ORDINANCE NO. 7,271–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 That Berkeley Municipal Code 3.26 is repealed and reenacted to read as follows: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.

At a regular meeting of the Council of the City of Berkeley held on November 13, 2012, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.