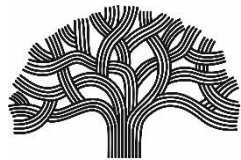


**Oakland Parks, Recreation and Youth Development
OPRYD
250 Frank H. Ogawa Plaza
Oakland, CA 94612**



CITY OF OAKLAND

***Special Meeting of the Oakland Parks and Recreation Advisory Commission**

**Meeting Agenda
Wednesday, August 12, 2020, 4:30 PM**

Please see the information page to participate in the meeting

TeleConference

Meeting Participation Information

PARKS AND RECREATION ADVISORY COMMISSION (PRAC) **The public may observe and/or participate in this meeting as follows.**

OBSERVE:

When: Aug 12, 2020 04:30 PM Pacific Time (US and Canada)

Topic: August 12, 2020 Special Meeting of the Parks and Recreation Advisory Commission (PRAC)

Please click the link below to join the webinar:

<https://zoom.us/j/94930465357>

LISTEN

iPhone one-tap :

US: +16699006833,,94930465357# or +14086380968,,94930465357#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 949 3046 5357

International numbers available: <https://zoom.us/u/amurta0ms>

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

COMMENTS:

Public comment on action items will be taken after the presentation of each report under Item 7 on the agenda. Comment for items not on the agenda will be taken during Open Forum.

HOW TO SUBMIT PUBLIC COMMENTS:

1. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Open Forum comment is being taken or on an eligible agenda item after it has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.

2. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to speak when Open Forum is taken or after an eligible agenda item has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing *6.

If you have any questions, please email Diane Boyd, Executive Assistant to the Director of Oakland Parks, Recreation and Youth Development dboyd@oakland.ca.gov.



***Special Meeting of the Oakland Parks and Recreation Advisory Commission**

**Meeting Agenda
Wednesday, August 12, 2020, 4:30 P.M.
Zoom Teleconference**

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH, TORRES, WOLFSON
3. DISPOSITION OF MINUTES:
July 8, 2020 Special Meeting Minutes
4. OPEN FORUM
5. DIRECTOR'S REPORT
6. MODIFICATIONS TO THE AGENDA:
7. CONSENT NEW BUSINESS:
8. NEW BUSINESS:
 - A. **Request for the Parks and Recreation Advisory Commission to 1) Receive An Informational Report On The Summer Activities Occurring At Lake Merritt, The Impact On The Lake and Surrounding Community, And The City's Coordinated Response And Associated Costs, 2) Consider Proposals To Modify Park Rules Regarding Vending, And Implement Traffic Control Measures, 3) Receive Public Comment On Those Proposals, and 4) Schedule An Additional Hearing During Which the Commission Can Make A Formal Recommendation.**
 - B. **Request For The Parks And Recreation Advisory Commission (PRAC) To: 1) Review A Draft Ordinance That Would Amend Ordinances 11731 C.M.S. And 8065 C.M.S. To Include Oversight Of Measure Q And Would Modify Membership Of The PRAC; And 2) Adopt A Motion Recommending That The Oakland City Council Adopt The Draft Ordinance.**
9. PLANNING AND CONDITIONAL USE PERMITS:
10. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
11. ANNOUNCEMENTS AND COMMUNICATIONS:

12. CONTINUATION OF OPEN FORUM:

13. ADJOURNMENT:

Next Meeting:

Wednesday, September 16, 2020

TeleConference



***Special Meeting of the Oakland Parks and Recreation Advisory Commission**

Minutes

Wednesday, July 8, 2020, 4:30 P.M. Via Zoom

1. CALL TO ORDER: 4:32 P.M.

2. ROLL CALL:

AIKENS, COLE, CORBIN, HA, HOWZE, KOS-READ MOORE, REILLY, SMITH, TORRES, WOLFSON

Present: 10 – Aikens, Cole, Corbin, Ha, Howze, Kos-Read, Moore, Reilly, Smith, Torres

Excused: 1 – Wolfson

3. DISPOSITON OF MINUTES:

June 17, 2020 – Special Meeting Minutes

Motion: Commissioner Corbin entertained a motion to recommend approval of the June 17, 2020 Special Meeting minutes. **Moved by**: Commissioner Cole. **Second by**: Commissioner Smith. **Vote**: Yes (7): Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly. **Abstained** (3): Kos-Read, Smith and Torres. **Motion**: Passed.

4. OPEN FORUM:

There were four speakers at Open Forum

5. DIRECTOR’S REPORT:

Due to budget cuts, the department lost 1million dollars provided through the SSBT funding. No staff layoffs were sustained.

On behalf of Oakland Parks and Recreation, the Oakland Parks and Recreation Foundation received a \$100K grant from the Curry Family Eat Learn Play Foundation. In 2019, the Foundation granted the department \$50K.

Parks and Recreation launched its Neighborhood Town Camp program and served 400 children in play groups of 12 during a two-week period. No COVID-19 related illness were reported.

Eat Learn Play and Under Armour will partner in a golf tournament. Proceeds from golf shoes auctioned at the event will benefit Ace Kids Golf programs.

6. MODIFICATIONS TO THE AGENDA:
7. CONSENT NEW BUSINESS:
8. NEW BUSINESS:

A. Informational Report On The Approved Parks For The Oak Knoll Mixed-Use Community Project, Which Will Be Dedicated To The City Of Oakland As City Parks.

The Parks and Recreation Advisory Commission reviewed the informational report for the Oak Knoll Mixed Use Community Project presented by Dara O’Byrne from the Planning & Building Department, Development Planning Division and Zach Roberts from Hart Howerton.

The Oak Knoll Mixed Use Community is located on the former Oak Knoll Naval Medical Center property at 8750 Mountain Boulevard. The Master Planned community sits on approximately 191 acres between Keller Avenue and Mountain Boulevard and consists of 918 residences, 72,000 square feet of neighborhood commercial, 14,000 square feet of civic/commercial use. The Project also features 78.6 acres of Open Space and Parks, including approximately 6.6 acres of public parks. Four public parks were presented and approved by City Council on November 28, 2017.

The four parks approved by City Council will be dedicated to the City of Oakland. Funding and maintenance of the parks will be paid for through the Community Facilities District (CFD), a public facilities maintenance fund currently under development specifically for the Oak Knoll Mixed Use Community project. The four parks include:

- Creekside Park: Creekside Park is located along Mountain Boulevard at the entrance to Oak Knoll, between Creekside Parkway and Creekside Loop, and adjacent to Rifle Range Creek. The park is approximately 1.1 acres. It includes a play lawn, multi-use trail, entrance feature, benches and benches and Public Art, which was reviewed by the Oakland Public Arts Advisory Committee in August 2019. Creekside Park is the only park of the four to feature Public Art.
- North Neighborhood Tot Lot: North Neighborhood Park is located in the northern part of Oak Knoll, near the Creekside Parkway entrance on Keller Avenue, adjacent to Rifle Range Creek. The park is approximately 3 acres. It is an active park with a play lawn, children’s play area, picnic tables, pathway, and park seating. North Neighborhood Park is the largest of the four parks.
- Village Pocket Park: Village Pocket Park is centrally located in Oak Knoll, off Creekside Loop, across from the Club Knoll Community Center. The park is approximately 0.2 acres. It is a passive park with a passive play lawn, formal garden, benches, and a garden pathway.

- Oak Knoll Memorial Park: Oak Knoll Memorial Park is located in the northern portion of the Oak Knoll development near Keller Avenue, but accessed by trail. The park is approximately 2.3 acres. It is a passive park in an existing hillside meadow with benches and a trail. Oak Knoll Memorial Park is dedicated to the veterans and medical staff.

Upon further review, the Commission was informed that while the planned residential housing for Oak Knoll did not include affordable housing in the adopted negotiated settlement, the future development of the Barcelona Parcel could do so. For future access to Oak Knoll, a road will be built between two parcels.

Understanding that the CFD would be funded by the residents of the development, the Commission sought assurances that those residents and the community at large would be advised that the Oak Knoll parks will be open to the public and are not privately owned. Prioritizing this message was requested. The PRAC also requested staff provide a future informational report on the function of the (CFD) and any financial obligations the City may incur related to the maintenance of the parks.

Commissions requested staff explore options for including restrooms, ADA play structures for children and/or their accompanying parent/guardian, and off leash-dog play areas in the development plans. Dual purposed public art and multi-generational structures were also included.

Staff received a recommendation to tour Mia's Dream Come True Play Ground in Hayward for ADA inspired play structures ideas.

Motion: Commissioner Corbin entertained a motion to accept the Oak Knoll Mixed-Use Community Project informational report. **Moved by:** Commissioner Ha. **Second by:** Commissioner Aikens. **Vote:** Yes (10): Aikens, Cole, Corbin, Ha, Howze, Kos-Read, Moore, Reilly, Smith and Torres. **Motion:** Passed.

9. PLANNING AND CONDITIONAL USE PERMITS:

10. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:

- Commissioner Aikens – Arroyo Park's new Neighborhood Association is applying for a 501c3 License and plans to adopt the site.
- Commissioner Ha – Welcome to new Commissioner Isaac Kos-Read

11. ANNOUNCEMENTS AND COMMUNICATIONS:

12. CONTINUATION OF OPEN FORUM:

There was one speaker under Open Forum

13. ADJOURNMENT: 6:24 P.M.

Respectfully submitted,

/s/ J. Nicholas Williams

J. Nicholas Williams

Secretary

/s/ Diane L. Boyd

Diane L. Boyd

Recording Secretary

Next Meeting:

Wednesday, September 16, 2020

Zoom – TeleConference



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Minutes

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J. Nicholas Williams
Secretary

/s/ Diane L. Boyd

Diane L. Boyd
Recording Secretary

Next Meeting:

Wednesday, September 16, 2020

Zoom - TeleConference



**CITY OF OAKLAND
Office of the City Administrator**

TO: C.N.E. Corbin, Chair, Parks and Recreation Advisory Commission
FROM: Joe DeVries, Director, Interdepartmental Operations, Office of the City Administrator
DATE: August 4, 2020
SUBJECT: **Request for the Parks and Recreation Advisory Commission to 1) Receive An Informational Report On The Summer Activities Occurring At Lake Merritt, The Impact On The Lake and Surrounding Community, And The City's Coordinated Response And Associated Costs, 2) Consider Proposals To Modify Park Rules Regarding Vending, And Implement Traffic Control Measures, 3) Receive Public Comment On Those Proposals, and 4) Schedule An Additional Hearing During Which the Commission Can Make A Formal Recommendation.**

SUMMARY

In the past three years, the number of people visiting Lake Merritt in Summer months has increased dramatically causing parking and traffic safety issues, illegal commercial vending, large amounts of litter clogging storm drains and polluting the lake, and placing an outsized burden on City resources. The major investments made by the taxpayer funded Measure DD have seen significant damage due to this increased use.

The easing of State Shelter-in-place restrictions in late May prompted a significant increase in people visiting the lake in the months of June and July and a corresponding increase in illegal vending, particularly along Lakeshore Avenue between El Embarcadero and Wayne Avenue. Many of these vendors are setting up professional sound systems, selling alcohol and cannabis products to be consumed on site, and operating large unlicensed commercial food operations. Some are advertising on social media inviting customers to essentially come party at the lake, promoting professional DJs along with mixed drinks and prepared food. This is during a time when Oakland leads Alameda County with record numbers of COVID-19 cases and evidence indicated the largest increase in cases in the month of July is from social gatherings. Additionally, the COVID-19 Virus is infecting the Latinx Community in Alameda County at six times the rate of Whites and killing African Americans at twice the rate of Whites.

Additional ongoing problem areas include the Lakeshore cul-de-sac and Bellevue Avenue between Perkins and Grand where visitors consistently congregate late in the evening, disturb the peace with loud music and parties, and leave behind large amounts of litter.

The City has implemented a variety of measures to attempt to support people to use Lake Merritt safely and equitably during the COVID-19 Pandemic by creating safe traffic restrictions and reasonable guidelines for other activities. However, the crowds of people are continuing to be unmanageable with vendor advertisements and products attracting more people which in-turn attracts more vendors.

Some members of the community would like the City to take more aggressive enforcement action, others want to create a safe way for vending to continue at the lake. Staff have some possible solutions that this report will provide but because the area in question falls under the jurisdiction of the Parks and Recreation Advisory Commission (PRAC), staff believes a public forum to allow for input is the most appropriate path forward. It is the recommendation of staff that the PRAC hear testimony and then ask staff to bring back a proposal to the PRAC in September based on that input.

FISCAL IMPACT

Although this report has no fiscal impact, the ongoing efforts at Lake Merritt this summer average out to approximately \$25,000 per week. This includes the cost of Park Ambassadors, Enhanced park maintenance, Police Units, additional traffic control measures, Municipal Code Officers, and outreach materials.

PROJECT / PROGRAM DESCRIPTION

Below is a description of current City efforts to manage the crowds at Lake Merritt and prevent the spread of COVID-19:

Park Ambassadors and Public Messaging about COVID-19: Beginning in April, the Parks, Recreation, and Youth Development Department (OPRYD) deployed Park Ambassadors throughout the City to remind people of the shelter-in-place restrictions and to promote safe distancing. These ambassadors deploy every weekend at Lake Merritt and hand out masks, educational materials about COVID-19 and remind people to socially distance. In recent weeks, City Staff have been reaching out to trusted community partners to also engage in this effort, especially with the new data for July showing the big increases in infections based on social gatherings.

Park Maintenance: The increase in park usage has caused more wear and tear on Lake Merritt park assets. Vendors and park visitors many times park on the lawn, thus breaking irrigation sprinklers and potentially causing the lawn to die. In addition, the overcrowding causes the creation of “new pathways” through shrubbery and planting beds. Park staff must work expanded shifts to mitigate the amount a trash left behind by park attendees. Litter not removed leads to rodent issues.

Parking Restrictions: Since May, the City implemented no parking surrounding the entire Lake on weekends with signage indicating it as a tow away zone to reduce the amount of people using the lake. This was in line with the closing of all parking lots at City Parks, the closing of basketball courts, playgrounds, and other facilities to stop the spread of COVID-19. Bellevue Avenue from the entrance of Fairyland to Perkins was closed with the same intent and Bellevue from Perkins to Grand is marked as No Through Traffic as part of the Oakland Slow Streets initiative. On weekends OPD has restricted access and parking on the Lakeshore cul-de-sac with some limited success but late-night gatherings still disrupt residents on a regular basis. Although some restrictions have been eased citywide, and recently the City reopened Bellevue, the City has attempted to maintain the enforcement at the lake to create a greater amount of space for pedestrians and bicyclists around the lake and to mitigate other traffic safety concerns.

Traffic Control Measures: Beginning in mid-July, the City closed El Embarcadero completely on weekends and closed southbound traffic on Lakeshore from MacArthur to East 18th street in an effort to create more space for pedestrians and bicyclists. Significant traffic problems created by people disobeying parking rules such as parking in the center turn lane and exhibiting aggressive driving behavior have created a serious public safety hazard that these measures also addressed. While well

received, this effort requires extraordinary resources to maintain each weekend. The City is considering placing barriers in the center turn lane in this area that would remain throughout the summer to both prevent the illegal parking during the week and to allow police resources to be directed to other important concerns at the lake. Although this would allow for better traffic control, the two potential disadvantages would be the inconvenience Lakeshore residents would experience unable to make a left turn into their driveway, and the possibility that drivers would sometimes still try to park in the center lane which could completely stop traffic.

Engagement with Vendors: Last summer and for several months this summer the City’s Municipal Code Enforcement Officers have been engaged with vendors and providing information about how to legally vend in the City and about current restrictions. In late July, in partnership with the Oakland Fire Department’s Prevention Bureau, the team issued warnings for municipal and fire code violations, passed out information from the Alameda County Environmental Health Department and informed vendors that enforcement would take place the following weekend through issuance of administrative penalties. On the first weekend in August, the number of vendors setting up was significantly reduced with a majority of previously known vendors not coming to the lake. However, on both days, some vendors remained in place and were critical of the City’s enforcement efforts. After staff left in the afternoon, new vendors appeared to sell a variety of items including mixed alcoholic drinks, and also set up professional sound systems. On August 4, 2020 Council Member Fortunato-Bas facilitated a meeting with vendors and staff and many of the vendors expressed an interest in creating a safe, licensed, regulated system and acknowledged the current situation is not acceptable.

Regulatory Landscape: Currently, any vending in City parks requires permits from OPRYD with oversight by the PRAC. Due to the pandemic, no permits for any event, gathering, or vending are being issued. However, vending can be allowed at swap meets, flea markets, and potentially on City streets with an encroachment permit and business tax license.

Food Vendors must obtain a permit from the Alameda County Environmental Health Department to ensure food safety for any sale or give-away of food to the public anywhere in Alameda County at all times. These permits include Fire Inspections to ensure the fire code is met. Currently, food trucks and push carts can maintain their license and continue to vend on City streets if they abide by the permit rules to promote safe distance from each other, from brick and mortar restaurants, and with up-to-date inspections and insurance. Food “Booths” also known as temporary food facilities such as what is occurring on Lakeshore where barbeques and deep fryers are being set-up under canopies in the Park, are only allowed by the County in conjunction with a special event, and with proper fire safety inspections. During the pandemic, no special event permits are being issued. In summary, the food vendors in the park are illegal and cannot become legal during the pandemic.

Alcohol Sales: Any Police Officer or Special Agent of the ABC can conduct compliance checks of vendors to determine if alcoholic beverages are being sold or furnished in violation of 23300 B&P. According to Business and Professions Code, Sec. 23300, it is a misdemeanor to sell alcoholic beverages at any place in the State of California without a proper license issued by the California State Department Of Alcoholic Beverage Control (ABC). Selling alcoholic beverages without a license may result in a citation which could include punitive damages as determined by a court of law. Additionally, alcoholic beverages offered for sale can be seized as evidence.

Enforcement Challenges: Staff from all City departments that have been involved in this effort have been faced with harsh criticism while attempting to perform their assigned duties, including accusations of racism and bias, verbal slurs, and threats of violence. County Environmental Health staff have been reluctant to conduct enforcement activity at the lake due to staff concerns about safety as well. Even the simple act of writing a parking ticket for a vehicle parked in a travel lane has been met with aggressive and abusive behavior.

In the current environment, the City does not want to appear heavy handed in enforcement activity but to enforce laws against selling alcohol, for example, which could entail confiscation of products while dozens of intoxicated bystanders surround staff, could evolve into a dangerous situation. An incident on the evening of July 4th is a reminder of this challenging environment: a fire engine that was attempting to navigate Lakeshore Avenue to respond to a medical call for service, was surrounded by crowds, some of whom proceeded to climb onto the engine and ignite fireworks from its roof. Lives were placed at risk and an alternate engine provided a delayed response to the medical call. In the aftermath of the death of George Floyd, there is a broad public outcry to defund police departments and in Oakland specifically, a City Council policy directive has established a Reimaging Public Safety Task Force with a stated goal to reduce the department's share of the City's General Purpose Fund by 50%. In this environment, officers are reluctant to take enforcement action for minor crimes, instead prioritizing serious and violent offenses with their limited resources.

BACKGROUND / LEGISLATIVE HISTORY

Lake Merritt is a large tidal lagoon and is historically significant as the United States' first official wildlife refuge, designated in 1870, and has been listed as a National Historic Landmark since 1963, and on the National Register of Historic Places since 1966. The lake features grassy shores; several artificial islands intended as bird refuges; the interpretive Rotary Nature Center at Lakeside Park; the boating center where sailboats, canoes and rowboats can be rented, and classes are held; and Children's Fairyland. It was not designed to sustain ongoing commercial activity, or the associated crowds of the type seen on Lakeshore, El Embarcadero, and Grand Avenue in recent months.

However, some would suggest a pilot program to allow vending at Lake Merritt or any City park could safely and equitably assist entrepreneurs and other seeking to enjoy park space during the COVID-19 emergency, however, the pilot would need to address the following issues:

1. *Public Health:* Given that we are in midst of a pandemic, public health needs to be addressed first and foremost. Accordingly, any vending that takes place needs to comply with all local and state Health Orders and take additional measures to prevent further infections of COVID-19. This should include protocols to ensure vendors and customers practice physical distancing and utilizing face coverings and hand sanitizer.
2. *Waste Management:* A vending pilot must include the disposal of trash generated by customers and those attracted to the area. Likewise, the pilot should also provide sufficient bathrooms and hand washing facilities to address hygiene and to prevent customers and others from relieving themselves on neighboring properties.
3. *Sound:* The vending pilot should avoid excessive noise from amplified sound both to balance the interests of others utilizing the park and to avoid creating a social gathering that would be inconsistent with local and state public health guidelines.
4. *Insurance:* The vending pilot needs to be insured and include the City of Oakland within its coverage.

5. *Additional Requirements:* The vending pilot also needs to comply with Americans with Disability Act requirements, such as maintaining six feet of clear space on sidewalks, Alameda County Environmental Health requirements for any food or beverage sales, and Revenue Management Bureau requirements by ensuring that all vendors have a current business tax certificate.
6. *Organization:* To ensure that all of the above issues are addressed, there needs to be one person or entity that takes responsibility for the entire vending pilot. This will encourage consistency and compliance across the vending pilot.

There is potential to use the closed Lakeview Library parking lot, El Embarcadero, and East Shore Park to spread out vending under such a model.

Staff asks that the PRAC allow for public comment on the above items and schedule an additional hearing during which the commission can make a formal recommendation. Among the questions that should be considered by the public and the PRAC are:

- Should the City continue with the current traffic control and parking measures?
- If so, should it consider more permanent barriers along Lakeshore to prevent illegal parking every day?
- Should the City allow a pilot vending program in parks, or should vendors be redirected to currently permitted locations such as flea markets, swap meets, online, and other commercial locations?
- If a parks pilot is developed, what type and amount of vending should be allowed?
- Should a pilot be implemented during the COVID-19 Emergency or postponed?
- What level of enforcement does the PRAC support in gaining compliance with Oakland's laws and park restrictions? Any other recommendation brought forward by the public or the PRAC


While this dialogue unfolds, staff will continue the current effort, resources permitting, and may continue to increase enforcement action to achieve compliance with existing law.

RECOMMENDATION

Staff recommends the PRAC:

- 1) Receive this informational report on the summer activities occurring at Lake Merritt, the impact on the lake and surrounding community, and the city's coordinated response and associated costs,
- 2) Consider proposals to modify park rules regarding vending, and implement traffic control measures,
- 3) Receive public comment on those proposals, and
- 4) Schedule an additional hearing during which the commission can make a formal recommendation.

Respectfully submitted,



Joe DeVries, Director, Interdepartmental Operations
Office of the City Administrator



**CITY OF OAKLAND
Oakland Parks & Recreation**

TO: C.N.E. Corbin, Chair, Parks and Recreation Advisory Commission
FROM: Angela Robinson Piñon, Oakland Public Works
DATE: August 4, 2020
SUBJECT: **Request For The Parks And Recreation Advisory Commission (PRAC) To: 1) Review a Draft Ordinance That Would Amend Ordinances 11731 C.M.S. and 8065 C.M.S. To Include Oversight of Measure Q And Would Modify Membership of The PRAC; And 2) Adopt a Motion Recommending that the Oakland City Council Adopt the Draft Ordinance**

SUMMARY

Purpose or Origin of Report

At the June 17, 2020 meeting of the Parks and Recreation Advisory Commission (PRAC) the Commission passed a motion in support of the Oakland City Council adopting an Ordinance that would add oversight of “The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act” (Measure Q) to the duties of the PRAC. The PRAC requested that City staff bring a draft of the proposed Ordinance to their next meeting.

Essential background

In order to assign the role of Measure Q oversight to the PRAC, the City Council must amend Ordinance No. 11731 C.M.S.

Most Significant Issues

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. 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.”

Additionally, the current Ordinance contains outdated or outmoded language such as “City Manager”, makes reference to “affirmative action policies” that were rendered illegal after the passage of Proposition 209 in 1996.

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.

Major Recommendations and Rationale

Staff recommends that the PRAC review the draft Ordinance and pass a motion recommending that the City Council amend Ordinance No. 11731 C.M.S which establishes the duties of the PRAC.

Action Requested of the PRAC and Why

The PRAC is being asked for its input and support for to amend Ordinance No. 11731 C.M.S. as this document, along with Ordinance No. 8065 C.M.S. will guide its work for the immediate future and for years to come. Therefore, it is important to consider the input of current members of the PRAC.

Once the Ordinance has been amended by the City Council, staff will also begin working with the PRAC to develop processes to enable the PRAC to fulfil its new role.

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.

BACKGROUND / LEGISLATIVE HISTORY

On November 13, 1969, the City Council adopted Ordinance No. 8065 C.M.S. (Exhibit C) 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 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 for the selections of members and their duties, as well as the general responsibilities of boards and commissions.

RECOMMENDATION

Oakland Public Works staff recommends that the Park and Recreation Advisory Commission: 1) review a draft ordinance that would amend Ordinances 11731 C.M.S. and 8065 C.M.S. to include

PRAC – August 4, 2020
Item **8B**

oversight of Measure Q and would modify the membership of the PRAC; and 2) and adopt a motion recommending that the Oakland City Council adopt the draft ordinance.

Respectfully submitted,

 /s/ Richard Battersby

Prepared by:
Angela Robinson Piñon
Project Manager II, ELDE

 /s/ Angela Robinson Piñon

Approved by:
Richard Battersby on behalf of
David Ferguson
Interim Director, Oakland Public Works

Attachments: Exhibit A – *Draft Ordinance*
Exhibit B – *Ordinance No. 11731 C.M.S.*
Exhibit C – *Ordinance No. 8065 C.M.S.*

INTRODUCED BY COUNCILMEMBER _____

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ 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 OF THE COMMISSION

WHEREAS, on November 13, 1969, the City Council adopted Ordinance No. 8065 C.M.S. that which dissolved the Parks and the Recreation Commissions and merged their functions into the Parks and Recreation Advisory Commission (PRAC); 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 that the City had established for the selections of members and their duties, as well as the general responsibilities of boards and commissions; and

WHEREAS, on March 3, 2020, Oakland voters approved "The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act" (Measure Q) to create a special tax for twenty (20) years to support parks maintenance, homelessness support services, and stormwater infrastructure planning and enhancements; and

WHEREAS, Measure Q included several outcomes and objectives including, but not limited to, 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 improve water quality through actions that include the maintenance and cleaning of stormwater trash collection systems and reducing trash and litter in our parks; and

WHEREAS, 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; and

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

WHEREAS, the Parks and Recreation Advisory Commission is the most appropriate existing Commission for citizen oversight of "The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act"; 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; and

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

SECTION 1. This Ordinance amends and restates Ordinance Nos. 11731 C.M.S. and 8065 C.M.S. regarding the Parks and Recreation Advisory Commission, to add additional oversight duties and jurisdiction to the Commission's mandate, with 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 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, contract, bond, 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, contract, bond, 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 Commission 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 Commission. 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 remained 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 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 funds that may be now or hereafter be allocated by the City Council to said Departments, or either of them, including the Park Fund and 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 Section 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 Sections 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 the City Manager. The City Attorney, the City Clerk, and the City Auditor shall exercise with regard to said Departments the powers and duties conferred upon them by the Charter with respect to the other Departments of the City.~~

Section V1. 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 as 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 stormwater trash collection systems and reducing trash and litter in our parks.

(j) The Commission may establish by majority vote, working groups and sub-committees.

Section VI2. ~~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. To the extent practicable, appointment to the Commission shall be made in accordance with Ordinance No. 13319 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~~ 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 VII3. 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.~~

~~(a**b**) 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.

~~(b**e**) Limit on Consecutive Terms. Commencing with the effective date of this Ordinance, n~~ No person shall be appointed to serve more than two (2) consecutive terms as a member of the commission. ~~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 VIII 4. 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 IX 5. Rules and Procedures Bylaws

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 adopting 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 full 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 2. 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 3. 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,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

J. Hittner
CITY ATTORNEY

ORDINANCE No. 11731 C. M. S.

**ORDINANCE ADOPTED PURSUANT TO ARTICLE VI OF
THE CITY CHARTER AMENDING ORDINANCE NO. 8065
C.M.S. ESTABLISHING THE PARKS AND RECREATION
ADVISORY COMMISSION**

WHEREAS, the Parks and Recreation Advisory Commission (Commission) was established by the City Council of the City of Oakland on November 13, 1969 by Ordinance No. 8065 C.M.S., for the purpose of researching and formulating policy recommendations and plans for the future development of the Office of Parks and Recreation (OPR) and advising the City Manager and City Council on matters affecting the operation of the OPR and their facilities, functions, exhibits and duties; and

WHEREAS, at a Special Meeting of the City Council convened on or about April 26, 1994, the City Council determined that existing boards and commissions should be amended to incorporate uniform requirements regarding the selection of members, the duties of said members, and the general responsibilities of boards and commissions. and

WHEREAS, in the interest of expanding and broadening representation for all groups with an interest in matters related to the City's parks and recreation areas, membership to the Commission should be expanded to eleven (11) members.

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

Section 1. The duties and functions of the duly appointed commissioners of the Park and Recreation Advisory Commission (Commission) as provided in Section V of Ordinance No. 8065 C.M.S., are amended to read as follows:

"Section V. 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 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 Office of Parks and Recreation; to

advise the City Manager and the Council, through the City Manager, on matters affecting the useful and efficient operation of the Office of Parks and Recreation 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.

(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."

Section 2. Section V(a) of Ordinance No. 8065, relating to the number and appointment of members to the Commission, shall be renumbered as Section VI and amended to read as follows:

"Section VI. Composition.

(a) The Commission shall consist of eleven (11) members who 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.

(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 3. Sections V(a) and V(b) of Ordinance No. 8065, relating to the length and frequency of the terms of members appointed to the Commission, shall be renumbered as Section VII and amended to read as follows:

"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.

(b) 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, all appointments shall be for a period of three (3) years.

(c) Limit on Consecutive Terms. Commencing with the effective date of this Ordinance, no person shall be appointed to serve more than two (2) consecutive terms as a member of the Commission. 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.

(d) 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 4. Section V(c) of Ordinance No. 8065, relating to the meetings of the Commission, shall be renumbered as Section VIII.

Section 5. Section V(d) of Ordinance No. 8065, relating to the rules and procedures of the Commission, shall be renumbered as Section IX and amended to read as follows:

"Section IX. Rules and Procedures.

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 six (6) 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/her. If rejected by the City Manager, the Commission may submit its recommendations to the Council for its consideration, as appropriate."

Section 6. Section V(e) of Ordinance No. 8065, relating to the staff assistance to the Commission, shall be renumbered as Section X.

JUL 26 1994

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19 _____

PASSED BY THE FOLLOWING VOTE:

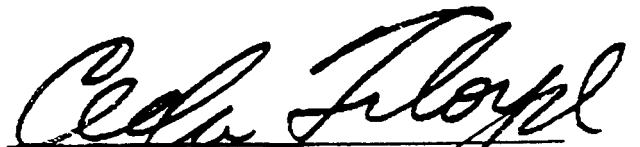
AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, ~~CCPWA~~, SPEES, WOODS-JONES, and PRESIDENT, HARRIS -8

NOES— NONE

ABSENT— NONE

ABSTENTION— NONE

ATTEST:



-4-

CEDA FLOYD

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

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