



Office of the City Manager

ACTION CALENDAR
November 13, 2012

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: William Rogers, Deputy City Manager
Subject: Consolidating the Parks and Recreation Commission and the Waterfront Commission into a New Parks and Waterfront Commission; Repealing and Re-enacting BMC Chapter 3.26 and Repealing Chapter 3.36

RECOMMENDATION

Adopt first reading of an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks and Waterfront Commission and repealing Berkeley Municipal Code Chapter 3.36, effective July 1, 2013.

FISCAL IMPACTS OF RECOMMENDATION

The reorganization of Commissions in the Parks, Recreation and Waterfront Department will enable the City to reduce resources allocated to commission work and realign those resources to meet community service demands.

CURRENT SITUATION AND ITS EFFECTS

At the City Council meeting on June 26, 2012 the Council directed the City Manager to bring back legislation to create two new commissions by consolidating the Parks and Recreation Commission, Waterfront Commission, and Commission on Early Childhood Development into two separate commissions, one for infrastructure needs (capital and maintenance) and one for recreation and youth programs.

City staff reviewed the enabling legislation for the current commissions and drafted proposed enabling legislation for the functions of the new commissions. The proposed enabling legislation was agendaized for discussion and action by all three commissions. Staff attended the commission meetings to discuss the impacts of consolidation, and facilitated feedback with the affected commissions regarding potential consolidation.

On September 24, 2012, the Parks and Recreation Commission voted to support the draft enabling legislation with minor edits. M/S/C (Veneziano/Boland) Vote: Aye's: Boland, Brower, Gebhart, Peterson, Veneziano; No's: None; Abstain: None; Absent: Gray, Schemmerling, Thornton).

On September 12, 2012, the Waterfront Commission voted to support the draft enabling legislation with minor edits. (McGrath/Pinto) Vote: Ayes: Avellar, Jones, Kamen, MacKay, McGrath, Pinto; Noes: Catalfo; Abstain: None; Absent: None.

Proposed Consolidation Process

If adopted, the new enabling legislation for the Parks and Waterfront Commission will go into effect on July 1, 2013. Between January 1, 2013 and June 30, 2013 the Waterfront Commission and the Parks and Recreation Commission will meet jointly, with a combined agenda. Since the commissions will still be acting under their existing enabling legislation, they will convene, vote, and take action separately during the joint meetings. This transition period will allow commissioners to become more familiar with each other and the functions of both commissions. During this time, it is expected that the standard attrition through resignations and terminations will reduce the membership on each commission.

Since a new commission is being created, Councilmembers will need to make a new appointment to the new commission even if they already have an appointee on the previously-existing commission. After the July 1 effective date, any Councilmember who still has appointees on the existing Parks and Recreation Commission and the Waterfront Commission will need to make a single appointment to the new Parks and Waterfront Commission. The July meeting of the new commission will be under the new enabling legislation and the commission will have nine members. The enabling legislation also includes a provision that all prior service on the commissions being consolidated is counted toward the 8-year limit of service.

This item also contains an action to remove the obsolete enabling legislation for the Waterfront Commission from the Municipal Code after that commission has sunset.

A separate item is on the Council agenda to extend the term of the current Waterfront Commission through June 30, 2013.

BACKGROUND

Through discussions with commissions, the staff supporting them, and a review of the enabling legislation for various commissions, staff has found that there would be a significant benefit to consolidating and reorganizing the three commissions under the Parks, Recreation and Waterfront Department to achieve better outcomes for community members, parks and waterfront users, as well as those served by the many City programs operated by the Parks, Recreation and Waterfront Department.

The realignment creates two separate commissions based on two principle areas of focus: 1) infrastructure (capital and maintenance, and 2) recreation and youth program needs:

- The Parks and Waterfront Commission will be able to integrate the infrastructure needs of the City's parks, recreation, waterfront, and open space assets into one commission
- The Recreation and Youth Services Commission will have a strong focus on programs for recreation, youth, families, early childhood development, and the role that the City plays in the 2020 Vision Initiative.

The consolidation will allow for greater synergy between the infrastructure needs of City parks and those of the waterfront and also provide for greater attention and study of how the City programs are meeting the social, developmental and physical needs of youth and families in Berkeley.

Existing Commissions: Parks and Recreation Commission and Waterfront Commission

The current Waterfront Commission is tasked with advising the City Council on all matters relative to waterfront conservation and development, to review all existing plans, policies, programs and projects on or affecting the waterfront, and to advise the City Council annually on the rates to be charged for services rendered at the Berkeley Marina.

The Parks and Recreation Commission is tasked with reviewing policies and programs relating to recreation, parks, camps and public greenery, and advising the City Council on these matters. Examples from the Parks and Recreation Commission Workplan include review of planned capital improvements for the City's 52 parks and three camps, the camps enterprise fund and the parks special tax, and fees for both camps and recreation programs.

Combining the two commissions into a single commission with a focus on capital infrastructure needs and will utilize the expertise of the current commissioners from both commissions who have worked on various capital improvement plans for parks throughout Berkeley and for the waterfront. As the City continues to develop strategies for addressing deferred maintenance and unfunded capital needs, a commission focused on those issues for parks and waterfront will be very helpful.

RATIONALE FOR RECOMMENDATION

The realignment of the commissions will have programmatic benefits as well as providing some alleviation on the demands of staff time related to commission support. These saved hours can be reprogrammed to support other City services where resources may have been cut due to previous or currently proposed budget cuts.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

William Rogers, Deputy City Manager, 981-7000
Mark Numainville, Acting City Clerk, 981-6900

Consolidating the Parks and Recreation Commission and the Waterfront Commission into a new Parks and Waterfront Commission; Repealing and Re-enacting BMC Chapter 3.26 and Repealing Chapter 3.36

ACTION CALENDAR
November 13, 2012

Attachments:

- 1: Ordinance
- 2: FAQs for Commission Consolidation

ORDINANCE NO. -N.S.

REPEALING AND REENACTING BERKELEY MUNICIPAL CODE CHAPTER 3.26
CREATING THE PARKS AND WATERFRONT COMMISSION AND REPEALING
CHAPTER 3.36

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 3.26 is repealed and reenacted to read as follows:

**Chapter 3.26
PARKS AND WATERFRONT COMMISSION**

Sections:

3.26.010 Established--Membership--Appointment.

3.26.020 Council representatives--Functions.

3.26.030 Organization, meetings, rules and procedures.

3.26.040 Functions.

3.26.010 Established--Membership--Appointment.

A. A Parks and Waterfront Commission is established. The commission shall consist of nine members. Appointments to the commission shall be made, and vacancies on the commission shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130.

B. For purposes of determining term limits under Section 3.02.040, a commissioner's prior service on the Parks and Recreation Commission or the Commission on Early Childhood Education shall be counted, as long as that prior service was terminated by his or her appointment to the Recreation and Youth Services Commission.

3.26.020 Council representatives--Functions.

The City Council may appoint one of its members to act as a non-voting, uncompensated liaison representative to the Parks and Waterfront Commission. The functions of such liaison representatives are:

A. To attend meetings of said commission;

B. To advise the Council of the background, attitude and reasons behind decisions and recommendations of said commission; and

C. On request of any member of said commission, to advise the commission of policies, procedures and decisions of the council that may bear on matters under discussion by the commission.

3.26.030 Organization, meetings, rules and procedures.

A. The commission annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson. An officer or employee of the City designated by the City Manager shall serve as secretary of the commission.

B. The commission shall establish a regular place and time for meeting. All meetings

shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. The commission may make and alter rules governing its organization and procedures which are not inconsistent with this Chapter or any other applicable ordinance of the City.

D. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

E. The commission shall keep an accurate record of its proceedings and transactions.

3.26.040 Functions.

A. The Parks and Waterfront Commission shall be an advisory board and shall review the policies, projects, programs, planning efforts, activities, funding, and the physical condition of parks, pools, camps, recreation centers, the Marina, and public greenery, and shall advise the City Council on these matters.

B. The Parks and Waterfront Commission shall have the authority to adopt the minutes of the final meetings of the Parks and Recreation Commission and the Waterfront Commission.

Section 2. That Berkeley Municipal Code Chapter 3.36 is repealed effective July 1, 2013.

Section 3. This ordinance shall become effective on July 1, 2013.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**Frequently Asked Questions
Consolidation of Parks and Recreation Commission, Waterfront Commission, and Commission on
Early Childhood Education**

General Questions

- Q: When will the Consolidations be effective?
A: If the new enabling legislation is adopted, the new Parks and Waterfront Commission will be effective on July 1, 2013 and the new Recreation and Youth Services Commission will be effective on January 1, 2013.
- Q: Why is the effective date later for the Parks and Waterfront Commission?
A: The later effective date will allow for a transition period wherein the current Parks and Recreation Commission and the Waterfront Commission will meet concurrently. This will allow the current commissioners to familiarize themselves with each other and the functions of the other commission.
- Q: Why isn't there a transition period for the Commission on Early Childhood Education?
A: The consolidation that creates the Recreation and Youth Services Commission is not as complex and there are several vacancies on the CECE, thus, the new commission can absorb both CECE and Parks and Recreation commissioners.
- Q: When can Councilmembers make appointments to the new commissions?
A: Councilmembers may make appointments to the new commissions after the second reading of the ordinance, however, the appointments will not be processed until after the new commissions are effective (January 1, 2013 for Recreation and Youth Services, and July 1, 2013 for Parks and Waterfront).
- Q: What if a Councilmember wants to "hold-over" a sitting commissioner to one of the new commissions?
A: The Parks and Waterfront Commission and the Recreation and Youth Services Commission are new entities under the Municipal Code. A new appointment form must be submitted for all members of the newly created commissions.
- Q: Will prior service on the old commissions be counted?
A: Yes. Service time on the old commissions will continue to accrue for newly appointed members of the Parks and Waterfront Commission and the Recreation and Youth Services Commission pursuant to Section 3.02.040 of the Municipal Code (the 8-year limit).
- Q: How will the new commissions convene and conduct business?
A: City staff will call the first meeting of the new commission and set the agenda. At the first meeting, the new commissions will elect a Chair and Vice-Chair, adopt a regular schedule for their meetings, and approve the final minutes of the old commissions.

Parks and Waterfront Transition Questions

- Q: Where will the commissions meet during the transition period?
A: In November or December the commissions will adopt an identical meeting schedule for January – June 2013. The meeting location will alternate between the current meeting locations of each commission.
- Q: How will the commission agendas be structured during the transition period?
A: The commissions will use a combined agenda that lists all the action items and discussion items together. If there is an item that requires action by one commission only, that will be stated on the agenda. The commission not taking action may still participate in the discussion of the action item.

Q: Who will serve as Chair for the meetings?

A: The Chair will be determined by the location of the meeting. For meetings held at the Marina, the Waterfront Commission Chair will preside. For meeting held at the Frances Albrier Recreation Center, the Parks and Recreation Chair will preside. See the table below for more detail.

Item Type:	Presiding Chair:
Joint Discussion Item	Home Chair Presides
Action Item for a Single Commission	Chair of Commission taking action presides over all discussion and the motion and vote by the Commission taking action.
Action Item for Both Commissions	Home Chair presides over all discussion. Each Chair presides over the motion and vote of their respective commission.

Q: Can the commissions vote on each other's items?

A: No. There are two separate meetings occurring at the same place and the same time. The commissions must make motions, vote and keep minutes separately.

Q: Is quorum counted separately or jointly?

A: The quorum is counted separately for each commission. If one commission does not have a quorum, the members from that commission may be present and participate in the discussion, but they may not take any actions.