

ORDINANCE NO. 20-2005

**AN ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF ELK GROVE
RELATING TO PARKS**

The City Council of the City of Elk Grove does ordain as follows:

SECTION 1. APPLICATION OF ORDINANCE

This Ordinance shall only apply to City owned and operated parks and recreation facilities.

SECTION 2. CREATION OF PARKS AND RECREATION DEPARTMENT.

Chapter _____, titled "DEPARTMENT OF PARKS AND RECREATION," is hereby adopted as follows:

"Chapter ____

DEPARTMENT OF PARKS AND RECREATION

Sections:

- ___-01 Department of Parks and Recreation.**
- ___-02 Office Established.**
- ___-03 Powers and Duties.**

___-01 Department of Parks and Recreation.

There is hereby created and established a Department of Parks and Recreation which shall consist of such personnel as may be authorized by the City Council and comprised of the following divisions:

A. **Division of Parks.** The Division of Parks shall be responsible for the operation and maintenance of all City park facilities and landscaped traffic medians of the City.

B. **Division of Recreation.** The Division of Recreation shall be responsible for providing and supervising all recreational activities of the City.

___-02 Office Established.

There is hereby established the position of Director of Parks and Recreation.

___-03 Powers and Duties.

The Parks and Recreation Director shall be the head of the Department of Parks and Recreation and shall be responsible for the performance of the following duties unless otherwise directed by City Council:

A. Be the administrative head of the Department of Parks and Recreation and shall have direct charge of and responsibility for all City personnel and equipment assigned to the department.

B. Establish and maintain an organizational structure capable of performing the services assigned to the department by the City Manager and/or the City Council.

C. Compile an annual budget estimate for the City Manager.

D. Advise and assist the City Council and the City Manager on all matters relating to the Parks and Recreation function of the City.

E. Investigate and enforce ordinances and regulations having specific application to Parks and Recreation or as may from time to time be assigned to the Parks and Recreation Director by the City Manager.

F. Acquire, lease, operate, sell, manage maintain and design land for parks and recreation purposes and all necessary related acts at the direction of the City Council and City Manager.

G. Perform such other duties as the City Manager may from time to time assign.”

SECTION 3. CREATION OF PARKS COMMISSION.

Chapter ___-___, titled “PARKS AND RECREATION COMMISSION” is hereby adopted as follows:

“Chapter ___

PARKS AND RECREATION COMMISSION

Sections:

- ___-01 Parks and Recreation Commission Established.**
- ___-02 Definitions.**
- ___-03 Members.**
- ___-04 Meetings.**
- ___-05 Absence from Meetings.**
- ___-06 Removal of Members.**
- ___-07 Duties.**
- ___-08 Records.**

- ___-09 **Organization.**
- ___-10 **Compensation and Expenses.**

___-01 **Parks and Recreation Commission Established.**

There shall be and there is hereby established a commission to be known and designated as the Parks and Recreation Commission. This Commission shall formulate, subject to City Council direction and approval, a parks and recreation program for the City owned and operated parks and recreation facilities.

___-02 **Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings, unless the language of the provision clearly indicates some other meaning:

- A. “Commission” means the Parks and Recreation Commission of the City of Elk Grove.
- B. “City” means the City of Elk Grove.
- C. “Council” or “City Council” means the City Council of the City of Elk Grove.
- D. “City Manager” means the City Manager or Interim City Manager of the City of Elk Grove.
- E. “Department” means the Parks and Recreation Department of the City of Elk Grove.
- F. “Shall” signifies a mandatory term.

___-03 **Members.**

The Parks and Recreation Commission shall consist of five (5) members, each of whom shall be a resident of the City of Elk Grove and shall be appointed by, and serve at the pleasure of, the City Council, pursuant to the procedure and terms set forth by resolution of the City Council.

___-04 **Meetings.**

The Commission shall hold at least one regular meeting in each calendar month at such date as designated by the Commission by resolution and approved by the City Council, or on the next succeeding day which is not a holiday. Regular meetings may be adjourned by public announcement to a specific date, and any such adjourned meeting shall be deemed a regular meeting. Meeting dates may be changed by resolution adopted by the

Commission and approved by the City Council. The Commission shall further determine and provide in its rules and regulations for any special meetings which shall be noticed and an agenda provided as required by State law and local ordinance.

___-05 Absence from Meetings.

Notwithstanding any other provision of this code, any Commissioner who absents himself from any three (3) consecutive regular meetings of the Commission, unless excused from attendance by consent of such Commission expressed by action recorded in its minutes, or who is absent without such absence being excused of record, from a total of five (5) regular meetings of the Commission in any six (6) month period, shall thereby automatically forfeit his or her position as a member of the Commission. In such case the name of such Commissioner shall be automatically removed from the membership of said Commission immediately after the adjournment of any such third consecutive meeting or of any such fifth meeting in a six (6) month period, as the case may be, at which the Commissioner has not appeared. The Chairman of the Commission shall promptly notify both the City Council and the person so ceasing to be a Commissioner, of the action and of the fact of the vacancy. Upon such notification, the City Council shall, within a reasonable time, appoint a successor for the remainder of the term of such member.

___-06 Removal of Members.

Notwithstanding any provision of this chapter to the contrary, any member of the Commission may be removed from office at any time, with or without cause, by the affirmative vote of at least three (3) members of the City Council.

___-07 Duties.

The Commission shall have the power and duty, except as otherwise provided by law to:

A. Advise the City Council, and the Director of Parks and Recreation or City Manager, regarding parks and public recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound parks and recreation planning and programming.

B. Formulate for advice regarding general policies on recreation services for approval by the City Council.

C. Advise the City Council, with the Director of Parks and Recreation, or City Manager, on development of recreation areas, facilities, programs and improvement of recreation services.

D. Advise the City Council of standards on organization, personnel, areas and facilities, programs and financial support.

E. Make periodic inventories of recreation services that exist or may be needed; interpret and convey the needs of the public to the City Council, and to the Director of Parks and Recreation Services, or City Manager.

F. Aid in coordinating recreation services with programs and revenue enhancement of other governmental agencies and voluntary organizations.

G. Interpret the policies and functions of the Parks and Recreation Department for the public.

H. Within one hundred eighty (180) days of first organizational meeting of the Commission shall: (a) prepare a complete inventory of parkland and equipment within the City of Elk Grove, and (b) prepare an inventory of all recreational programs available within the City to include the ages and numbers of each participant in each activity, location of each activity, cost of each activity and utilization level of the resources of each activity.

I. The Commission shall not advise regarding, nor consider, the preparation of the annual budget of the Department, the preparation of a long-range recreation capital improvement program, nor the budgeting of any particular park and/or recreation facility or function.

___-08 Records.

The Commission shall cause proper records to be kept of all its official acts and proceedings and shall make reports to the City Council.

___-09 Organization.

The Commission shall elect a Chairman and a Vice-Chairman from among its members, each for a term of one year, at its first regular meeting after appointment, and annually elect a Chairman and Vice-Chairman each year thereafter. The Commission may appoint such other officers as may be necessary for the administration of its business, at the same time and for one-year terms. The additional officers shall enter in the duties of their office at their first regular meeting after appointment. The Commission shall adopt rules and regulations for the transaction of its business and shall keep a record of all its minutes, resolutions, actions, findings and determinations. Minutes, resolutions, and official records shall be filed with the City Clerk.

___-10 Compensation and Expenses.

Each member of the Parks and Recreation Commission may receive compensation, at a rate established from time to time by resolution of the City Council. Each meeting of the Parks and Recreation Commission attended by such member is not to exceed a total compensation amount, established from time to time by resolution of the City Council, in any one month. Such compensation shall be paid on the first payroll payment date following the end of

each calendar month. The Chairman or Vice-Chairman or other appointed officer of the Parks and Recreation Commission shall submit to the City Clerk at the end of each calendar month a statement showing the number of meetings of the Parks and Recreation Commission attended by each member during such month. No additional compensation shall be paid for expenses incurred by the members of the Parks and Recreation Commission in the performance of their duties, except that City Council may from time to time authorize, in advance, expenditures for attendance at seminars, institutes, or other meetings which the City Council finds to be beneficial to the Commissioners in the performance of their duties, and in the best interest of the City. Claims for such expenses shall be filed with the City Manager and shall be subject to audit and approval by the City Council.”

SECTION 4. PARKS AND RECREATION LAND AND IMPACT MITIGATION FEES.

- A. The City Council may, at its sole discretion, utilize the Mitigation Fee Act, Government Code Section 66000 et seq., to impose parks and recreation impact fees as a condition to the approval of a Development Project, as defined in the Mitigation Fee Act. All fees imposed pursuant to Government Code Section 66000 et seq. shall be paid to the City.
- B. The City Council may, at its sole discretion use any other of its powers to obtain land and /or monies for parks and recreation.

SECTION 5. AMENDMENT OF CHAPTER 22.40

Chapter 22.40 is hereby amended such that it shall not apply to that area in the City of Elk Grove bounded by Elk Grove Boulevard (on the North), Bruceville Road (on the West), Kammerer Road (on the South) and State Highway 99 (on the East). The Quimby Act shall not apply to the area described above.

Chapter 22.40 is hereby amended by adding section 22.40.000 as follows:

“22.40.000 APPLICATION.

This Chapter, and the Quimby Act, shall only apply to approvals of Development Projects, as defined in the Mitigation Fee Act, in the areas in the City in which Chapter 22.40 applies. This Chapter 22.40, and the Quimby Act, shall not apply to that area in the City of Elk Grove bounded by Elk Grove Boulevard (on the North), Bruceville Road (on the West), Kammerer Road (on the South) and State Highway 99 (on the East).


SECTION 7. SEVERABILITY.

If any provision is this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 8. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall take effect thirty (30) days after its adoption.

Passed and Adopted by the City Council of the City of Elk Grove this 11th day of May, 2005.




DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective: June 10, 2005

Ayes: Scherman, Soares, Briggs, Cooper, Leary
Noes: None
Abstentions: None
Absent: None