




AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director
Oakland Public Works

SUBJECT: Ordinance Amending the Duties and
Modifying the Membership of the
Parks and Recreation Advisory
Commission

DATE: October 2, 2020

City Administrator Approval 

Date: Oct 6, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending And Restating Ordinance Nos. 11731 C.M.S. And 8065 C.M.S. To Update The Duties Of The Oakland 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.

EXECUTIVE SUMMARY

Adoption of this Ordinance will amend and restate Ordinance Nos. 11731 C.M.S. (**Attachment A**) and 8065 C.M.S. (**Attachment B**) to modify the powers and duties of the Parks and Recreation Advisory Commission (PRAC) to include citizen oversight for the parks maintenance and stormwater infrastructure planning and enhancements funding received as a result of the passage of The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act (Measure Q, 2020) by Oakland voters on March 3, 2020.

BACKGROUND / LEGISLATIVE HISTORY

On November 13, 1969, the City Council adopted Ordinance No. 8065 C.M.S., which dissolved the Parks and the Recreation Commissions, and merged their functions into the Parks and Recreation Advisory Commission (PRAC). The purpose of the PRAC was “to formulate policy recommendations and plans for the future development of the Park Department and the Recreation Department.” It was also to “advise the City Manager and City Council...on matters affecting [those departments’] facilities, functions, exhibits, and duties.”

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 that the City had established

City Council
October 20, 2020

for the selections of members and their duties, as well as the general responsibilities of boards and commissions.

On February 18, 2020, the Oakland City Council adopted Ordinance No. 13584 C.M.S., which among other things, created a Commission on Homelessness and assigned the Commission the responsibility of oversight for funds received under Measure W, 2018 (“The Vacant Parcel Tax”) and funds for homelessness support services received under Measure Q, 2020.

On March 3, 2020, Oakland voters approved Measure Q, The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act to create a special tax for twenty (20) years to support parks maintenance, homelessness support services, and stormwater infrastructure planning and enhancements. Measure Q, 2020, mandated that the City Council designate a body of Oakland citizens to make recommendations and review expenditures of the funds.

ANALYSIS AND POLICY ALTERNATIVES

Staff recommends that the City Council formally assign the PRAC the role of citizen oversight for the park maintenance and stormwater quality programs to be funded from Measure Q, 2020. The Commission on Homelessness will provide oversight of the funds dedicated to homelessness support services as stipulated under Ordinance No. 13584 C.M.S.

Section 5 of Measure Q, 2020 requires that:

“The City Council shall assign to one or more existing Boards or Commissions, the responsibility for citizen oversight of this measure. This Board or Commission or Boards and Commission shall review reports related to the expenditure of the revenue collected by the City from the special tax imposed by this Ordinance and provide reports to the City Council when requested, and perform other functions as assigned by the City Council.”

Extending the responsibility for oversight of portions of Measure Q, 2020, to the PRAC will ensure that proposed expenditures are evaluated in a holistic manner. Additionally, the PRAC is already familiar with the operations of parks and recreation programs. Given Measure Q’s funding priorities, the bulk of which are parks related, the PRAC is the appropriate entity to provide oversight on appropriations of funds received.

Staff presented the question of Measure Q, 2020, oversight to the PRAC at its meeting on June 17, 2020. The PRAC did adopt a motion at the June 17, 2020 meeting to take on the responsibility of oversight. The PRAC also met on August 19, 2020, to discuss the proposed ordinance amendment and recommended that the item be forwarded to the City Council for consideration and approval. The PRAC adopted the following motion:

To recommend the PRAC amend the language in the draft Ordinance to allow a Commissioner filling a vacancy with one (1) year of less remaining on the term, to maintain their eligibility to serve two (2) full additional terms.

Section 4, paragraph b, is responsive to the PRAC's August 19, 2020, motion on this matter.

Upon approval of the proposed amendment by the City Council, staff will begin work with the PRAC to develop a framework to support their newly assigned role.

For the reasons explained above, assigning the PRAC, the responsibility of oversight for Measure Q complies with the voter-approved Ordinance mandates for citizen oversight of the Measure.

Significant Revisions

There are a number of revisions to the current PRAC Ordinance. The most significant of these revisions are as follows:

- The draft Ordinance assigns the responsibility of oversight for funds received from Measure Q for parks, landscape maintenance and recreational services and services to address water quality and related litter reduction and defines duties and functions with respect to the Measure.
- It contains language that states that PRAC members must be residents of Oakland, and that appointments should be made in accordance with the United State's Environmental Protection Agency's definition of "Environmental Justice."
- Establishes new procedures for the selection of the Chair and Vice-Chair that were brought to light because of COVID-19. Under current regulations, the seating of a new Chair and Vice-Chair could not occur because there was a requirement that any selection occurs at a "regular" meeting. Virtual meetings are not considered regular meetings, and so a change in leadership could not happen.
- Additionally, the current Ordinance contains outdated or outmoded language such as "City Manager," and makes reference to "affirmative action policies" that were rendered illegal after the passage of Proposition 209 in 1996.
- Authorizes the PRAC to create or amend its bylaws in consultation with the City Administrator; however, Council approval would not be required. It is common practice for advisory bodies to be able to establish internal procedures, such as the adoption of parliamentary procedures, meeting times, and venues, without legislative approval. The PRAC has requested that the Council enable them to draft and adopt bylaws by majority vote.
- It makes explicit the ability of the PRAC to create working groups and sub-committees as needed to conduct its work, without City Council approval.
- It merges the text of Ordinance Nos. 11731 C.M.S. and 8065 C.M.S into a single document so that the PRAC and the public may more easily understand why the PRAC was established, how appointments and other business of the PRAC are carried out, and the scope of the PRACs responsibilities.
- PRAC expressed frustration at the inability to complete a full term of service when appointed to fill a partially completed term or vacancy. The PRAC requested the

language be changed in the draft ordinance to allow a newly appointed member to complete the term of the vacated seat if one year or less is required to do so, and then be allowed to serve two full terms. The draft Ordinance reflects the PRACs request.

FISCAL IMPACT

There is no additional impact to the General Purpose Fund (Fund 1010) as a result of this action. The legislation provides for up to one percent (1%) of ballot measure proceeds to be used for administrative costs.

PUBLIC OUTREACH / INTEREST

Oakland Public Works staff discussed Measure Q, 2020 oversight with the PRAC at its June 17, 2020, and August 19, 2020. There have been no objections to this proposal from the public or PRAC communicated to the Administration to date.

COORDINATION

This report and legislation have been reviewed by the City Attorney's Office and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic. Passage of this Ordinance will provide citizen oversight of voter-approved tax measure supporting park maintenance, homelessness services, and stormwater programs, as required by the measures.

Environmental: Measures Q provides funding to “[i]mprove water quality through actions that include the maintenance and cleaning of stormwater trash collection systems and reducing trash and litter in our parks, creeks, and waterways.” The adoption of this policy would advance efforts by the PRAC to mitigate actions that adversely affect water.

Race and Equity: In the case of the PRAC, they will provide guidance on the distribution of funds for parks and recreation facilities and stormwater quality enhancements. Measure Q requires park funds to be used to “[s]upport the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland.” Also, stormwater-related expenditures must “[i]mprove water quality through actions that include the maintenance and cleaning of stormwater trash collection systems and reducing trash and litter in our parks, creeks, and waterways.”

Communities in Oakland with a high concentration of Black, Indigenous, and Persons of Color (BIPOC) either lack adequate parks and recreational spaces or have spaces that require significant maintenance. Therefore, the allocation of Measure Q funding and operational direction that proceeds from that must have the following equity outcomes:

- Increased maintenance standards are achieved and maintained in BIPOC neighborhoods.
 - Maintenance must close service level disparities for parks in BIPOC neighborhoods as measured by restroom, field, or facility closures.
- Increased maintenance, tree, and landscape services for parks and recreational facilities in BIPOC neighborhoods.

An equity impact analysis will be conducted by the City's Department of Race and Equity after the adoption and implementation of this policy to ensure the stated outcomes above are achieved and maintained.

It is important to note is that an equity impact analysis is a comprehensive process that begins during the policy development stage and extends well into the implementation and evaluation stage of the policy process.

To this end, the implementation of Measure Q by OPW and the PRAC in the areas of parks maintenance and stormwater quality will undergo an annual equity review to determine its effectiveness in relation to the equity indicators and outcomes determined by the City's Department of Race and Equity.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

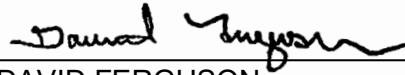
The City Council hereby determines that this Ordinance is not in-and-of-itself a "project." Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation CEQA Guidelines 15378(b)(4) and 15061(b)(3), it can be seen with certainty that there is no possibility that the adoption of the Ordinance itself may have a significant effect on the environment.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve An Ordinance Amending and Restating Ordinance Nos. 11731 C.M.S. and 8065 C.M.S. To Amend The Duties Of The Parks and Recreation Advisory Commission To Include Oversight 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.

For questions regarding this report, please contact Angela Robinson Piñon at (510) 238-3707 or arobinsonpinon@oaklandca.gov.

Respectfully submitted,



DAVID FERGUSON

Interim Director, Oakland Public Works

Attachments(3):

- A. Ordinance No. 11731 C.M.S.
- B. Ordinance No. 8065 C.M.S.
- C. Measure Q Resolution 87919 CMS