



REPORT TO Law and Legislation Committee City of Sacramento

915 I Street, Sacramento, CA 95814-2604

Consent
November 20, 2012

**Honorable Members of the
Law and Legislation Committee**

Title: Repeal and Re-Enact City Code Chapter 2.62 Relating to the Parks and Recreation Commission [Terms and Meetings Per Year]

Location/Council District: (Citywide)

Recommendation: Review and Ordinance to repeal and re-enact City Code Chapter 2.62 relating to the Parks and Recreation Commission; and direct that the issue be presented to the full City Council for adoption.

Contact: Stephanie Mizuno, Assistant City Clerk, City Clerk's Office, (916)808-8093; and Lori Harder, Parks Support Services Manager, Parks and Recreation Department, (916) 808-5172

Presenters: None

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

Division: N/A

Organization No: 04001011 / 19001011

Description/Analysis

Issue: This proposal will change the current terms of the Parks and Recreation Commissioners so that each member's term will run concurrently (approximately) with the term of the Mayor or Council Member who nominates that commission member. So that terms may be evenly staggered, the terms of the members who are nominated by the Personnel and Public Employees Committee (P&PE) will also be adjusted. To make this change, the entire code section must be repealed and re-enacted.

A modification is also being proposed to reduce the required number of meetings held per year from ten to eight. This will eliminate the requirement to hold a meeting simply to reach a "per-year" quota.

Policy Considerations: This proposed action is consistent with direction given by the City Council on February 28, 2012, when the terms of the Planning and Design Commissioners were modified to align member terms with Council Member terms.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: The Parks and Recreation Commission is aware of this proposal.

Rationale for Recommendation: Aligning the expiration of a commission member's term to run concurrently with the term of the official, who nominated that member, provides the elected official the flexibility to select their own representative shortly after taking office. Modifying the number of meetings required in a given year is an administrative best practice and eliminates the requirement to hold a meeting simply to reach a "per-year" quota.

Financial Considerations: None.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Stephanie Mizuno
Assistant City Clerk

Recommendation Approved:


Shirley Concolino
City Clerk

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Background

The Parks and Recreation Commission (PRC) consist of eleven members. One appointed by the Mayor, one by each Council Member and two by the Personnel and Public Employees Committee (P&PE). The terms are four years and staggered.

In response to City Council direction in February of 2012, staff is submitting for approval an ordinance to align the terms of the PRC to run concurrently with the term of the official who is designated to nominate that member. However, there are two exceptions. To address potential Brown Act compliance issues, the term of the Mayor's nominee is being set to expire six months after the Mayor's term expires, so that not more than four members of the City Council will be reviewing applications for the PRC at any one time. If the term of the Mayor's nominee were to expire with the terms of the even council districts, five members of the Council (a quorum) would be involved in selecting nominees at the same time, which would require the review of applications to be placed on a Council agenda for consideration by the full Council. This would not be the process for the odd districts, which would be to forward the applications directly to the official for review. Secondly, the terms of the P&PE Committee nominees are being staggered for the same reason with one seat set to expire in July of 2013 and the other in July of 2014.

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

If this proposal is approved by this Committee and ultimately by the City Council the recruitment process for seating the new Commission will take up to three months from the approval date. The current PRC will remain in place until the new Commission is ready to begin. This will allow for a smooth transition and no disruption in Commission activities.

ORDINANCE NO.

Adopted by the Sacramento City Council
Date Adopted

**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 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 consist of eleven members. One member shall be recommended for appointment by each of the members of the city council, including the mayor, and two 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 and by the mayor shall serve a term of three years each. The initial appointees recommended by the members of the city council from the First, Third, Fifth, and Seventh council districts shall serve a term of four 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 years each. A term of two or three years for initial appointees shall constitute a full term when calculating the two consecutive term limit under Section 2.40.120.~~

D. Terms shall be staggered. Of the initial appointees recommended by the personnel and public employees committee, one shall serve a term expiring on July 1, 2013, and one shall serve a term expiring on July 1, 2014. The initial appointee recommended by the mayor shall serve a term expiring on July 1, 2013. The initial appointees recommended by the council members from the First, Third, Fifth, and Seventh council districts shall serve terms expiring on December 31, 2014. The initial appointees recommended by the council members from the Second, Fourth, Sixth and Eighth council districts shall serve terms expiring on December 31, 2016. Thereafter, all members shall be appointed to serve four year terms.

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-eight 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 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 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 the 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 Section 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

The parks and recreation commission created and existing pursuant to Sacramento City Code Chapter 2.62 as formerly written shall continue in effect until six members of the new commission are confirmed by the city council, and shall then dissolve and no longer exist or exercise any authority. All matters then pending under the jurisdiction of the parks and recreation commission shall be transferred to the new parks and recreation commission established under this ordinance.