

## ORDINANCE NO. 1071

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD AMENDING BRENTWOOD MUNICIPAL CODE CHAPTER 2.46 (PARK AND RECREATION COMMISSION).**

**WHEREAS**, the City of Brentwood currently has four commissions that make recommendations to the City Council and take action on specific subject area issues; and

**WHEREAS**, Brentwood Municipal Code Chapter 2.46 governs the actions of the Park and Recreation Commission; and

**WHEREAS**, the City Council desires to clarify the powers and duties of the Park and Recreation Commission; and

**WHEREAS**, to effectuate the desired changes, it is necessary to amend certain provisions of Brentwood Municipal Code Chapter 2.46; and

**WHEREAS**, since the City's incorporation, the City Council has adopted numerous ordinances, resolutions and policies pertaining to the creation, revision, and dissolution of City Commissions; and

**WHEREAS**, on November 10, 2020, the City Council considered an ordinance to, among other things, make the procedural requirements between the commissions more uniform; clarify the powers and duties of the commissions; and asked for additional revisions to the ordinance pertaining to the Park and Recreation Commission; and

**WHEREAS**, on November 17, 2020, the City Council again considered the ordinance, with additional revisions to the Parks and Recreation Commission and Poet Laureate provisions, and declined to move forward with the ordinance at that time; and

**WHEREAS**, on September 26, 2023, Council Member Pierson made a future agenda item request for staff to conduct a review of the Brentwood Municipal Code sections that are no longer enforceable, specifically including Brentwood Municipal Code section 2.46.020, regarding the powers and duties of the Park and Recreation Commission; and

**WHEREAS**, on October 10, 2023, the City Council concurred with the foregoing future agenda item request and staff undertook a review of the Park and Recreation Commission ordinance to revise those powers and duties that are unenforceable; and

**WHEREAS**, on March 12, 2024, the City Council considered amendments to Brentwood Municipal Code Chapter 2.46, heard from staff and members of the public, and reviewed comments submitted in writing regarding potential changes to the ordinance.

**NOW, THEREFORE,** the City Council of the City of Brentwood does ordain as follows:

**SECTION 1.** Brentwood Municipal Code Chapter 2.46 (Park and Recreation Commission) is hereby amended to read as provided in Exhibit A, attached hereto and incorporated herein. Deleted language is ~~struck through~~; additional language is underlined.

**SECTION 2.** This ordinance will be published in accordance with Government Code Section 36933 by either posting or publishing the ordinance in accordance with that law.

**SECTION 3.** The City Clerk is requested to cause the amended language of Chapter 2.46.020 as quoted in Exhibit A, to be entered in the City of Brentwood Municipal Code.

**SECTION 4.** If any exhibit, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding will not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

**SECTION 5.** The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption - in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

**SECTION 6.** This ordinance will take effect and be in force 30 days following its adoption.

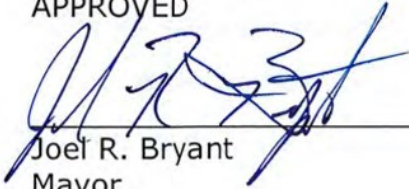
**THIS ORDINANCE** was introduced with the first reading waived at a regular meeting of the Brentwood City Council on the 12th day of March, 2024, by the following vote:

AYES:	Meyer, Mendoza, Pierson, Oerlemans, Mayor Bryant
NOES:	None
ABSENT:	None
RECUSE:	None

**THIS ORDINANCE** was adopted with the second reading waived at a regular meeting of the City Council of the City of Brentwood on the 26th day of March 2024 by the following vote:

AYES: Meyer, Mendoza, Pierson, Oerlemans, Mayor Bryant  
NOES: None  
ABSENT: None  
RECUSE: None

APPROVED

  
\_\_\_\_\_  
Joel R. Bryant  
Mayor

ATTEST:

  
\_\_\_\_\_  
Margaret Wimberly, MMC  
City Clerk

**EXHIBIT 'A'****BRENTWOOD MUNICIPAL CODE CHAPTER 2.46****PARK AND RECREATION COMMISSION****§ 2.46.010. Commission establishment.**

The city of Brentwood park and recreation commission is established with membership, powers and duties as set forth in this chapter.

**§ 2.46.020. Powers and duties.**

The park and recreation commission shall have the general powers and duties as follows:

- A. The city shall acquire lands for park and recreational purposes. The city council shall receive recommendations from the park and recreation commission with reference to land acquisition and dedications before the city council acquires the property.
- B. The park and recreation commission, acting on behalf of the city of Brentwood shall oversee all property set aside for park purposes as representatives of the city council.
- C. The park and recreation commission shall encourage, stimulate, promote and foster programs for the enrichment of the city and thereby contribute to the quality of life in Brentwood and develop an awareness in the business community, in local government and in the general public of the value and benefits of the constructive use of leisure time in Brentwood. The park and recreation commission may perform other related functions that may come before the commission or may be referred to it by the city of Brentwood city council.
- D. The park and recreation commission shall initiate, sponsor or conduct, alone or in cooperation with other public or private agencies and/or individuals, programs to further the development and public awareness of, and interest in park and recreation issues.
- E. The park and recreation commission may seek funds from private, county, state and federal sources for park and recreation programs and facilities.
- F. The park and recreation commission shall have the power to issue proclamations in recognition of support and/or in honor of outstanding achievements related to park and recreation.
- G. The park and recreation commission will work with the planning commission on general land use issues to ensure adequate park, recreation and trail facilities exist in the city and review and recommend all conceptual park and recreation facility designs. The park and recreation commission shall approve all landscape and architectural plans for park and recreational facilities and

will make recommendations to city council regarding final approval of such projects.

- H. The park and recreation commission will appoint a nonvoting representative(s) to the city of Brentwood youth commission to act as a liaison from the park and recreation commission. The park and recreation commission will also request the city of Brentwood youth commission to appoint a non-voting representative(s) to the park and recreation commission.
- I. The park and recreation commission may advise and recommend to the Director of Parks and Recreation rules and regulations that the Director may implement in their power to govern the conduct of recreation programs, protection of property, and activities of persons in all parks so that all residents may enjoy them for leisure time activities.
- J. The park and recreation commission shall hold public meetings on recreation programming and facility usage and conduct surveys for the purpose of obtaining facts and data concerning recreation programs and to assure the provision of programs designed to meet the needs and interests of citizens.
- K. The park and recreation commission shall review grants, facility developments and designs, and recreation programs.
- L. The park and recreation commission shall advise the city council on the subject of recreation and facility master planning and development.
- M. The park and recreation commission shall support and facilitate joint cooperation with local school districts, community athletic associations, and other community organizations.
- N. The park and recreation commission shall make recommendations to the city council regarding the right to exclude persons; to regulate traffic, including pedestrian, equestrian, and vehicular; to regulate the operation and use of bicycles; the keeping or use of animals; the conducting of assemblies, contests, games, and sports; and the regulation of activities, such as merchandising, advertising, gambling, solicitation, and imbibing of alcohol, from or in any and all recreation facilities.
- O. The park and recreation commission shall forward appeals of any actions of the commission to the city council.

#### **§ 2.46.030. Membership.**

The park and recreation commission shall consist of five members who shall be residents of the city of Brentwood or from the boundaries of the former Brentwood recreation and park district. Members shall comply with all state and local laws relative to appointments to government office.

#### **§ 2.46.040. Terms of office.**

- A. Commission members shall be nominated by the mayor, and be approved by the city council, at a regularly scheduled council meeting, for terms of three

years. Terms of members shall be staggered so that no more than two terms shall expire in any one year. The maximum term for any commissioner is three consecutive three year terms. A one-year absence after serving the maximum term is required before being reconsidered for appointment.

- B. All appointees to the commission shall hold their offices until their successors are appointed.
- C. Members shall be subject to removal by action of the city council without cause, only at a regularly scheduled city council meeting.

#### **§ 2.46.050. Vacancies.**

Vacancies occurring during the term shall be filled for the unexpired portion of the term. Vacancies shall be filled by nomination of the mayor with approval of the city council.

#### **§ 2.46.060. Officers.**

- A. The officers of the park and recreation commission shall be chairperson and vicechairperson, holding a one-year term in each position or until their successor(s) is/ are elected. The vice-chair will automatically ascend to the position of chairperson at the conclusion of the chairperson's term. They shall perform all duties associated with such offices.
- B. Election of officers, by a majority vote of the commission, shall be held at the regularly scheduled organizational meeting of the commission in January of each year. The term of office for the elected officers will start at the conclusion of the January meeting. Nominations for officers may be made by any commissioner at the January meeting.
- C. The chairperson or vice-chairperson may be removed from their office by a majority vote of the commission.
- D. Upon resignation or removal of the chairperson, the vice-chairperson shall ascend to the office of interim chairperson, after which time an election will be held for the vacant office of chairperson or vicechairperson.
- E. The chairperson will perform the following duties:
  - 1. Presides at all meetings of the commission and will serve as parliamentarian;
  - 2. Appoints committees and chairpersons of committees as necessary;
  - 3. Represents the commission before the city council;
  - 4. Performs other duties necessary or customary to the office;
  - 5. Represents the commission at dedication and official functions.
- F. In the absence of the chairperson or their ability to act, the vice-chairperson will preside in place of the chairperson.

- G. The commission or the chairperson may appoint several of its members, but less than a quorum, to serve as a committee. On certain occasions, such as when a particular kind of expertise or public representation is desirable, the commission may appoint non-members to a committee. Committees make recommendations directly to the commission. A committee may not represent the commission before the city council or other bodies unless it has first received the authorization of the commission to do so.

**§ 2.46.070. Compensation.**

Members of the park and recreation commission shall be compensated pursuant to resolution of the city council. Further, reimbursement may be allowed for necessary traveling and other expenses incurred on official duty when such expenditures have received prior authorization.

**§ 2.46.080. Budget.**

The park and recreation commission, on an annual basis, shall review the proposed city of Brentwood park and recreation budgets prior to the budget being submitted to city council. The budget review will include, at a minimum: capital improvement projects; general fund; developer fees; grants and donations; county park and recreation fund; and fees and charges. The commission may make comments related to the budget that will be included as a part of the budget that is presented to city council for final approval.

**§ 2.46.090. Annual report.**

The commission shall prepare and submit an annual report of its activities to the city council.

**§ 2.46.100. Meetings.**

- A. The park and recreation commission will approve a yearly calendar of meetings at the December commission meeting. Regular meetings of the park and recreation commission shall be held on the fourth Thursday of each month at a time and location to be determined by the commission. Should a regular meeting fall on a city-recognized holiday, the commission will establish the regular meeting for that month as a part of the yearly calendar approval.
- B. All scheduled and special meetings of the commission shall be publicly noticed, open to the public, and the record of proceedings available to the public. The chairperson may request the attendance at meetings of any official or employee of the city, in an advisory capacity, to assist the commission in its deliberations.
- C. A quorum for transacting business at any regularly scheduled or special meeting shall be at least fifty-one percent of the filled commissioner

positions. Approval of any business transacted shall require a majority vote of the commissioners in attendance.

- D. If a commission member ceases to reside in the city of Brentwood or the boundaries of the former Brentwood recreation and park district, such commissioner's position shall be declared vacant.
- E. If a member of the commission is absent without cause from two successive regular meetings of the commission, the commission may request the city council declare the position vacant. A member is not absent without cause if their absence is due to illness, or is unavoidable and the member give notice to city staff before the meeting that he/she will be absent and giving the reason for the absence.

**§ 2.46.110. Clerical assistance.**

Clerical assistance shall be provided by the city to assist the commission. Agendas will be provided a minimum of seventy-two hours prior to any regularly scheduled meeting and include any minutes from previous meetings not approved by the commission.

**§ 2.46.120. Staff assistance.**

The city of Brentwood director of parks and recreation, or designee(s) as appointed by the city manager, will be the staff liaison(s) to the commission. The staff liaison(s) shall work with the commission to effect the goals of the commission.

**§ 2.46.130. Task force(s).**

- A. The commission may make a recommendation to the city council requesting the formation of a task force to address certain specific issues; to function for a limited duration or purpose; and to operate solely in an advisory capacity.
- B. The commission's recommendation shall state:
  - 1. The nature and purpose for forming the task force;
  - 2. The goal(s) of the task force;
  - 3. The reason(s) why the same goal(s) can not be accomplished by the commission;
  - 4. The duration of time that the task force will function;
  - 5. The budget of the task force including, but not limited to, any monetary and non-monetary resource being sought from the city;
  - 6. The number of individuals to serve on the task force;
  - 7. A proposed list of individuals interested in serving on the task force;
  - 8. Any other information deemed relevant and appropriate.



- C. The city council may, by a majority vote, authorize and approve the formation of a task force, which shall operate solely in an advisory capacity and appoint the membership thereon.
- D. The city council may, by a majority vote, disestablish any task force created.

**§ 2.46.140. Code of ethics.**

Park and recreation commissioners agree to follow the "Code of Ethics for Park and Recreation Commissioners" as established by the National Recreation and Park Association.

As a Park and Recreation Commissioner, representing all of the residents, I recognize that:

1. I have been entrusted to provide park and recreation services to my community.
2. These services should be available to all residents regardless of age, sex, race, religion, national origin, physical or mental limitation.
3. While honest differences of opinion may develop, I will work harmoniously with other Commissioners to assure residents the services they require.
4. I will invite all residents to express their opinions so I may be properly informed prior to making my decisions. I will make them based solely upon the facts available to me. I will support the final decision of the Commission Board.
5. I must devote the time, study and thought necessary to carry out my duties.
6. The Commission establishes the policy and the staff is responsible for administering the policies of the Commission.
7. I have no authority outside of the proper meetings of the Commission.
8. All Commission meetings shall be open to the public except as provided by law.

**§ 2.46.150. Amendments.**

This chapter may be amended in the same manner as originally adopted.

