



# City of Woodland

## REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: April 13, 2010

SUBJECT: Amend Section 2-7-25 of the Municipal Code of the City of Woodland  
to Change the Composition of the Parks & Recreation Commission

### **Report in Brief**

At the February 16, 2010 meeting the City Council considered an action to amend section 2-7-25 of the Municipal Code of the City Of Woodland to reduce the composition of the Parks & Recreation Commission. The City Council recognized the need to address the impacts of long term vacancies on the Commission but also expressed concern about limiting opportunities for community participation. The City Council asked if the ordinance could be amended to allow a variable size commission. The City Attorney has drafted such an amendment.

Staff recommends that the City Council amend §2-7-25 of the Municipal Code to change the composition of the Parks & Recreation Commission to permit the appointment of five (5), six(6) or seven (7) members and establishing a quorum to conduct meeting.

### **Background**

The Parks & Recreation Commission is established by the Municipal Code of the City of Woodland to serve as a public discussion forum and make recommendations to the City Council on matters related to parks & recreation within the City, and to serve in an advisory capacity in matters pertaining to the planting and maintenance of trees growing on public property. The composition of the Commission is currently set by section 2-7-25 at seven (7) members. Prior to merging the former City Tree Commission and the Parks & Recreation Commission, the composition of the Parks & Recreation Commission was set at five (5) members.

The composition of the Parks & Recreation Commission is currently established at seven (7) members. At seven members the Commission must have four members present at meetings to establish a quorum. There have been two vacant seats on the Commission since 2008. With only five appointed commissioners only one commissioner may be absent from a meeting and still have quorum to conduct business. The Commission discussed its composition at their January 25, 2010 meeting and recommended that the City Council amend §2-7-25 to reduce the number of commission members from seven (7) to five (5).

### **Discussion**

It is the composition of the Commission, not the number of appointed commissioners that determines the number of commissioners needed for a quorum. With the composition of the Commission at seven (7), four (4) members must be present to constitute a quorum. The Commission has had only five (5) seats filled since December 31, 2008. The November 2009 meeting did not occur due to the absence of two commissioners. The Commission has communicated to the City Council their desire to have the vacant seats filled.

One commissioner recently opted out of re-appointment which leaves the Commission with only four seated members.

Due to the difficulty filling the current vacancies and the number of interested persons generally for commission vacancies, it was requested by Chairman John Murphy that the Park & Recreation Commission consider a revision to the composition of the Commission. The four remaining commissioners discussed the item at their January 25, 2010 meeting. The commissioners believed that the work of the former Tree Commission has been fully absorbed by the current Parks & Recreation Commission. Furthermore the Commission concluded that having a full commission is more important to them completing their work than having seven (7) members and therefore requested that staff request the City Council to amend the municipal code to change the composition of the Commission.

The City Attorney has revised the amendment presented at the February 16, 2010 City Council meeting. The new amendment sets the composition of the Commission at five (5), six (6), or seven (7) members. The amendment also states that a quorum is present with three (3) members when the Commission has five (5) appointed members and at four (4) members when six (6) or seven (7) members are appointed.

### **Fiscal Impact**

This action has no direct fiscal impact; however, it will provide improved efficiency by avoiding staff and Commissioners preparing for and attending a meeting at which there is not a quorum.

### **Public Contact**

This action has been included on the posting of the City Council agenda.

**Alternative Actions**

1. That the City Council approve an amendment to §2-7-25 of the Municipal Code to set the composition of the Parks & Recreation Commission at five (5), six(6) or seven (7) members and establishing the respective quorum to conduct meetings.
2. That the City Council not approve an amendment to §2-7-25 of the Municipal Code to set the composition of the Parks & Recreation Commission at five (5), six(6) or seven (7) members and establishing a quorum to conduct meetings.

**Recommended Actions**

1. Staff recommends that the City Council take Alternative Action # 1 to approve an amendment to §2-7-25 of the Municipal Code to change the composition of the Parks & Recreation Commission from seven (7) to five (5), six(6) or seven (7) members and establishing a quorum to conduct meetings.

Prepared by: Carey F. Sullivan  
Chief of Police  
Interim Director, Parks & Recreation

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Carey F. Sullivan  
Acting City Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA AMENDING THE COMPOSITION OF THE PARKS AND RECREATION COMMISSION**

**WHEREAS**, Woodland’s Parks and Recreation Commission is currently composed of seven members; and

**WHEREAS**, due to changes in the role of the Parks and Recreation Commission since its size was established at seven, City staff have determined that it would be appropriate to allow the size of the Commission to range between five and seven; and

**WHEREAS**, the idea of reducing the size of the Parks and Recreation Commission has been discussed with the current members of the Commission, who have not expressed objections to this proposal;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby adopts the recitals and findings set forth above and in the staff report prepared in connection with this ordinance.

**Section 2.** Section 2-7-25 of the Woodland Municipal Code is hereby amended to read as follows:

The parks and recreation commission shall consist of five, six, or seven members. When there are five members, three members present at a meeting shall constitute a quorum. When there are six or seven members, four members present at a meeting shall constitute a quorum.

**Section 3.** Section 2-7-27 of the Woodland Municipal Code is hereby amended to read as follows:

The term of office of each member of the parks and recreation commission shall be four years. All terms shall begin January 1st and end on December 31st. In order to establish staggered terms of office, of the members first appointed, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and three members shall be appointed for three-year terms. If a vacancy shall occur other than by expiration, it shall be filled by appointment for the unexpired portion of the term, subject to the City Council’s discretion to leave the seat vacant in order to allow the size of the commission to be five or six members pursuant to Section 2-7-25. Upon expiration of such designated terms, successors shall be appointed for full four-year terms as provided above. If the City Council determines to allow the commission to be five or six members in size, the terms in office of the members shall, to the extent practical, be staggered according to a system that avoids having more than half of the commissioners’

terms expire concurrently. Each member, unless sooner terminated, shall serve until his or her successor is appointed and qualified.

**Section 4.** This Ordinance supersedes and voids all prior ordinances, resolutions, and other Council actions, which are inconsistent with its terms.

**Section 5. Severability.** If any provision of 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 provisions of this Ordinance are severable. This 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 6. Effective Date and Publication.** The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Marlin H. Davies  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sue Vannucci  
City Clerk

**APPROVED AS TO FORM:**

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Andrew J. Morris  
City Attorney