



REPORT TO COUNCIL

City of Sacramento

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

Consent
October 13, 2009

Honorable Mayor and
Members of the City Council

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

Location/Council District: Citywide

Recommendation: Adopt an **Ordinance** repealing and re-enacting City Code Chapter 2.62 relating to the Parks and Recreation Commission.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-7200

Presenters: N/A

Department: City Clerk's Office

Division: N/A

Organization No: 04001011

Description/Analysis

Issue: This ordinance will change the membership requirements of the Parks and Recreation Commission so that one member is nominated by each of the eight Councilmembers, one by the Mayor and two by the Personnel and Public Employees Committee. This change shifts the nominating authority for nine (9) of the eleven (11) seats from the Personnel and Public Employees Committee to the City Council. A time line for implementation of the new nomination process is provided in Attachment 2 (pg. 5) of this report.

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.

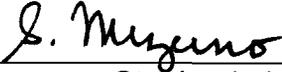
Sustainability Considerations: None.

Commission/Committee Action: On September 29, 2009, the City Council reviewed the proposed ordinance, modified provisions relating to residency and number of members, requested an implementation time line, and continued the item for final approval.

Rationale for Recommendation: To change the requirement for membership on the Commission from residency in a community plan area to residency within the City of Sacramento. This change modifies the nomination process so that each Councilmember and the Mayor nominates an applicant, and the Personnel and Public Employees Committee nominates the at-large applicants. All applicants continue to be appointed by the Mayor with the concurrence of the City Council.

Financial Considerations: None.

Emerging Small Business Development (ESBD): Not applicable.

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.

This ordinance changes the membership/residency requirements of the PRC so that eight (8) members (one each) are appointed by Councilmembers, one (1) member by the Mayor, and two (2) members at-large by the Personnel and Public Employees Committee. This change will provide members of the City Council with greater input on who is appointed to serve on the PRC.

To implement these changes, the proposed Ordinance calls for each Councilmember and the Mayor to recommend an individual residing in the City of Sacramento for appointment to the PRC. The Personnel and Public Employees Committee would recommend individuals for appointment to two at-large seats. The Mayor would make all the appointments subject to the concurrence of a majority of the City Council (see City Charter Article XV). Because nine (9) of the recommendations for appointment will come directly from each Councilmember, these appointments would *not* be subject to review and recommendation by the Personnel and Public Employees Committee. The remaining two (2) at-large will be reviewed by the Personnel and Public Employees Committee using the standard process.

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 for the various implementation activities (Attachment 2) and 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, the initial appointees from the Second, Fourth, Sixth, and Eighth Council districts shall serve a term of two years each, and the initial appointments recommended by the Personnel and Public Employees Committee shall serve a term of one year each. Thereafter, all members would be appointed to serve

a four year term. This is a typical way to created staggered terms.

The proposed Ordinance also provides that the initial one and two-year terms will count as full terms for purposes of applying the 2-term limitation on consecutive terms under section 2.40.120. As a result, the appointees to the 1-year term can serve a total of 5 consecutive years if re-appointed to a second term, and appointees to the 2-year term seats can serve a total of 6 consecutive years if re-appointed to a second term. The appointees to the 4-year term seats can serve a total of 8 consecutive years if re-appointed to a second term.

The Ordinance proposes other “housekeeping” type changes to Chapter 2.62, including establishing the minimum number of votes to take action (6) 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.

Implementation Time Line

Date	Action
10/13/09	Ordinance approved by Council at Oct. 13 th meeting
10/13/09	Open application period approved by Council at Oct. 13 th meeting
10/14/09	Application period opens / recruitment begins 1. Application forms on City web page and in Clerk's Office 2. Application forms emailed to Councilmembers
11/06/09	Application period closes
11/10/09	Consent report transmitting applicant names received by Council at Nov. 10 th meeting [to be delivered]
11/10/09	Applications distributed to Councilmembers and Mayor for review and nomination
11/20/09	Councilmembers submit nomination letters to Mayor (copy to Clerk) for the Mayor's appointment at the next Council meeting [Deadline]
11/24/09	Mayor announces appointments for 9 seats at Nov. 24 th meeting
11/30/09	Clerk notifies at-large applicants of upcoming interviews
12/##/09	Special Personnel & Public Employees Committee meeting to interview applicants for 2 at-large seats [week of 12/7]
12/15/09	Personnel & Public Employees Committee meeting to nominate applicants for 2 at-large seats
12/15/09	After P&PE Committee meeting, Clerk immediately provides names of at-large nominees to Mayor
12/15/09	Mayor announces appointments for 2 at-large seats at Dec. 15 th meeting
01/01/10	Effective date of ordinance
01/07/10	Council confirms all appointments at Jan. 7 th meeting

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 the Sacramento City Code is repealed.

SECTION 2. Chapter 2.62 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 (11) 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 recommended for appointment to represent the community at large by each of the members of the city council, including the mayor, and two (2) members shall be recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40. Each member of the parks and recreation commission shall be a resident in of the city and may be appointed and shall serve only so long as he or she remains~~is a resident of the city. If a member of the parks and recreation commission ceases to be a resident of the city, 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 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 recommended by the personnel and public employees committee shall serve a term of one (1) year each. The initial appointees recommended by the members of the city council from the First, Third, Fifth, and Seventh council districts and by the mayor shall serve a term of -four (4) years each. The initial appointees recommended by the members of the city council from the Second, Fourth, Sixth, and Eighth council districts shall serve a term of two (2) years each. A term of one (1) or two (2) years for initial appointees 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 six parks and recreation commission members present and qualified to vote shall be necessary to pass any motion.~~

2.62.070 StipendCompensation.

~~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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B. The parks and recreation commission shall consist of eleven (11) members. One (1) member shall be recommended for appointment by each of the members of the city council, including the mayor, and two (2) members shall be recommended for appointment by the personnel and public employees committee pursuant to Article I of Chapter 2.40. Each member of the parks and recreation commission shall be a resident of the city and may be appointed and shall serve only so long as he or she is a resident of the city. If a member of the parks and recreation commission ceases to be a resident of the city, 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 the seat being filled.

D. In order to establish staggered terms, the initial appointees recommended by the personnel and public employees committee shall serve a term of one (1) year each. The initial appointees recommended by the members of the city council from the First, Third, Fifth, and Seventh council districts and by the mayor shall serve a term of four (4) years each. The initial appointees recommended by the members of the city council from the Second, Fourth, Sixth, and Eighth council districts shall serve a term of two (2) years each. A term of one (1) or two (2) years for initial appointees 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 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 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 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, 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 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 planning commission then in office. The parks and recreation commission shall act only by motion. An affirmative vote of six parks and recreation commission members present and qualified to vote shall be necessary to pass any motion.

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.

2.62.080 Conflict of interest—Statements of economic interests.

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.

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.