

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

BOARD AGENDA # *B-7

Urgent ☐

Routine ☒

AGENDA DATE November 13, 2012

CEO Concurs with Recommendation YES ☒ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to amend the provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-566

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-Q-3

Approval to Introduce and Waive the First Reading of an Ordinance Amending Provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission

DISCUSSION:

The Park Commission is an advisory board comprised of seven members; one resident from each of the five Supervisorial districts of Stanislaus County, and two members to represent the County at large. At the December 15, 2011 Park Commission meeting, the Commission discussed the need to review their bylaws, Title 2, Chapter 40, Park Commission, with special attention to section 2.40.060, Quorum. The current section states, "Four members shall constitute a quorum for the transaction of business by the Park Commission, but a lesser number may adjourn from time to time." The Commission suggested changing this section to accommodate uninterrupted transactions of business should three or more vacancies occur. A request was made to add this topic as an action item on the January 2012 Park Commission meeting agenda.

On January 12, 2012, the Park Commission voted unanimously to recommend changes to Title 2, Chapter 40, of the Park Commission bylaws. Specifically, the Commission discussed the following changes to be made throughout the bylaws: 1) change applicable language where necessary to gender-neutral terms, specifically, 'chairman' to 'chairperson' and 'his' and 'her' to 'his/her', this would impact sections 2.40.040 Officer election, 2.40.050 Meetings, and 2.40.090 Vacancy because of absence; 2) under section 2.40.040 Officer election, include an election of a vice-chairperson; and 3) change section 2.40.060 Quorum, to read, "The majority of appointed Park Commissioners shall constitute a quorum for the transaction of business by the Park Commission, but a lesser number may adjourn from time to time."

These recommendations were brought forward to County Counsel for review in March and again for final review in October 2012. With Counsel's concurrence, the Department of Parks and Recreation is bringing this forward to the Board to amend Title 2, Chapter 40, Park Commission as follows:

Section	Original	Amendment
2.40.040 Officer election.	Immediately after appointment and qualification, the park commission shall organize by electing one of its members chairman and by electing a secretary, who need not be a member. Thereafter, the officers of the park commission shall be elected on the last regular meeting of each calendar year for a term of one year.	The Park Commission shall organize by electing one of its members <i>chairperson and one member vice-chairperson</i> . It shall elect a secretary, who need not be a member. The officers of the Park Commission shall be elected on the last regular meeting of each calendar year for a term of one year.
2.40.050 Meetings.	The park commission shall establish a time and place for regular meetings which shall be held at least once every two months. Special meetings may be held upon the call of the chairman.	The Park Commission shall establish a time and place for regular meetings which shall be held at least once every two months. Special meetings may be held upon the call of the <i>chairperson</i> .

Approval to Introduce and Waive the First Reading of an Ordinance Amending Provisions of Stanislaus County Code Title 2, Chapter 40, Park Commission

2.40.060 Quorum.	Four members shall constitute a quorum for the transaction of business by the park commission, but a lesser number may adjourn from time to time.	<i>The majority of appointed Park Commissioners shall constitute a quorum for the transaction of business by the Park Commission, but a lesser number may convene from time to time. In the event that two member vacancies on the Park Commission exist simultaneously, then a quorum shall consist of a majority of the currently serving members.</i>
2.40.090 Vacancy because of absence.	After a member of the park commission fails to attend three consecutive meetings, unless excused by the majority vote of the commission, his membership thereon shall be automatically terminated and a successor shall be appointed by the board of supervisors to serve for the unexpired portion of the term.	After a member of the Park Commission fails to attend three consecutive meetings, unless excused by the majority vote of the Commission, <i>his/her</i> membership thereon shall be automatically terminated and a successor shall be appointed by the Board of Supervisors to serve for the unexpired portion of the term.

POLICY ISSUE:

Approval of this agenda item to introduce and waive the first reading of ordinances to amend the provisions of Stanislaus Code Title 2, Chapter 40, Park Commission, is consistent with the Board's priorities of a Well Planned Infrastructure System and Efficient Delivery of Public Services. The amendment is in alignment with the Park Commission mission of providing services with integrity, and continuous improvement of services and programs.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Jami Aggers, Interim Director of Parks and Recreation

Telephone: 209-525-6770

ORDINANCE NO. C.S. _____

**AN ORDINANCE TO AMEND SECTIONS
OF THE STANISLAUS COUNTY CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

Section 1. Sections 2.40.040, 2.40.050, 2.40.060, and 2.40.090 of the Stanislaus County Code are hereby amended as follows:

2.40.040 Officer Election.

“The park commission shall organize by electing one of its members chairperson and one member vice-chairperson. It shall also elect a secretary, who need not be a member. The officers of the park commission shall be elected on the last regular meeting of each calendar year for a term of one year.”

2.40.050 Meetings.

“The park commission shall establish a time and place for regular meetings which shall be held at least once every two months. Special meetings maybe held upon the call of the chairperson.”

2.40.060 Quorum.

“The majority of appointed park commissioners shall constitute a quorum for the transaction of business by the park commission, but a lesser number may convene from time to time. In the event that two member vacancies on the park commission exist simultaneously, then a quorum shall consist of a majority of the currently serving members.”

2.40.090 Vacancy because of absence.

“After a member of the park commission fails to attend three consecutive meetings, unless excused by the majority vote of the commission, his/her membership thereon shall be automatically terminated and a successor shall be appointed by the board of supervisors to serve for the unexpired portion of the term.”

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2012, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

William O'Brien, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of
California

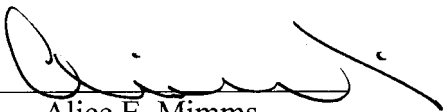
ATTEST:

CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Alice E. Mimms
Deputy County Counsel