

AN ORDINANCE ADOPTED PURSUANT TO ARTICLE V OF THE CHARTER DISCONTINUING THE PARK COMMISSION AND THE RECREATION COMMISSION; TRANSFERRING THE POWERS AND DUTIES HERETOFORE EXERCISED BY SAID COMMISSIONS TO THE CITY MANAGER AND COUNCIL RESPECTIVELY; AND CREATING A PARK AND RECREATION ADVISORY COMMISSION TO ASSIST AND ADVISE THE CITY MANAGER AND THE COUNCIL.

The Council of the City of Oakland does ordain as follows:

SECTION I. Pursuant to Section 502 of the Charter, the Park Commission of the City of Oakland is hereby discontinued. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Park Commission.

SECTION II. Pursuant to Section 502 of the Charter, the Recreation Commission of the City of Oakland is hereby discontinued. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Recreation Commission.

SECTION III. To the extent permitted by law, all duties, powers and functions heretofore exercised by the Park Commission and by the Recreation Commission will be exercised by the City Manager. Any power, duty, or function which by law may not be exercised by the City Manager shall be exercised by the Council. It is the intent of this ordinance, pursuant to subdivision (a) of Section 404 of the Charter, to transfer to the City Manager, to the fullest extent permitted by law, all of the duties, powers, and functions presently exercised by each of the above-named Commissions over their respective departments, facilities and properties. In furtherance of this purpose and without limiting the generality of the foregoing, the City Manager, with respect to the Park Department and the Recreation Department, heretofore governed by the said Commissions respectively, shall have the following powers and duties:

(a) He may, to the extent permitted by law, prescribe and enforce such general and specific rules and regulations as he may deem necessary or expedient to the general operation and conduct of each of the said Departments. He may, by directive, modify or terminate any resolution, order, rule, regulation, or by-law, heretofore adopted by or promulgated under the authority of either of the said Commissions. Until so modified or terminated, all such resolutions, orders, rules, regulations, and by-laws shall, by virtue of this ordinance, remain in full force and effect, and shall be enforced by the City Manager.

(b) Subject to the Charter and appropriate rules of the Civil Service Board, he shall appoint, regulate, and control all personnel of the said Departments, and shall exercise with respect to said personnel the powers and duties set forth in Section 404 of the Charter. Pending

such action by the City Manager, all existing appointments made by either of the said Commissions, shall remain effective for all purposes. The compensation of the personnel of the said Departments shall, pursuant to Section 207 of the Charter, be fixed by the Council, and until so fixed shall remain as presently established.

(c) He shall control and administer the financial affairs of the said Departments, and shall control and administer all moneys and funds which may now or hereafter be allocated by the Council to said Departments, or either of them, including the Park Fund and the Recreation Fund, which funds are hereby continued. The City Manager shall, to the extent permitted by law, control and administer the disbursement of said funds, and each of them. Subject to §1103 of the Charter, the City Manager shall have the right to control, administer, and disburse all moneys that may be derived from any donation, legacy, or bequest to the said Departments, or either of them, unless otherwise provided by the terms of such donation, legacy, or bequest.

(d) He shall perform with respect to the said Departments all of the powers and duties enjoined upon him, with respect to City affairs generally, by §§403 and 404 of the Charter.

SECTION IV. As the governing body of the City, the Council shall exercise those powers and duties which under former Charter were vested in each of the said Commissions and which may not legally be exercised by the City Manager. The City Attorney, the City Clerk, and the City Auditor shall exercise with regard to the said Departments the powers and duties conferred upon them by the Charter with respect to the other departments of the City.

SECTION V. Pursuant to §501 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 to study, investigate and research into such areas and matters as the City Manager or the Council, through the City Manager, may direct, or as it may deem advisable; to make reports and recommendations thereon and to formulate policy recommendations and plans for the future development of the Park Department and the Recreation Department; to advise the City Manager and the Council, through the City Manager, on matters affecting the useful and efficient operation of the Park Department and the Recreation Department so that their facilities, functions and exhibits can be utilized to the fullest advantage of the citizens of this community; to hold, control, and administer such properties and trusts as may be required by the terms of the particular

instrument creating or conveying the same; and to perform such other duties and functions as the City Manager may from time to time direct. The following special provisions shall apply to the Parks and Recreation Advisory Commission:

(a) The Commission shall consist of seven members who will be appointed pursuant to §501 of the Charter, and who shall serve without compensation. Four Commissioners shall constitute a quorum. Of the Commissioners first appointed, one shall be appointed for a term of one year, two for two years, two for three years, and two for four years, said terms to commence upon the date of appointment. Thereafter each appointment shall be for a term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only.

(b) A vacancy in the Commission will exist whenever a Commissioner dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within ten days of appointment. A Commissioner may be removed pursuant to §501 of the Charter. Conviction of a felony, misconduct, incompetency, inattention to or inability to perform his duties, and absence from three consecutive regular meetings except on account of his own illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

(c) Each year at its first regular meeting in July, the Commission shall elect a chairman and a vice chairman from amongst its members. The Commission shall meet at least once each month at an established time and place suitable for its purpose. 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 the Commission members, the Council, and the public press at least twenty-four hours before the meeting is scheduled to convene.

(d) The Commission shall, in consultation with the City Manager and with the approval of the Council, establish rules and procedures for the conduct of its business. The affirmative vote of four members 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. All reports, findings and recommendations shall be made to the City Manager who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Manager shall be carefully and fully considered by him. If rejected by the City Manager, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

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

I certify that the foregoing is a full, true and correct copy of an Ordinance finally passed by the Council of the City of Oakland, Calif., on November 13, 1969, effective immediately.

GLADYS H. MURPHY, City Clerk

Per *[Signature]* Deputy