



Legislation Text

File #: 20-642, **Version:** 1

Report Prepared by: Jennifer Arellano, Recreation Supervisor, Parks and Recreation

SUBJECT: Presentation and Discussion Regarding the Powers and Duties of the Recreation and Parks Commission per Section 712 of the Charter, Additional Requirements and Powers of Boards and Commissions in General per Section 704 of the Charter, Rules and Regulations Prescribed by and Governing the City Council Which are Applicable to Boards and Commission per Section 704 of the Charter, and Obtaining Information to Perform the Powers and Duties of the Recreation and Parks Commission

REPORT IN BRIEF

Presentation and Discussion Regarding the Powers and Duties of the Recreation and Parks Commission

RECOMMENDATION

Information only-no action needed.

DISCUSSION

At the August 24, 2020, Recreation and Parks Commission meeting, Commissioner Moore requested an item to discuss the subpoena process at a future meeting. This item responds to Commissioner Moore's request and provides additional information regarding the following:

1. The specific powers and duties of the Commission;
2. General rules and regulations applicable to boards and commissions, including the power to compel attendance of witnesses, examine them under oath, and compel the production of evidence before them; and
3. Obtaining information to perform the powers and duties of the Commission

1. Specific Powers and Duties of the Commission - Section 712 of the Charter

The Recreation and Parks Commissions Powers and Duties are set forth in the City of Merced Charter. Section 712 of the Charter provides as follows:

The Recreation and Parks Commission shall have power to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to recreation and parks;
- B. Consider the annual budget for recreation and parks during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council; and,

C. Assist in the planning of a recreation program for the inhabitants of the City, 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.

2. General Powers Applicable to Boards and Commissions - Section 704 of the Charter

Section 704 of the Charter provides additional requirements and powers of the boards and commissions and provides in part as follows:

. . . A majority of the entire membership of such board or commission shall constitute a quorum to conduct business. The affirmative vote of a majority of the quorum present shall be necessary for the board or commission to take action unless otherwise required by an applicable statute.

The City Manager shall designate a secretary to record the minutes for each of such boards and commissions, and to keep a record of its proceedings and transactions. *The boards and commissions shall follow the rules and regulations prescribed by and governing the City Council, copies of which shall be kept on file in the Office of the City Clerk where they shall be available for public inspection. The boards and commissions shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. . . .*

Section 410 of the Charter provides as follows:

. . . The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. *Subpoenas may be issued in the name of the City and be attested by the City Clerk. . .*

On July 31, 2020, an e-mail was sent to all Commissioners specifically addressing the authority of the Commission to compel the attendance of witnesses, to examine witnesses under oath and to compel the production of evidence before the Commission, attached.

Any request for issuance of a subpoena should be directed to your Recreation and Parks Department staff. Staff will in turn submit a Legal Service Request to the City Attorney's Office for review and appropriate action, if any.

3. General Rules and Regulations Applicable to Boards and Commission - Section 704 of the Charter

Rules and Regulations prescribed by and governing the Council which, according to Section 704 of the Charter, shall be followed by the boards and commissions include Policy C-1 and Resolution 2018-78, attached.

Council Policy C-1 provides the procedure related to how members of the Commission and public have items placed on an agenda. In addition, Resolution 2018-78, in part, identifies the Values Statement of the Council and indicates that all other Boards and Commissions of the City shall strive to comply with the same.

4. Obtaining Information to Perform the Powers and Duties of the Commission

Staffing for the Commission is provided by the Recreation and Parks Department. In order to obtain information related to your Powers and Duties as a Recreation and Parks Commissioner, please make the request to your staff.

If there is a request for documents that fall outside the Scope of the Powers and Duties of the Recreation and Parks Commission as set forth in Charter Section 712, please feel free to submit a public records act request to the City Clerk's Office.

ATTACHMENTS

1. Email message July 31, 2020
2. Council Policy C-1
3. Resolution 2018-78