

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 386 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING CHAPTER 2.20 OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO THE PARKS AND RECREATION COMMISSION MEETINGS – RULES OF PROCEDURE

Summary Statement:

At its August 12, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 386 as it relates to amending chapter 2.20.110 of Title 2 (Administration and Personnel) of the Town of Apple Valley Municipal Code relating to Park and Recreation Commission Meetings – Rules of Procedures. As part of the requirements to adopt a new Ordinance, Ordinance No. 386 has been scheduled for adoption at the August 26, 2008 Town Council Meeting.

Recommended Action:

Adopt Ordinance No. 386

Proposed by: Community Services Manager

Item Number: _____

Town Manager Approval: _____

Budgeted Item: Yes No N/A

ORDINANCE NO. 386

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY
AMENDING CHAPTER 2.20 OF TITLE 2 (ADMINISTRATION AND
PERSONNEL) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE
RELATING TO THE PARKS AND RECREATION COMMISSION MEETINGS –
RULES OF PROCEDURE**

Section 1. The Town Council of the Town of Apple Valley does hereby ordain as follows:

Chapter 2.20

PARKS AND RECREATION COMMISSION

Sections:

2.20.010	Created
2.20.020	Term of Office
2.20.030	Filling Vacancies
2.20.040	Removal from Office
2.20.050	Organization meeting; Election of Chairman and Vice-Chairman
2.20.060	Town Parks and Recreation Commission -- General Powers, Duties, Functions and Responsibilities
2.20.070	Appeals
2.20.080	Compensation of Parks and Recreation Commissioners
2.20.090	Designation of Chairman--Committees--Staff
2.20.100	Secretary
2.20.110	Meetings--Rules of Procedure
2.20.120	Rules—Records and Meetings
2.20.130	Cooperation of Town Departments required
2.20.140	Annual Report of Commission
2.20.150	Recreation Funds
2.20.160	Park Funds
2.20.170	Park Land Intended to Remain as Public Park

2.20.010 Created. There is created a Parks and Recreation Commission for the Town of Apple Valley. It shall consist of five (5) members. Each Councilmember may nominate one resident of the Town, or greater Apple Valley area (being the boundaries of the Apple Valley Recreation and Park District just prior to its dissolution, as shown on the map attached herewith), for membership on the Commission and such Councilmember, or his or her successor, shall have the right to renominate a resident of the Town, or greater Apple Valley area, for that seat on the Commission whenever such seat becomes vacant for any reason, or the term of the appointee has expired. The Town Council shall approve each nominee by a majority vote of the entire Town Council prior to his or her appointment being effective.

2.20.020 Term of Office. Each member of the Parks and Recreation Commission shall be a qualified elector of the Town and/or the greater Apple Valley area at the time of his/her appointment and during his/her incumbency, must be over eighteen (18) years of age

and must have some familiarity with public recreation at the time of his/her appointment to office. The term of each member of the Commission shall be coterminous with the term of office of the nominating Council person. All terms shall be for four (4) years and shall expire four (4) years after the effective date of the appointment (except for those Commissioners appointed by Councilmembers whose term of office will expire less than four years from their election and date of assuming office; in this instance, the Commissioner's term of office will be reduced accordingly), or earlier upon the termination of the term of office of the nominating Council person, except those appointments made after the commencement of the term to fill a vacancy or removal, in which case the term of office shall be for the balance of the unexpired term. The term of any member of the Commission will be automatically extended pending the selection and qualification of his or her successor. Except as modified by the provisions in this Chapter, the provisions of Section 2.04.060 and of Chapter 2.06 of this Code shall apply.

2.20.030 Filling Vacancies. Should a vacancy occur in the Parks and Recreation Commission for any reason, such vacancy shall be filled for the unexpired term by an appointment of a successor to fill the unexpired term of office by the Town Council. The nominator to fill the unexpired term shall be the Councilmember or Mayor who nominated the original Commission member whose seat is now vacant.

2.20.040 Removal from Office. Whenever, in the discretion of the Town Council, the best interests of the Town shall be served thereby, any member of the Parks and Recreation Commission may be removed from office by a majority vote of the Council. Any vacancy so created shall be filled as described in Section 2.20.030 of this Chapter.

2.20.50 Organization meeting; Election of Chairman and Vice-Chairman. Within ten (10) days after their initial appointment, the members of the Parks and Recreation Commission shall meet in regular session and organize by electing from their members a Chairman and Vice-Chairman, who shall hold office for one year. It shall be the duty of the Chairman to preside over all meetings of the Parks and Recreation Commission. In his/her absence, the Vice-Chairman shall preside.

2.20.060 Town Parks and Recreation Commission -- General Powers, Duties, Functions and Responsibilities. The Parks and Recreation Commission for the Town of Apple Valley, as created and described in Section 2.20.010 of this Chapter, shall have and perform all functions and duties as described below:

- A) Assist the Town Council in assessing the parks and recreation needs of the community.
- B) Accept as its major responsibility to guide the Parks and Recreation Department toward fulfilling the recreation needs of the community.
- C) To act in an advisory capacity to the Town Council in matters pertaining to parks and recreational programming and to cooperate with other governmental agencies and civic groups in the advancement of sound parks and recreation planning.
- D) To consider recommendations and requests originating from the public and making recommendations to the Town Council.
- E) Make recommendations to the Town Council regarding the rules, regulations and policies relating to conduct in public parks and conduct in public recreation and activity centers. The administration of said policies, rules and regulations, once adopted, shall be the responsibility of the Parks and Recreation Department Manager.
- F) Prepare, and periodically review, a Master Plan for Park facilities and recreational programs. Such Master Plan shall include an inventory of parks and park facilities.

- G) Identify and make recommendations to the Town Council on revenue sources to fund activities and capital projects such as parks development, improvement and maintenance, property acquisition for new and/or expansion of parks, development and updating of the park Master Plan, recreation programs, various planning and feasibility studies and the like.
- H) Review and make recommendations on the annual fiscal operating budget for parks and recreation as prepared by the Parks and Recreation Department Manager.
- I) Visit recreation programs and facilities whenever possible.
- J) Be able to interpret park and recreation programs as required.
- K) Periodically review and recommend appropriate changes to the Parks and Recreation portion of the Open Space/Conservation Element of the Adopted Town of Apple Valley General Plan.
- L) Review and comment on subdivision and other development proposals in which land is proposed for dedication, credit for private open space is requested, projects on school lands or other significant park, trail or open spaces where concerns exist.
- M) Assist in the planning of a recreation program for the inhabitants of the Town and greater Apple Valley area, promote and stimulate public interest therein and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- N) Any other related projects as may be assigned by the Town Council.

2.20.070 Appeals. All actions of the Parks and Recreation Commission are subject to appeal to the Town Council in the manner set forth in the Municipal Code, and if not otherwise set forth, then by delivery by the applicant or any other person affected by the decision, of a written notice of appeal to the Town Clerk within ten (10) days after the decision of the Parks and Recreation Commission or after the giving of notice of same where notice is required. Also within a period of ten (10) days after the decision of the Parks and Recreation Commission, any member of the Town Council may submit a written request to the Town Clerk that the matter acted upon by the Commission be scheduled for a hearing before the Town Council. The decision of the Parks and Recreation Commission shall be final after the time for appeal or for a request for hearing by a Councilmember has passed and if no appeal or request has been filed. Upon receipt of a timely appeal, or of a timely request for hearing by a Councilmember, the Town Clerk shall schedule the matter for a hearing or public hearing before the Town Council, in which case the decision by the Town Council after considering or hearing the matter shall then be final.

The fee for appealing a decision of the Parks and Recreation Commission to the Town Council may be waived by the Town Manager, or designee, if the appealing party executes a form prepared by the Town Manager, declaring under penalty of perjury (1) That he or she is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payment (SSP) programs (Sections 12200-12205.2 of the Welfare and Institutions Code), the Aid to Families With Dependent Children (AFDC) program (42 United States Code 601-644), the Food Stamp program (7 United States Code 2011-2027) or Section 17000 of the Welfare and Institutions Code, or (2) That his or her monthly income is one-hundred, twenty-five per cent (125%) or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to Omnibus Budget Reconciliation Act of 1981, as amended, and submits a financial statement setting forth each item which makes up his or her monthly income in support of the averments as part of the declaration.

2.20.080 Compensation of Parks and Recreation Commissioners. The members of the Parks and Recreation Commission shall each receive compensation payable out of the general fund of the Town, provided adequate funds have been budgeted therefore, in

the sum of \$100.00 per meeting, but not to exceed a total sum of \$300.00 per month. The compensation prescribed herein shall be exclusive of any amounts payable to each member of the Commission as a reimbursement for actual and necessary expenses authorized by the Town Council and incurred in the performance of official duties for the Town.

2.20.090 Designation of Chairman--Committees--Staff. The Parks and Recreation Commission shall annually, at its first meeting held after February 1, choose one of its number as Chairperson and one as Vice-Chairperson. Vacancy in either such position occurring prior to February 1 may be filled as in the first instance, and a new Chairperson or Vice-Chairperson may be chosen at any time by majority vote of all members of the Commission. The Commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. The Town Manager may appoint a secretary, and other staff, and provide such compensation for their services as may be authorized by the Town Council and by the annual Town budget of expenditures.

2.20.100 Secretary. The Parks and Recreation Department Manager, or his/her designee, shall serve as secretary to the Parks and Recreation Commission and shall be the custodian of the Commission's records, transmit its recommendations to the Town Council, keep a permanent record of all minutes of the Commission, conduct official correspondence and coordinate the clerical and technical work of the Commission in administering this Chapter.

2.20.110 Meetings--Rules of Procedure. The Parks and Recreation Commission shall, by a vote, set a time for regular meetings which shall be held at least every other month at such time, date, and place designated by the Commission. Special meetings may be called by the chairman or a majority of the Commission, provided notice has been given to all members at least 24 hours prior to the meeting. A majority of Commissioners shall constitute a quorum, and the vote of the majority of the members present will be sufficient to act unless otherwise provided by law.

2.20.120 Rules--Records and Meetings. The Parks and Recreation Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations. Minutes of the Parks and Recreation Commission meetings shall be filed with the Town Clerk.

2.20.130 Cooperation of Town Departments Required. All officers, department heads and department and division staff of the Town shall render cooperation and all reasonably necessary assistance to the Parks and Recreation Commission. Neither the Commission nor any person connected with the Commission shall incur any fiscal liability in the name of the Town.

2.20.140 Annual Report of Commission. The Parks and Recreation Commission shall provide annually a full report of its work to the Town Council.

2.20.150 Recreation Funds. The Town Council shall establish a Recreation Fund, prepare an annual recreation budget, receive voluntary contributions and appropriate such money as it may deem necessary for the purpose of carrying out the activities of the Commission.

2.20.160 Park Funds. No money in the park fund shall be used for any purpose other than the financial support of the parks and recreation department, park facilities or recreational services.

2.20.170 Park Land Intended to Remain as Public Park. It is the intent of the Town Council that lands dedicated for use by the public as public parks remain and continue to be used for such purpose.

Section 2. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 3. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 4. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 12th day of August 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

John Brown, Town Attorney

Frank W. Robinson, Town Manager