

March 21, 2001

Mayor Beverly O'Neill and Members of the City Council
333 West Ocean Boulevard
Long Beach, CA 90802

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OFFICE OF THE MAYOR
OF LONG BEACH, CA
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RECREATION

Dear Mayor O'Neill and Members of the City Council:

In November, the Recreation Commission sent you suggested changes to the City Charter as the Charter pertains to the Recreation Commission. In a letter dated January 29, 2002, William Marmion, President of the Recreation Commission, suggested that the matter be held until public input is received on the Open Space Plan. The primary public hearing was held on February 23, 2002.

The following recommended changes to the City Charter are consistent with the recommendations of the Open Space Plan. The proposed changes grant the Commission authority with respect to parks as well as recreation. The amendment also addresses the termination of the Long Beach Unified School District's representation on the Commission (this was approved by Ordinance in 1985), as well as the abolishment of the Playground and Public Recreation Fund. Section 905 (Public Recreation Tax Levy) is simply to be renumbered, because two preceding paragraphs are to be deleted. This action in no way implements the provisions of this paragraph.

Wording changes have been made since the November proposal in Section 902 (Powers and Duties of the Parks and Recreation Commission) to simplify and clarify the intent of the proposal. In addition, the earlier recommendation included changes to the City Council appeal process with respect to Recreation Commission decisions. Since that proposal was prepared, we have concluded that those changes are not necessary.

Proposed Changes

ARTICLE IX. RECREATION COMMISSION

Amend Section 900, "Creation of Recreation Commission" to read: "Creation of a Parks and Recreation Commission."

Amend "There is hereby created a Recreation Commission" to "There is hereby created a Parks and Recreation Commission."

Delete Section 901, "Membership and Terms of Recreation Commission," in its entirety, and replace to read:

Membership and Term

The Parks and Recreation Commission shall be composed of

seven (7) members who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. No member shall hold an elective office in the City of Long Beach, during their term on the Commission.

The term of each member shall be four years. No person shall serve more than two full terms. Serving any portion of an unexpired term shall not count as serving one term.

Delete Section 902, "Powers and Duties of the Recreation Commission," and replace to read:

Powers and Duties of the Parks and Recreation Commission.

The Parks and Recreation Commission shall have exclusive authority over all leisure activities in public parks and recreational facilities, controlled or operated by the City, as may be prescribed by the City Council by ordinance; and with respect thereto shall have the following powers and duties:

- (a) Recommend to the City Manager and the City Council the acquisition of land for public parks and public recreation, the dedication of public land for public parks, the removal of public land from dedication as parkland, and the acquisition of buildings, waterways, or other facilities for public recreation.
- (b) Recommend to the City Manager, City Council, and Planning Commission the approval or rejection of plans for improvement of parkland for public recreation and for other purposes, including but not limited to buildings and other facilities, other than land and facilities within the tide and submerged lands granted to the City pursuant to Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 157, Statutes as of 1935; interpreted by Chapter 29, Statutes of 1958, First Extraordinary Session; Chapter 138, Statutes of 1964, First Extraordinary Session; and land and facilities situated in the local coastal zone in the City.
- (c) Authorize the issuance of permits and agreements related to leisure activities in public parks and recreational facilities controlled or operated by the City.
- (d) Establish fees for public recreational programs and use of public parks and recreation facilities.
- (e) Perform such other duties as may be delegated by City Council by ordinance.

This language expands the Commission's authority to include parks and deletes the Commission's authority over School District recreation. The language also excludes the Commission's authority to authorize the negotiation and execution of leases, as this is a function of the City Council.


Delete Section 903, Termination of Joint Recreation Activities.

Delete Section 904, Playground and Public Recreation Fund.

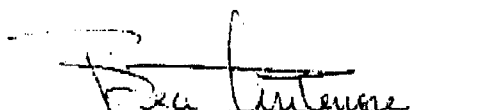
Renumber Section 905 to become Section 903.

Thank you very much for your consideration of this matter. With the interest of meeting all the requirements of having this amendment appear on the November ballot, we request that you convene the Charter Amendment Committee at your earliest convenience.


Respectfully submitted,



William H. Marmion, Ph.D.
President



Bea Antenore
Vice President



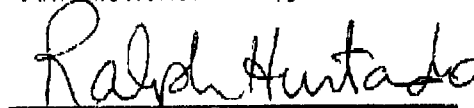
William Clark
Commissioner




Chris Kozaites
Commissioner



Naomi Rainey
Commissioner



Ralph Hurtado
Commissioner



Harry Saltzgaver
Commissioner

WHM

Attachment

**PROPOSED REVISIONS TO THE CHARTER
OF THE
CITY OF LONG BEACH**

Recreation Commission

Current

Proposed

Article IX. RECREATION COMMISSION

Article IX. PARKS AND RECREATION COMMISSION

Section 900. CREATION OF RECREATION COMMISSION.

There is hereby created a Recreation Commission.

Section 900. CREATION OF PARKS AND RECREATION COMMISSION.

There is hereby created a Parks and Recreation Commission.

Sec. 901. MEMBERSHIP AND TERMS OF RECREATION COMMISSION.

~~The nine (9) member Recreation Commission shall consist of the City Manager, the Superintendent of Schools, a member of the City Council, and a member of the Board of Education. Subject to confirmation of the City Council, these four (4) designated members shall appoint five (5) other members of the Recreation Commission, who shall not hold an elective office during their four (4) year term on the Commission. In the event a vacancy should occur on the Commission for any reason, the four (4) designated members shall fill the vacancy of the appointed member only for the unexpired term.~~

~~The City Manager may delegate the Assistant City Manager, the Superintendent of Schools may delegate an assistant or associate superintendent,~~

Sec. 901. MEMBERSHIP AND TERMS OF PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall be composed of seven (7) members who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. No Member shall hold an elective office in the City of Long Beach, during their term on the Commission.

The term of each member shall be four years. No person shall serve more than two full terms. Serving any portion of an unexpired term shall not count as serving one term.

¹ This proposed change would formally change the Charter to reflect City Council action of March 19, 1985, when the City Council unanimously determined that the City-School District Coordinated Recreation Plan would be discontinued, in the manner set forth in Section 903 of the City Charter. The City Council approved Resolution No. C-23934, as well as an ordinance which repealed Chapter 2.51 of the Long Beach Municipal Code which established the duties of the Parks Commission, and an amendment to Section 2.54.005, which transferred the duties of the Parks Commission to the Recreation Commission.

~~and the City Council and Board of Education may delegate one of their members to act as alternate members at meetings of the Commission during the absence of the designated members. Such alternate members shall exercise the full powers of the absent member.~~

Sec. 902. POWERS AND DUTIES OF THE RECREATION COMMISSION.

The Recreation Commission shall have such exclusive authority over all ~~public leisure activities of a recreational character upon City-owned property~~ as may be prescribed by the City Council by ordinance; and with respect thereto shall have the following powers and duties:

- ~~(a) Recommend to City Manager and City Council the acquisition or abandonment of lands, waterways, buildings or other facilities for public recreation.~~
- ~~(b) Exercise control over the operation of public recreation functions under the jurisdiction of the City School District Coordinated Recreation Plan.~~
- ~~(c) Approve plans for improvement of lands for public recreation.~~
- ~~(d) Approve plans for the construction or improvement of buildings or other facilities to be used for public recreation.~~
- ~~(e) Authorize issuance of permits and the negotiation and execution of leases and contracts in connection with public leisure activities.~~
- (f) Establish fees for public recreation programs and use of recreation facilities.
- (g) Perform such other duties as may be delegated by the City Council by ordinance.

Sec. 902. POWERS AND DUTIES OF THE PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission shall have exclusive authority over all leisure activities in public parks and recreational facilities, controlled or operated by the City, as may be prescribed by the City Council by ordinance; and with respect thereto shall have the following powers and duties:

- (a) Recommend to City Manager and City Council the acquisition of land for public parks and public recreation, the dedication of public land for public parks, the removal of public land from dedication as park land, and the acquisition of buildings, waterways, or other facilities for public recreation.
- (b) Recommend to the City Manager, City Council, and Planning Commission the approval or rejection of plans for improvement of parkland for public recreation and for other purposes, including but not limited to buildings and other facilities, other than land and facilities within the tide and submerged lands granted to the City pursuant to Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 157, Statutes as of 1935; interpreted by Chapter 29, Statutes of 1958, First Extraordinary Session; Chapter 138, Statutes of 1964, First Extraordinary Session; and land

and facilities situated in the local coastal zone in the City.

- (c) Authorize the issuance of permits and agreements related to leisure activities in public parks and recreational facilities controlled or operated by the City.
- (d) Establish fees for public recreational programs and use of public parks and recreation facilities.
- (e) Perform such other duties as may be delegated by the City Council by ordinance.

~~Sec. 903. TERMINATION OF JOINT RECREATION ACTIVITIES.~~

~~Should it be determined by either the unanimous vote of the Board of Education, or the unanimous vote of the City Council, or of both, that it is advisable to discontinue the coordinated plan of playground and recreation and supervision and administration, as in this Article provided, then written notice of such decision shall be given to the Board or the City Council and one (1) year thereafter such plan shall be discontinued. In that event, the foregoing provisions of this Article shall remain in full force and effect, except that Section 901 shall be superseded by the following language: The Recreation Commission shall be comprised of seven (7) members appointed by the Mayor and confirmed by the City Council. Vacancies shall be filled in the same manner for the unexpired term.~~

~~Sec. 904. PLAYGROUND AND PUBLIC RECREATION FUND.~~

~~The City Council shall establish a "Playground and Public Recreation Fund." There shall be deposited to this and expended from this fund all fees or monies received by the Recreation Commission, including the proceeds from all gifts, legacies, or bequests or other sources managed or controlled by the Recreation Commission and derived by it in connection with the operation of the public recreation activities and facilities under its jurisdiction. All monies in said fund shall be used for the uses and purposes of public recreation, and not otherwise, and if not used during any current year shall accumulate in said "Playground and Public Recreation Fund."~~

Sec. 905. PUBLIC RECREATION TAX LEVY. (RESTATEMENT AND CONTINUATION BY RENUMBERING PRE-EXISTING CHARTER SEC. 202h, ADOPTED FEBRUARY 26, 1929)

The City Council shall annually levy and collect on all the taxable property in the City of Long Beach for the purposes of creating a special fund to be designated as the "Playground and Public Recreation Fund" at least five cents (5¢) on each One Hundred Dollars (\$100.00) of the value on all real and personal property of the City, as assessed by the City for City purposes, and, in addition thereto, shall have power to appropriate such additional funds as it may deem necessary and proper. Said fund shall be exclusively maintained and used to meet the legal demands and expenditures of the Board made for the purposes of public recreation.

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SEC. 906. APPEAL TO THE CITY COUNCIL

The City Council shall by ordinance establish a procedure for appeal to the City Council of Commission actions relating to City sponsored programs, services and facilities. By two thirds (2/3) vote, the City Council shall have the power on any such appeal to affirm, modify or overrule the decision of the Commission.

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