



# REPORT

## THE CITY OF SAN DIEGO TO THE PARK AND RECREATION BOARD

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DATE ISSUED: January 14, 2010 REPORT NO: 101

ATTENTION: Park and Recreation Board  
Agenda of January 21, 2010

SUBJECT: Municipal Code 26.30, Park and Recreation Board

SUMMARY: Should the City Council make changes to Municipal Code 26.30 as Proposed by Council Member Lightner?

Director's Recommendation - Do not make changes to Municipal Code 26.30, as adopted by City Council on June 23, 2009.

Other Recommendations - None.

### BACKGROUND

On June 23, 2009, the City Council approved changes to the Municipal Code 26.30, Park and Recreation Board for the purposes of complying with City Charter 55.2, Mission Bay Park and Regional Parks Improvement Fund. During the hearing Council Member Lightner requested potential changes to the Municipal Code with these changes to be reviewed by the Park and Recreation Board prior to redocketing at the Council's Natural Resources and Culture (NR&C) Committee.

On July 9, 2009, the Park and Recreation Department issued a report to the Park and Recreation Board (as attached) which was heard at the Park and Recreation Board's July 16, 2009 meeting. The Park and Recreation Board voted unanimously not to recommend changes to the Municipal Code.

On September 8, 2009, Council Member Lightner issued a memorandum (as attached) to the Chair of the NR&C Committee, requesting the item on the potential changes to the Municipal Code be pulled and returned to the Park and Recreation Board due to discrepancies in the Council Member's request and the actual report issued to the Park and Recreation Board by the Park and Recreation Department.

DISCUSSION

Council Member Lightner's September 8, 2009 memorandum outlines the specific request to make changes to the Park and Recreation Board and is as follows:

*"I would like to make changes to Section 26.30(b)(2) to include something which is similar to the appointments to the Mission Bay Board, with each Council District having the ability to nominate candidates for the Mayor to select from. In fact, the section would be under (b)(2): There would be three at large appointments made by the Mayor to be confirmed by Council; and one member from nominations submitted by each Council District, in that we do have regional parks in all Council Districts . . . I am suggesting for the Park & Rec. Board, which also has eleven members, that each one of the Council Districts have the opportunity to appoint-or suggest nominations from which the Mayor would select and be ratified by Council."*

*Following is a suggested revision to the language of Section 26.30 (b)(2) of the San Diego Municipal Code.*

*SDMC 26.30*

*(b) There is hereby created a Park and Recreation Board consisting of eleven (11) members who shall serve without compensation.*

*(1) No changes*

*(2) The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions:*

*(A) The Mayor shall appoint one member from three nominations submitted by each of the eight (8) Councilmembers.*

*(B) The Mayor shall appoint at-large members for the balance of the Board.*

As outlined in the previous report to the Park and Recreation Board, the Municipal Code 26.30 outlines the composition and duties of the Park and Recreation Board, as well as the Balboa Park and Mission Bay Park Committees. Prior to the recent implemented changes to Municipal Code by the City Council, members appointed to the Park and Recreation Board have been diverse and representative of the communities they represent. In fact, the current board membership includes representatives from seven Council Districts. Per City Charter section 43, the Mayor has the authority to make appointments to advisory boards, with City Council confirmation, which is also outlined specifically in City Council Policy 000-13, Procedure for Mayor and Council Appointments.

Following these policy documents and the City Charter, the Mayor nominates individuals for appointments and the City Council confirms. In fact, the last six members appointed to the Park and Recreation Board have been from nominations submitted by individual Council Members.

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Municipal Code 26.30  
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As of July 1, 2009 the current Park and Recreation Board membership includes representatives from the following Council Districts:

Council District 1 – 2 representatives  
Council District 2 – 1 representative  
Council District 3 – 1 representative  
Council District 4 – 1 representative  
Council District 5 – 1 representative  
Council District 6 – 1 representative (Mayor appointed as Chair)  
Council District 7 – 1 representative

There are currently 3 positions available for the Mayoral appointments (two members are termed out, and one vacancy).

Respectfully submitted,



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Stacey LoMedico  
Park and Recreation Department Director

Attachments:

1. City Council Policy 000-13, Procedure for Mayor and City Council Appointments (December 2004)
2. July 9, 2009 Park and Recreation Board Report, Municipal Code 26.30, Park and Recreation Board
3. September 8, 2009 Memorandum. Request to Pull Item 4 on the September 9, 2009 NR&C Agenda for Return to the Park and Recreation Board

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

SUBJECT: PROCEDURE FOR MAYOR AND COUNCIL APPOINTMENTS  
POLICY NO.: 000-13  
EFFECTIVE DATE: December 3, 1984

PURPOSE:

It is the intention of the City Council to establish a uniform procedure for the appointment and confirmation of members of commissions, boards, committees, Authorities, districts, and councils pursuant to the provisions of this policy and California Government Code sections 54970 through 54974.

POLICY:

When a vacancy occurs or is expected to occur on a commission or advisory body to which the mayor has the power of appointment, the mayor shall notify each member of the Council by memorandum of such vacancy or expected vacancy and request nominees for the Mayor's consideration in making an appointment to fill the vacancy. Each Council member may, but is not required to, submit the name of one nominee, with attendant supporting information, to the Mayor within thirty days after receiving the notification of the vacancy.

Notification shall be deemed effective upon receipt of the mayor's memorandum, as indicated by the Council office time and date stamp. At the close of the thirty day response period, the mayor shall then cause to be placed on the next regularly scheduled Council meeting docket the matter of the appointee the Mayor has selected to fill the vacant position. The appointee shall, if a majority of Council members agree, appear before the Council. The Council shall confirm or deny the mayor's recommended appointee to the vacant position. If the confirmation of the Mayor's recommended appointee is denied, the Mayor shall cause to be placed on the next regularly scheduled Council meeting docket the matter of the Mayor's appointment to fill the vacant position.

When a vacancy occurs or is expected to occur on a commission or advisory body to which the City Council has the power of appointment, the City Clerk shall notify each member of the Council by memorandum of such vacancy or expected vacancy and request Council members to submit to the Mayor no later than thirty days after said notification the name of one nominee to fill the vacancy, together with any information in support of such nominee. Notification shall be deemed effective upon receipt of the City clerk's memorandum, as indicated by the Council office time and date stamp. The Council shall comply with the charge contained in Charter Section 42 to "take into consideration sex, race, and geographical area so that the membership of such commissions, boards, committees or panels shall reflect the entire community." The Mayor shall notify the City Council by memorandum of the nominees to fill the vacancy. No earlier than one week after the issuance of his memorandum, the Mayor shall cause to be placed on the next available Adoption Agenda of a regularly scheduled Council meeting the matter of discussion by the Council of the nominees. The Council shall consider all such nominees and select a nominee to fill the vacancy.

It is the intent of the Mayor and City Council that persons recommended as appointees to any City agency pursuant to this policy shall be residents of the City of San Diego. However, when a person

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**COUNCIL POLICY**

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with unique qualifications is available to serve, and who is resident of San Diego County, but not the City of San Diego, then the Mayor and City Council may make a conscious exception.

When nominating a person who is not a City resident, the Mayor or Councilmember shall notify all other Councilmembers of their nomination and provide a statement of his or her unique qualification. The notification shall be by memorandum and delivered within the nomination period.

The charter of The City of San Diego and some, but not all, other laws creating commissions, boards, committees, authorities, districts and councils provide limitations on the number of terms or years a member can serve. It is the intent of the Mayor and City Council that persons recommended as appointees to any City agency pursuant to this policy shall be governed by the maximum length of service provisions of the Charter so that appointees shall be limited to two (2) full consecutive terms or eight (8) consecutive years in office, whichever is longer; with one term or four (4) years, whichever is longer, intervening before they become eligible for reappointment.

It is the intention of this policy to take cognizance of and comply with the provisions of section 54972 through 54974 of the California Government Code.

Selection Procedure

The following procedure is for selection of nominees for vacancies on a board, commission or other advisory body to which the City Council has the power of appointment. As defined in Charter Section 15 a majority vote refers to the vote of a majority of the members elected to the Council. If multiple vacancies on the same board, commission or advisory body are to be filled, an election will be held to fill all vacancies at one time. The following procedure shall be used to fill single or multiple vacancies:

1. The Mayor calls on each candidate whose name appears on the docket as a nominee to make a presentation to the Council in support of his candidacy for appointment (maximum three (3) minutes presentation each).
2. The Mayor calls on member of the Council to ask brief questions of any of the candidates concerning either the presentation or matters contained in their application filed with the City.
3. If the number of nominees equals the number of vacancies the nominees may be elected by general consent or acclamation to fill the position.
4. If the number of nominees is greater than the number of vacancies an election to fill all the vacancies shall be held at one time as follows:
  - a. The City Clerk provides ballots to the Council and each Council member votes for the candidates he/she feels to be most qualified for each vacancy and returns the ballots to the City Clerk. Each Council Member has one vote per vacancy.
  - b. The candidate(s) receiving the highest number of votes (minimum of five) shall be appointed to the vacancy(ies).

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- c. If there is one vacancy and no candidate receives a minimum of five (5) votes the Council may limit the slate to the two highest vote getters as finalists. The finalist receiving a majority shall be appointed to the vacancy.
- d. In a multiple vacancy situation, if no candidates receive a minimum of five votes, balloting would continue until there were sufficient candidates receiving a majority to fill the vacancies. In a tie situation among the top vote getters those candidates would run off for the vacancies. If an insufficient number of candidates receive a majority of votes to fill all vacancies, a run off shall be held among the remaining vacancies.

RESPONSIBILITY:

It is the intent of the City Council that appointees promptly take the oath of office, are formally advised of any filing requirements pursuant to the conflict of interest code adopted by the agency to which they have been appointed, are provided with required reporting forms and information, and continuing notification and follow-up will be clearly provided by documented procedures; namely,

<u>Responsibility</u>	<u>Action</u>
Mayor (staff)	<ol style="list-style-type: none"><li>1. Inform appointee of requirement to take oath of office at City Clerk's office.</li><li>2. Inform appointee of requirement to file statement of economic interests reporting forms if disclosure is required for the position.</li></ol>
City Clerk (Deputy)	<ol style="list-style-type: none"><li>3. Prepare oath card for appointee. If position requires filing of statement of economic interest, attach a notice to oath card that appointee shall be provided with forms and instructions and must sign an acknowledgment for receipt of materials.</li><li>4. Compile sets of forms and information for appointees whose positions require the filing of statements of economic interests.</li></ol>
Appointee	<ol style="list-style-type: none"><li>5. Appear at City Clerk's office, take the oath of office and sign the oath card.</li><li>6. If the position requires economic interests disclosure, obtain the necessary reporting forms from the Clerk, together with instructional information regarding the reporting and sign acknowledgment receipt for the forms.</li><li>7. If required by the agency's conflict of interest code, complete and file the statement of economic interests in accordance with the code instructions.</li></ol>

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- City Clerk (Deputy) 8. Compile and maintain a list of active memberships including status of oaths administered and economic interests disclosure filings, if required. Provide copies of the list to the Mayor; City Attorney and Board/Commission chairpersons.
9. Notify members of annual filing deadlines for statements of economic interests and provide required reporting forms.
10. Receive and file statement of economic interest forms filed by members and appointees.
11. Follow-up on filings and send written notice to delinquent filers advising of requirement to comply with code. ( A copy of each notice to be sent to the City Attorney.)
12. Advise City Attorney of appointees' or members' failure to file following the sending of written notification.

HISTORY:

Adopted by Resolution R-205453 04/27/1972  
Amended by Resolution R-207141 01/02/1973  
Amended by Resolution R-215960 05/12/1976  
Amended by Resolution R-217454 01/05/1977  
Amended by Resolution R-217592 01/26/1977  
Amended by Resolution R-217893 03/15/1977  
Amended by Resolution R-221971 10/06/1978  
Amended by Resolution R-250473 10/23/1979  
Amended by Resolution R-258342 04/25/1983  
Amended by Resolution R-261492 09/10/1984  
Amended by Resolution R-261821 10/29/1984  
Amended by Resolution R-262084 12/03/1984



# REPORT

## THE CITY OF SAN DIEGO TO THE PARK AND RECREATION BOARD

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DATE ISSUED: July 9, 2009

REPORT NO: 102

ATTENTION: Park and Recreation Board  
Agenda of July 16, 2009

SUBJECT: Municipal Code 26.30, Park and Recreation Board

SUMMARY: Should the City Council make changes to Municipal Code 26.30?

Director's Recommendation – Do not make changes to Municipal Code 26.30, as adopted by City Council on June 23, 2009.

Other Recommendations – None.

### BACKGROUND

During the June 23, 2009 City Council hearing docket item #51 was heard as it relates to changes to the Municipal Code 26.30, Park and Recreation Board, specifically to the Mission Bay Park Committee and the Park and Recreation Board. The changes were required by City Charter section 55.2, Mission Bay Park and Regional Parks Improvement Funds, as approved by the voters in November 2008. During the public hearing, Council Member Lightner, District 1, expressed concerns about the composition of the Park and Recreation Board and the need to have a representative from a coastal community area. The City Council approved the docket item and in the motion was to bring Municipal Code 26.30 to the Natural Resources and Cultural (NR&C) Committee for discussion and potential changes, after the item was first heard by the Park and Recreation Board.

### DISCUSSION

Municipal Code 26.30 outlines the composition and duties of the Park and Recreation Board, as well as the Balboa Park and Mission Bay Park Committees (attached). Prior to the recent implemented changes to Municipal Code by the City Council, members appointed to the Park and Recreation Board have been diverse and representative of the communities they represent. In fact, the current board membership includes representatives from seven Council Districts. Per City Charter section 43, the Mayor has the authority to appoint, with City Council approval, which is also outlined specifically in City Council Policy 000-13, Procedure for Mayor and Council Appointments.

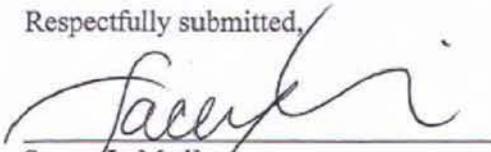
Following these policy documents and the City Charter, the Mayor nominates individuals for appointments and the City Council confirms. In fact, the last six members appointed to the Park and Recreation Board have been from nominations submitted by Council Members.

As of July 1, 2009 the current Park and Recreation Board membership includes representatives from the following Council Districts:

- Council District 1 – 2 representatives
- Council District 2 – 1 representative
- Council District 3 – 1 representative
- Council District 4 – 1 representative
- Council District 5 – 1 representative
- Council District 6 – 1 representative (Mayor appointed as Chair)
- Council District 7 – 1 representative

There are currently 3 positions available for the Mayoral appointments (two members are termed out, one vacancy).

Respectfully submitted,



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Stacey LoMedico  
Park and Recreation Director

Attachments:

1. Municipal Code 26.30, Park and Recreation Board (January 2004)
2. Municipal Code 26.30, Park and Recreation Board (June 2009)
3. City Council Policy 000-13, Procedure for Mayor and City Council Appointments (December 2004)
4. City Charter section 43, Advisory Boards and Committees



CITY OF SAN DIEGO  
COUNCILMEMBER SHERRI S. LIGHTNER  
DISTRICT ONE

MEMORANDUM

DATE: September 8, 2009  
TO: Honorable Councilmember Donna Frye  
FROM: Councilmember Sherri S. Lightner   
SUBJECT: Request to Pull Item 4 on the September 9 NR&C Agenda for Return to the Park and Recreation Board

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On July 16, the Park and Recreation Board considered the July 9 staff report: "Should the City Council make changes to Municipal Code 26.30?" However, the report did not provide the board an opportunity to consider my request and the Council referral.

I requested the following at the City Council hearing of Item 51 on June 9, 2009:

"I would like to make changes to Section 26.30(b)(2) to include something which is similar to the appointments to the Mission Bay Board, with each Council District having the ability to nominate candidates for the Mayor to select from. In fact, the section would be under (b)(2): There would be three at large appointments made by the Mayor to be confirmed by Council; and one member from nominations submitted by each Council District, in that we do have regional parks in all of the Council Districts... I am suggesting for the Park & Rec. Board, which also has eleven members, that each one of the Council Districts have the opportunity to appoint ~~or~~ suggest nominations from which the Mayor would select and be ratified by Council."

Instead, the report states, "During the public hearing, Council Member [sic] Lightner, District 1, expressed concerns about the composition of the Park and Recreation Board and the need to have a representative from a coastal community area."

This difference is significant and calls for a correction to the staff report because my concerns were not about the composition of the board or coastal representation, but focused on an interest in formalizing the process of nomination and appointment, as has been done for the Balboa Park and Mission Bay Park committees.

While varying degrees of diversity have been achieved without including this in the Municipal Code, I think it is important to codify the possibility of representation from each Council district. This would be done by allowing each Councilmember to nominate three candidates for the Board from which the Mayor would appoint subject to Council confirmation.

Following is the suggested revision to the language of Section 26.30 (b)(2) of the San Diego Municipal Code.

*SDMC 26.30*

- (b) There is hereby created a Park and Recreation Board consisting of eleven (11) members who shall serve without compensation.*
  - (1) No changes.*
  - (2) The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions:*
    - (A) The Mayor shall appoint one member from three nominations submitted by each of the eight (8) Councilmembers.*
    - (B) The Mayor shall appoint at-large members for the balance of the Board.*

Such a change will not place undue restrictions on the Board membership. Councilmembers would still have the right, if they so choose, to nominate candidates from outside their own districts. This arrangement has worked for other City boards and commissions without problems. The change would also make the appointment process for the Park and Recreation Board and its committees consistent.

Further, such a revision would not restrict the Mayor's right to appoint three at-large positions, nor would it impact the Mayor's power to appoint a member of the Park and Recreation Board as chair of the Balboa Park committee (as provided by SDMC Section 26.30(f)(1)), since that section states that "The Mayor shall appoint one member from among the members of the Park and Recreation Board..." without reservation that such an appointment be from the Mayor's at-large seats or from those nominated by Council districts.

Rather, with this revision, the public can be assured of the City's commitment to the principles of diversity and equal representation.

SL:av

cc: Stacey LoMedico