



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. ~~8065~~ **10022** C.M.S.

ORDINANCE AMENDING AND RESTATING ORDINANCE NOS. 11731 AND 8065 C.M.S TO UPDATE THE DUTIES OF THE PARKS AND RECREATION ADVISORY COMMISSION TO INCLUDE OVERSIGHT OF THE 2020 CITY OF OAKLAND PARKS AND RECREATION PRESERVATION, LITTER REDUCTION, AND HOMELESSNESS SUPPORT ACT (MEASURE Q), AND TO MODIFY THE MEMBERSHIP, APPOINTMENT, AND MEETING PROCEDURES OF THE COMMISSION

WHEREAS, on November 13, 1969, the City Council adopted Ordinance No. 8065 C.M.S. which dissolved the Parks and the Recreation Commissions and created the Parks and Recreation Advisory Commission (PRAC), which is responsible for advising the City Administrator and City Council on matters affecting the operation of the Office of Parks and Recreation and its facilities; and

WHEREAS, on July 26, 1994, the City Council adopted Ordinance No. 11731 C.M.S. which amended Ordinance No. 8065 C.M.S. to incorporate uniform requirements the City had established for the selection of members of boards and commissions and their duties, as well as the general responsibilities of boards and commissions; and

WHEREAS, pursuant to Resolution No. 87919 C.M.S., the City Council submitted to the voters at the March 3, 2020 election "The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act" ("Measure Q") to create a special tax for 20 years to support parks maintenance, homelessness support services, and water quality infrastructure planning and enhancements and litter reduction; and

WHEREAS, the Oakland voters approved Measure Q at the March 3, 2020 election; and

WHEREAS, Measure Q includes several outcomes and objectives including, but not limited to, supporting the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland, alleviating homelessness, and improving water quality through actions that include the maintenance and cleaning of storm water trash collection systems, and reducing trash and litter in our parks; and

WHEREAS, Section 5 of Part 1 of Measure Q mandated that the City Council assign to "one or more existing Boards or Commissions, the responsibility for citizen oversight of this measure"; and

WHEREAS, on February 18, 2020, the Oakland City Council adopted Ordinance No. 13584 C.M.S., which among other things, amended the duties of the Commission on Homelessness to assign the Commission the additional responsibility of oversight for funds for homelessness support services received under Measure Q; and

WHEREAS, the Parks and Recreation Advisory Commission is the most appropriate existing Commission for citizen oversight of the other funds received pursuant to Measure Q, including the funds for parks, landscape maintenance, and recreational services and the funds to address water quality and litter reduction; and

WHEREAS, Oakland Parks, Recreation & Youth Development provides recreational programs and services to meet the specific needs of people throughout the City of Oakland through intentional engagement and by removing the barriers that prohibit equitable opportunities for all; and

WHEREAS, Oakland Public Works plans, builds and maintains the City's physical and environmental infrastructure for residents, businesses and visitors, making Oakland a sustainable and desirable place to live, work, invest and visit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 11731 C.M.S. and Section V of Ordinance No. 8065 C.M.S. are hereby amended and restated as set forth below (additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; any portions not cited or not shown in underscoring or strike-through type are not changed):

SECTION 2. Section V Creation of Commission and Duties and Functions

(a) Pursuant to Section 601 of the Charter, there is hereby created a Parks and Recreation Advisory Commission. It shall be the function and duty of the Parks and Recreation Advisory Commission (Commission) to study, investigate and research into such matters as the City Manager Administrator or the Council, through the City Manager Administrator, may direct, or as it may deem advisable; to make reports and recommendations thereon and to formulate policy recommendations and plans for the current and future operations and development of the Office of Parks and Recreation City of Oakland Parks and Recreation System; to advise the City Manager Administrator and the Council, through the City Manager Administrator, on matters affecting the useful and efficient operation of the Office of Parks and Recreation Oakland Parks, Recreation and Youth Development (OPRYD) and Oakland Public Works (OPW) so that the facilities, functions and exhibits can be utilized to the fullest advantage of the residents ~~citizens~~ of this Oakland community; to hold, control, and administer such properties and

trusts as may be required under the particular instrument creating or conveying the same; and to perform other such duties and functions as the City Manager Administrator may from time to time direct.

(b) The Commission shall submit regular status reports to the City Council committee designated as liaison to the Commission at least once a year.

(c) Status reports submitted in fulfillment of subsection (b) above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Commission.

(d) Each year, the Commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Commission the opportunity to better integrate the activities of the Commission with the City's overall goals and objectives.

(e) City Council approval must be obtained prior to the creation of any standing committee of the Commission. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Commission.

(f) The Commission shall be responsible for citizen oversight of funds received by the City under "The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act" (Measure Q), for parks, landscape maintenance and recreational services and services to address water quality and related litter reduction.

(g) The Commission shall review relevant financial and operational reports related to the expenditure of funds for parks, landscape maintenance, recreational services, and services to address water quality collected by the City from the special tax imposed by Measure Q.

(h) The Commission shall make recommendations to the Mayor and City Council on the allocation of Measure Q proceeds as part of the Biennial Fiscal Year Budget, Mid-Cycle Budget or other formal budget process in accordance with the City Council's Consolidated Fiscal Policy at that time. The Commission's recommendations shall advance the outcomes and objectives of Measure Q, which include, but are not limited to, the following:

- 1) support the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland; and
- 2) improve water quality through actions that include the maintenance and cleaning of storm water trash collection systems and reducing trash and litter in our parks.

SECTION 3. ~~Section VI~~ Composition Membership

(a) The Commission shall consist of eleven (11) members who are all residents of the City. Commissioners will be appointed pursuant to Section 601 of the Charter, and ~~who~~ shall serve without compensation. Six (6) Commissioners shall constitute a quorum.

(b) To the extent practicable, appointments to the commission shall be made in accordance with ~~the City's affirmative action policies~~ Ordinance Nos. 13319 C.M.S and 13326 C.M.S. which established definitions and implementation steps related to a Citywide strategy of a fair and just City, and with the United States Environmental Protection Agency's (US EPA) definition of environmental justice which is "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies".

(c) To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City.

(d) In making appointments to the Commission the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term.

SECTION 4. ~~Section VII~~ Appointment

~~(a) Staggered Terms. Commencing with the effective date of this Ordinance, Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.~~

~~(ab) Length of Terms. Except for the initial appointments made immediately following passage of this Ordinance which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection A, a~~All appointments shall be for a period of three (3) years, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.

~~(be) Limit on Consecutive Terms. Commencing with the effective date of this Ordinance, no person shall be appointed to serve~~ Members of the Commission shall serve no more than two (2) consecutive terms as a member of the commission plus any initial term to fill a vacancy that is for less than one (1) year. ~~Members of the Commission sitting on the effective date of this ordinance shall not be appointed to serve more than (1) additional consecutive term as a member of the Commission.~~

~~(cd) Removal. To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of~~

the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

SECTION 5. ~~Section VIII~~ Meetings

~~Each year~~ At its first regular meeting of the calendar year ~~in July~~, the Commission shall elect a chair ~~chairman~~ and a vice chair ~~chairman~~ from among its members. If the chair or vice chair seat becomes vacant, the Commission may elect a replacement. The Commission shall meet at least once each month at an established time and place suitable for its purpose. The Commission shall conduct its regular and special meetings in accordance with state and local open meeting laws ~~Such meetings shall be designated regular meetings. Meetings called by the Mayor or City Manager, and meetings scheduled for a time or place other than for regular meetings, shall be designated special meetings. Written notice of special meetings shall be given to Commission members, the Council, and the public press at least twenty-four hours before the meeting is scheduled to convene.~~

SECTION 6. ~~Section IX~~ Rules and Procedures

The Commission shall, in consultation with the City Manager Administrator and with the approval of the Council, establish rules and procedures bylaws for the conduct of its business. The affirmative vote of a majority of the six (6) members present at the meeting shall be required for the adoption of any motion. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the City Manager Administrator. All reports, findings and recommendations shall be made to the City Manager Administrator who shall forward to Council those matters within the province of Council. Recommendations from the Commission to the City Manager Administrator shall be carefully and fully considered ~~by him/her~~. If rejected by the City Manager Administrator, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

SECTION 7. ~~Section X~~ Staff

The City Manager Administrator may provide the Commission with assistance from City employees under his City Administrator jurisdiction. ~~The provisions of Section 221 of the Charter shall apply to members of the Commission.~~

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 9. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 10 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

Introduction Date

OCT 20 2020

ATTEST:


ASHA REED

Acting City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation:

November 17, 2020

NOTICE AND DIGEST

ORDINANCE AMENDING AND RESTATING ORDINANCE NOS. 11731 AND 8065 C.M.S TO UPDATE THE DUTIES OF THE PARKS AND RECREATION ADVISORY COMMISSION TO INCLUDE OVERSIGHT OF THE 2020 CITY OF OAKLAND PARKS AND RECREATION PRESERVATION, LITTER REDUCTION, AND HOMELESSNESS SUPPORT ACT (MEASURE Q), AND TO MODIFY THE MEMBERSHIP, APPOINTMENT, AND MEETING PROCEDURES OF THE COMMISSION

This Ordinance would amend and restate Ordinance No. 11731 C.M.S. and Section V of Ordinance No. 8065 C.M.S. to update the duties and functions of the Parks and Recreation Advisory Commission ("Commission") to include oversight of certain funds received pursuant to The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act, including the funds for parks, landscape maintenance, and recreational services and the funds to address water quality and litter reduction. This Ordinance would also amend the membership, appointment, and meeting procedures of the Commission