

Ballot Initiative – Adding Additional Allowable Park Use

Councilmember Chris Cate, District 6



Background

- In 2020, the City faced unprecedented challenges in the face of a global pandemic. Of particular concern was the ability of families to safely provide daycare opportunities for their children. With the goal of minimizing close contacts via reduced group size, physical distancing, and outdoor settings, families turned to the City to request access to parks for additional access to site such programs. The City Attorney's Office and Mayor's Office concluded that such an arrangement was not an allowable use.

Challenges

- Charter section 55 states, in part:
All real property owned in fee by the City heretofore or hereafter *formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes* shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose.
- In short:
Childcare activities in City parks is not an allowable use and thus does not offer flexibility for families and Childcare Providers that are looking for alternative, safe options to use park land.

Proposed Additional Language

Adding to Section 55: Park and Recreation, in part:

The City Manager may, without a vote of the people, authorize childcare at recreation facilities and buildings on real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park or recreation purposes.

Childcare Definition

Definition:

For purposes of this section, childcare means any State-licensed childcare facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day, excluding educational or instructional use provided by public, private, home, or charter schools.