

# ATTACHMENT 1

## ORDINANCE O2024-XX

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING CHAPTER 2.28 "RECREATION AND PARKS COMMISSION" OF THE MANTECA MUNICIPAL CODE TO AUGMENT THE RESPONSIBILITIES OF THE COMMISSION

WHEREAS, in September 2024, the City Council amended Chapter 2.28 "Recreation and Parks Commission" to the Manteca Municipal Code in anticipation of moving to district elections in 2024, respectively; and

WHEREAS, the City Council provided additional guidance to review Chapter 2.28 and propose changes for City Council consideration in order to increase the oversight and/or responsibilities of the Recreation and Parks Commission; and

WHEREAS, the proposed edits shall include, but are not limited to, providing the Recreation and Parks Commission quasi-judicial authority.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 2.28, "Recreation and Parks Commission" is hereby amended as follows:

§ 2.28.010 Created. There is created a Recreation and Parks Commission consisting of seven (7) members and one (1) alternate.

The general, advisory functions for the Recreation and Parks Commission include:

- A. Develop policy, goals, and specific implementation plans regarding parks and recreation issues for the City, which may include publishing an annual workplan.
- B. Evaluate and provide comment on matters of park acquisition and/or development within the framework of the General Plan and the Development Services Department procedures.
- C. Monitor issues concerning parks and recreation and communicate them to the City Council, the Planning Commission, public agencies, and/or residents.
- D. Be an advocate for recreational space to meet the current and future needs of the community.
- E. Foster a culture of community partnership with businesses and local organizations.
- F. Participate in a general overview and evaluation of recreation programming to assist with community needs assessment.
- G. Participate in an annual park and recreation facility tour to assist in identifying areas for

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improvement.

§ 2.28.020 Appointment and compensation. All members of the Recreation and Parks Commission shall serve a set term, with six (6) members and one (1) alternate appointed by the City, and one (1) member appointed by Manteca Unified School District (MUSD). Each City Councilmember shall appoint one member from within their respective district boundaries, with the Mayor appointing two (2) at large members, and one (1) alternate member, all subject to City Council approval. Councilmembers shall have first choice from their districts, after which, the Mayor may appoint from the remaining at-large candidates. One (1) member shall be appointed by the trustees of the Manteca Unified School District and shall reside within the MUSD boundaries within the City of Manteca. All appointments shall be subject to state and local conflict of interest laws, such that fulltime employees of both the City and MUSD may not be appointed to the Commission by either agency. Commission members may receive compensation for each meeting they attend, as determined by the City Manager (or her/his designee), in conjunction with the City Clerk and the Director of Finance. All commission members appointed by the City shall be residents of the City of Manteca and registered voters.

§ 2.28.030 Terms of office-Vacancies. In general, members of the Recreation and Parks Commission shall serve for a four-year term or until their successors are appointed, provided, however, their terms shall run concurrent with the Mayor and/or councilmember who appoints them. All vacancies shall be filled for the unexpired term of the members whose office is vacant in the same manner as such member received original appointment.

§ 2.28.040 Officers-Rules and regulations-Meetings. The officers of the Recreation and Parks Commission shall be a chair and vice-chair who shall be selected by the commission. Their duties shall respectively be such as are usually carried out by such officers. Officers shall hold office for one year or until their successors are selected. The commission shall adopt rules and regulations to govern proceedings, including by-laws, as set out below. The commission shall meet at least every two (2) months, at a time determined, but may cancel a regularly scheduled meeting should there be no items on an agenda for discussion. Upon being notified that any regular meeting will not be held, Department staff shall post a notice of cancellation of such meeting as soon as practicable. A majority shall constitute a quorum for the transaction of business. Absence from two (2) consecutive regular meetings without the written formal consent or permission of the commission chair shall be deemed to constitute retirement of such member and the position declared vacant.

§2.28.050 Duties and responsibilities.

A. The commission shall be advisory to the City Council in the field of public parks and recreation, and shall make all appropriate recommendations for the functioning and operation of recreation programs within the City boundaries. to the City Council. The recreation and parks commission is established to provide a communication link between the community and the City Council and its staff.

B. The commission shall have no administrative authority or power to incur indebtedness

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or obligation on behalf of or against the City of Manteca.

C. The commission shall have the power to make recommendations and advise the City Council on various parks and recreation operations, services and issues, as necessary in the exercise of its duties, as set out herein and/or in its by-laws consistent with City of Manteca park/master/specific plans, and/or any and all applicable local and/or state laws. The advisory powers of the commission shall include, but not be limited to:

1. The commission shall set fees for recreation programs. Any person may appeal the setting of fees to the City Council. In the event the commission is unable to make a determination on a specific fee, then the City Council shall decide what fee shall be charged;
2. Advise the City Council on the subjects of recreation and facility master planning and development, following presentations on such matters by City staff, including, but not limited to Recreation staff, Parks staff, Planning staff, and/or Engineering staff;
3. Serve as a layer of recommending approval for needed parks and recreation facilities, as set by the City Council and/or the by-laws of the commission;
4. Review park plans and serve only as a recommending/advisory body to the City Council after a public hearing, prior to City Council approval;
5. Maintain close liaison and coordination with other related community agencies to ensure total cooperative community effort to provide the most effective, most economical services possible;
6. On an annual basis, at a public hearing prior to the end of the fiscal year, generally evaluate the City's recreation programs, facilities, services and relationships periodically to assure that its objectives and goals are being achieved, and work with City staff to issue an advisory summary and/or recommendations following such public hearing for the public and the City Council;
7. Recommend goals and objectives for parks and recreation within the community, as needed and/or as directed by the City Council;
8. Provide recommendations for community involvement and serve as a conduit for community feedback to the City Council and staff on parks and recreation issues;
9. After passage of the budget for a Fiscal Year, shall receive a presentation of the budget for the parks and recreation departments by City staff, and provide advice and consent following such presentation regarding future budget allocations;
10. To the extent land acquisition by the City includes a park and/or park plan, review such matters at a public meeting in order to make recommendations to the City Council;
11. Assist in an advisory capacity with the development of park amenity standards;
12. Participate in an annual tour of select park and recreation facilities (as set out by staff) to assist in identifying areas for improvement; and
13. To act in an advisory capacity to the City Council in matters pertaining to recreation and parks.

### § 2.28.060 Organization

A. The commission shall adopt by-laws, rules and regulations for the proper conduct of

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meetings, including those mandated by the City Council. The by-laws, rules, and regulations shall be approved by the City Council.

B. The commission shall establish a regular place of meeting and rules of conduct therefor, and shall hold at least one regular meeting every other month, but may cancel a regularly scheduled meeting should there be no items for consideration on that agenda (consistent with Brown Act rules). Special meetings of the commission may be called at any time by the chairperson or by any three or more members of the commission upon 24-hour personal, written notice being given to all members of the commission. If personal notice cannot be given, written notice must be mailed to such members at least five days prior to the meeting. Notice shall be posted at the city offices at least 24 hours prior to a special meeting and consistent with the Brown Act.

C. A majority of the members shall constitute a quorum (i.e., four (4) members).

D. The meeting schedule shall be set by the staff liaison and posted on the City's website, and approved by the Commission at a meeting.

### § 2.28.070 Vacancies

If a vacancy shall occur (however it shall occur) other than by expiration of term, the vacancy shall be filled by appointment by the City Council for the unexpired portion of the term, consistent with the rules set out in this Chapter and applicable City policies and procedures.

### § 2.28.080 Records

The recreation and parks commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it, and shall render such reports to the City Council as may be required.

**SECTION 2:**        Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3:**        Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

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City of Manteca, a municipal corporation

MAYOR: \_\_\_\_\_  
GARY SINGH

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
CITY CLERK

STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN } SS:  
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the \_\_\_ day of \_\_\_\_\_, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the \_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
City Clerk