and re-enact City Code Chapter 2.62 relating to the Parks and Recreation Commission; and 2) pass for publication of title as required by Sacramento City Charter 3(c) to be adopted on October 6, 2009.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-7200
Lori Harder, Parks Support Services Manager, 808-5172

Presenters: Shirley Concolino

Department: City Clerk's Office and Parks and Recreation Department

Division: N/A

Organization No: 04001011/19001011

Description/Analysis

Issue: On August 25, 2009, the City Council approved a motion to change the membership requirements of the Parks and Recreation Commission so that members are appointed by Council district rather than by community plan area. This change shifts the nominating authority from the Personnel and Public Employees Committee to the City Council.

Policy Considerations: The City Council has the discretion to modify the City Code to change the provisions for any board or commission.

Environmental Considerations: None.

California Environmental Quality Act (CEQA): None.

Sustainability Considerations: None.

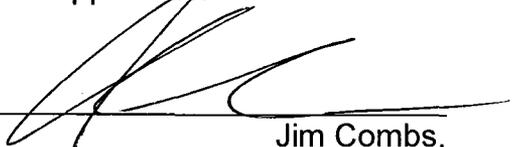
Commission/Committee Action: On August 25, 2009 the City Council directed that a modification in the appointment residency requirements for this Commission be brought back to the full City Council for review.

Rationale for Recommendation: To change the requirement for membership on the Commission from residency in a community plan area to residency in Council districts, and shift the responsibility for making recommendations of persons for appointment to positions on the Parks and Recreation Commission from the Personnel and Public Employees Committee to the members of the City Council.

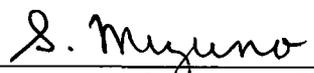
Financial Considerations: There will be a modest general fund cost savings in reducing the overall number of commission members from 11 to 9.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted:


Jim Combs,
Director of Parks and Recreation

Respectfully Submitted:


Stephanie Mizuno
Assistant City Clerk

Approved:


Shirley Concolino
City Clerk

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ATTACHMENT 1**Background:**

The Parks and Recreation Commission (PRC) currently consists of eleven (11) members, appointed by the Mayor subject to the concurrence of a majority of the City Council, with the requirement that one member shall be appointed from each of the City's ten (10) community planning areas and one (1) member shall be appointed to represent the City at-large. Currently, the Personnel and Public Employees Committee reviews applications and makes recommendations to the Mayor for appointments to the PRC.

On August 25, 2009, the City Council passed a motion to change the membership/residency requirements of the PRC so that members are appointed by Council district rather than by community plan area. In order to provide members of the City Council with greater input on who is appointed to serve on the PRC, the responsibility for making recommendations of persons for appointment to positions on the PRC will shift from the Personnel and Public Employees Committee to the members of the City Council.

To implement these changes, the proposed Ordinance calls for each Council member to recommend to the Mayor an individual from his or her district for appointment to the PRC. The Mayor would recommend the individual for appointment to the at-large seat. The Mayor would make all the appointments subject to the concurrence of a majority of the City Council (see City Charter Article XV). Because the recommendations for appointment will come directly from each Council member, these appointments would *not* be subject to review and recommendation by the Personnel and Public Employees Committee. The proposed Ordinance reduces the number of members from eleven (11) to nine (9).

The proposed Ordinance would dissolve the existing PRC and replace it with a newly established PRC upon the effective date of the Ordinance. To facilitate the transition to the new PRC, the proposed Ordinance provides that it will take effect on January 1, 2010. This delay would allow time (1) for the Clerk's Office to notice an application period for the new seats (which is typically 30 days) and forward the applications to the respective Council member's and Mayor's offices, (2) for the Council members and the Mayor to review the applications and submit a recommendation to the Mayor, and (3) to schedule Council confirmation of the appointments on the Council's first meeting in January, 2010. The delay would also allow Parks staff to inform applicants of the impending change and to schedule hearings in a manner to minimize disruptions and delays to the applicants.

The terms of the current PRC are for four years and are staggered in two groups. As a result of initial appointments to two-year terms for one of the groups, one group of appointees expires every two years. The proposed Ordinance provides for similar staggered terms. To achieve this, the initial terms are established as follows: the initial appointees from the First, Third, Fifth, and Seventh Council districts, and the Mayor's initial appointment shall serve a four year term each, and the initial appointees from the Second, Fourth, Sixth, and Eighth Council districts shall serve a term of two years each. Thereafter, all members would be appointed to serve a four year term. This is a typical way to create staggered terms. The

selection of which district appointees would serve the initial 2-year terms can be changed if Council so desires.

The Ordinance proposes other “housekeeping” type changes to Chapter 2.62, including establishing the minimum number of votes to take action (5) to conform to what now applies to Council.

In order to provide the members of the City Council with flexibility in making their recommendations for appointment to the newly established PRC, any term served on the PRC prior to effective date of the proposed Ordinance shall not be counted for purposes of applying the limitation on the number of consecutive terms a person may serve under Sacramento City Code Section 2.40.120.

ATTACHMENT 2

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 2.62
OF THE SACRAMENTO CITY CODE RELATING
TO THE PARKS AND RECREATION COMMISSION**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Chapter 2.62 of Title 2 of the Sacramento City Code is repealed.

SECTION 2. Chapter 2.62 of Title 2 of the Sacramento City Code is reenacted to read as follows:

Chapter 2.62

PARKS AND RECREATION COMMISSION

2.62.010 ~~Parks and recreation c~~Commission established.

The parks and recreation commission is established.

2.62.020 Membership.

A. Members of the parks and recreation commission shall be appointed by the mayor, with the concurrence of the city council.

B. The parks and recreation commission shall be comprised consist of eleven nine (119) members, appointed by the mayor with the approval of a majority of the city council. One resident shall be appointed from each of the city's ten (10) community plan areas, shall reside in the community plan area which he or she represents, and shall serve only so long as he or she remains a resident of that community plan area. -One (1) member shall be appointed to represent the community city at-large and one (1) member shall be appointed to represent each of the city's eight (8) council districts. The mayor shall recommend a resident of the city for appointment to the at-large seat; each of the other members of the city council shall recommend one resident from his or her respective council district for appointment to the council district seats. The member recommended to represent the city at-large may be appointed, shall reside in the city and shall serve only so long as he or she remains is a

resident of the city. A member recommended to represent a city council district may be appointed and shall serve only so long as he or she is a resident of the district he or she is appointed to represent. If the at-large member of the parks and recreation commission ceases to be a resident of the city, that member's seat shall automatically become vacant. If a member of the parks and recreation commission representing a council district ceases to be a resident of that council district, that member's seat shall automatically become vacant.

C. Except as provided in subsection D of this section for the length of the terms of the initial appointees, the term of office for each ~~Members~~member of the parks and recreation commission shall ~~be serve a term of four years and until his or her successor has been appointed.~~ No member shall serve for more than two consecutive terms. ~~In the event~~If a vacancy occurs during the term of any member, the mayor shall appoint, with the approval of a majority of the ~~concurrence of the~~ city council, shall appoint a successor to serve during the unexpired term. The successor shall be recommended in the same manner as, and shall possess the qualifications required for, the seat being filled. ~~A member shall serve until his or her successor has been appointed.~~

D. In order to establish staggered terms, the initial appointees from the First, Third, Fifth, and Seventh council districts, and the mayor's initial appointment shall serve a four year term each, and the initial appointees from the Second, Fourth, Sixth, and Eighth council districts shall serve a term of two years each. An initial term of two years shall constitute a full term when calculating the two-consecutive-term limit under section 2.40.120.

2.62.030 Powers and duties of commission.

The powers and duties of the commission shall be as follows:

A. To provide recommendations and advice to the city council and the department of parks and recreation on policies, projects, and other matters pertaining to parks, recreation, trees, and human services affecting the city of Sacramento referred to the commission by the city council, the director of parks and recreation, the community, or members of the commission.

B. To review and provide recommendations on the development and implementation of the Parks and Recreation Master Plan as an element of the city's general plan.

C. To conduct public hearings and review complaints and other matters pertaining to parks and recreation issues, as requested by the director of parks and recreation or the city council.

D. To conduct an annual workshop to review the Department's annual operating budget and capital improvement plan.

E. To hear appeals from decisions of the director of parks ~~and recreation~~transportation relating to tree maintenance and removal pursuant to Sections 12.56.120 and 12.64.060 of this code.

F. To meet with neighborhood associations and park user groups to discuss parks and recreation issues and needs.

G. To encourage individuals, business, and citizens groups to contribute funds, property and/or volunteer services for the development and operation of parks and recreation facilities.

2.62.040 Organization and procedures of the commission.

At its first meeting, and annually thereafter, the commission shall elect a commission chairperson and a vice chairperson, who each shall hold ~~office~~that position at the pleasure of the commission. When there is a vacancy in the office of chairperson or vice chairperson, the commission shall fill that ~~office~~position from among its members. The commission may adopt rules and procedures for the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the commission shall be provided by one or more city employees designated by the director of parks and recreation, one of whom shall serve as secretary of the commission.

When hearing appeals of any decision ~~of the director of transportation~~, the commission shall follow, as nearly as practicable, the procedures that the city council would follow in hearing an appeal of that type.

2.62.050 Commission meetings.

The commission shall establish a time and place for regular meetings to be held approximately monthly and not less than ten (10) times per year. Each meeting shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.) The commission chairperson shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

2.62.060 Quorum—Voting.

~~—A quorum shall be required for the commission to take any action. A quorum shall be six members. However, in the event of any vacancy or vacancies, the quorum shall be a majority of the members then serving on the commission. The affirmative vote of a majority of the members present and voting shall be necessary to approve any item.~~ A quorum comprised of parks and recreation commission members present and qualified to act shall be required for the parks and recreation commission to conduct a meeting and take action. A quorum shall consist of a majority of members of the parks and recreation commission then in office. The parks and recreation commission shall act only by motion. An affirmative vote of five parks and recreation commission members present and qualified to vote shall be necessary to pass any motion.

2.62.070 Stipend Compensation.

~~Each member of the commission shall receive a stipend of fifty dollars (\$50.00) for each commission or committee meeting attended, not to exceed a total of two hundred fifty dollars (\$250.00) per month, or such other compensation as may be set by the compensation~~

~~commission established by Section 29 of the Sacramento City Charter. Each member of the parks and recreation commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.~~

2.62.080 Conflict of interest—Statements of economic interests.

~~The provisions of Article II of Chapter 2.16 of this code governing conflicts of interest of board and commission members shall apply to the members of the commission. In addition, all appointees to the commission shall be required to file statements of economic interests pursuant to a conflict of interest code to be adopted for the commission. All appointees to the parks and recreation commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.~~

2.62.090 General Requirements.

~~Unless specifically provided otherwise in this chapter, the general requirements set forth in Article XV of the City Charter, and Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings (Article II), voting (Article III), term limits and removal and limitation on consecutive terms (Article IV), shall apply to the parks and recreation commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.~~

SECTION 3. Any term served on the Parks and Recreation Commission created and existing pursuant to Sacramento City Code Chapter 2.62 as formerly written immediately prior to the effective date of this ordinance shall not be counted for purposes of applying the limitation on the number of consecutive terms a person may serve under Sacramento City Code Section 2.40.120.

SECTION 4. Adoption of this ordinance repealing and reenacting Sacramento City Code Chapter 2.62 is not intended to and does not affect any decisions by the Parks and Recreation Commission under Sacramento City Code Sections 12.56.120 and 12.64.060 prior to the effective date of this ordinance and prior to dissolution of the Parks and Recreation Commission by virtue of adoption of this ordinance. All such decisions shall continue in effect subject to the terms and conditions established by the Parks and Recreation Commission and the provisions of Sacramento City Code Sections 12.56.120 and 12.64.060 as they existed prior to the effective date of this ordinance.

SECTION 5. This ordinance shall take effect January 1, 2010. Upon the effective date of this ordinance the Parks and Recreation Commission created and existing pursuant to Sacramento City Code Chapter 2.62 as formerly written, shall dissolve and no longer exist or exercise authority. All matters then pending under the jurisdiction of the Parks and Recreation Commission shall be transferred to the Parks and Recreation Commission established under this ordinance.

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If the at-large member of the parks and recreation commission ceases to be a resident of the city, that member's seat shall automatically become vacant. If a member of the parks and recreation commission representing a council district ceases to be a resident of that council district, that member's seat shall automatically become vacant.

C. Except as provided in subsection D of this section for the length of the terms of the initial appointees, the term of office for each member of the parks and recreation commission shall be four years and until his or her successor has been appointed. No member shall serve for more than two consecutive terms. If a vacancy occurs during the term of any member, the mayor shall appoint, with the concurrence of the city council, a successor to serve during the unexpired term. The successor shall be recommended in the same manner as, and shall possess the qualifications required for, the seat being filled.

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D. To conduct an annual workshop to review the Department's annual operating budget and capital improvement plan.

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When hearing appeals of any decision, the commission shall follow, as nearly as practicable, the procedures that the city council would follow in hearing an appeal of that type.

2.62.050 Commission meetings.

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2.62.070 Compensation.

Each member of the parks and recreation commission shall receive compensation as determined by the compensation commission under Section 29 of the City Charter.

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All appointees to the parks and recreation commission shall be subject to Chapter 2.16 of this code relating to conflicts of interest and shall be required to file statements disclosing financial interests pursuant to the city's conflict of interest code.

2.62.090 Requirements.

Unless specifically provided otherwise in this chapter, the requirements set forth in Article XV of the City Charter, and Chapter 2.40 of this code governing attendance at board and commission meetings (Article II), voting (Article III), and limitation on consecutive terms (Article IV), shall apply to the parks and recreation commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

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SECTION 5. This ordinance shall take effect January 1, 2010. Upon the effective date of this ordinance the Parks and Recreation Commission created and existing pursuant to Sacramento City Code Chapter 2.62 as formerly written, shall dissolve and no longer exist or exercise authority. All matters then pending under the jurisdiction of the Parks and Recreation Commission shall be transferred to the Parks and Recreation Commission established under this ordinance.