

## **CHAPTER 2.36: PARK AND RECREATION COMMISSION\***

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\* For statutory provisions regarding parks and playgrounds, see Gov. Code § 38000 et seq.; for provisions regarding municipal control of certain parks, see Public Resources Code § 5181 et seq.

### **2.36.010 Established.**

The Parks and Recreation Commission of the City is established. The Parks and Recreation Commission shall consist of five members who are residents of the City, none of whom shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The five members shall be appointed by the City Council.

(Ord. 1639, (part), 1993; Ord. 1460, (part), 1988; Ord. 1083, (part), 1980; Ord. 739, (part), 1976; Ord. 303, § 2.1, 1965)

### **2.36.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Parks and Recreation Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs

advisory bodies.

(Ord. 18-2180, § 2 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1639, (part), 1993; Ord. 1460, (part), 1988; Ord. 1321, § 1 (part), 1985; Ord. 1166, (part), 1982; Ord. 739, (part), 1976; Ord. 303, § 3.1, 1965)

#### **2.36.030 Members–Vacancy or Removal.**

Any appointee member may be removed by a majority vote of the total membership of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the appointment by the City Council for the unexpired portion of the term.

(Ord. 15-2127, § 1, 2015; Ord. 303, § 4.1, 1965)

#### **2.36.040 Chairperson.**

The Commission shall elect its Chairperson and Vice-Chairperson from among its members. The terms of the Chairperson and Vice-Chairperson shall be for one year.

(Ord. 2015, § 6, 2008; Ord. 1697, (part), 1995; Ord. 1321, § 2 (part), 1985; Ord. 1167, (part), 1982; Ord. 303, § 5.1, 1965)

#### **2.36.050 Meetings.**

The City Park and Recreation Commission shall establish a regular place of meeting and rules of conduct thereof, and shall hold at least one regular meeting each month. Special meetings of the Commission may be called at any time by the Chairman or by any three or more members of the Commission upon personal notice being given to all members of the Commission. If personal notice cannot be given, written notice must be mailed to such members at least twenty-four hours prior to the meeting, unless the notice requirement is waived in writing to the member.

(Ord. 1639, (part), 1993; Ord. 739, (part), 1976; Ord. 303, § 6.1, 1965)

#### **2.36.060 Majority Vote Required.**

A majority vote is required to approve a recommendation or on any matter that is presented to the Commission which requires a vote.

(Ord. 303, § 7.1, 1965)

#### **2.36.070 Records.**

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 2 (part), 2018; Ord. 15-2127, § 2, 2015; Ord. 303, § 7.2, 1965)

#### **2.36.080 Powers and Functions.**

The powers and functions of the City Park and Recreation Commission shall be as follows:

- A. To hold hearings on matters pertaining to planning and development of parks, cultural activities, historical resources, recreation, community services (including, but not limited to schools and senior services), and capital expenditures related to community activities and facilities;
- B. To conduct such other hearings as are necessary and in accordance with its own rules and regulations;
- C. To report its decisions and recommendations in writing to the City Council;
- D. To consider, formulate and propose programs, activities, resources, plans and development designed to provide for, regulate and direct the future growth and development of community activities, parks and a recreation system in order to secure to the City and its inhabitants better service;
- E. To make investigations and reports for future acquisition of park sites;
- F. To make, in its advisory capacity, any and all recommendations to the City Council relating to the above matters, including the extension of the parks, recreation system and community activities to outlying areas of the City;
- G. In cooperation with the Director of Recreation and Community Services, the Commission will consider, review, and evaluate parks, recreation programs, and community activities;
- H. To consider, formulate, and propose cultural activities and historical preservation for the City and its residents.

(Ord. 18-2180, § 2 (part), 2018; Ord. 15-2127, § 3, 2015; Ord. 739, (part), 1976; Ord. 497, § 1, 1971; Ord. 303, § 8.1, 1965)

### **2.36.090 Procedural Rules.**

The City Park and Recreation Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its functions. Such rules shall be recommended to the Director of Recreation and Community Services and shall be subject to approval by the City Council before becoming effective. All such rules shall be kept on file with the Chairman of the City Park and Recreation Commission, the department office, and the Mayor, and a copy thereof shall be furnished each Commissioner and any other person upon request.

(Ord. 15-2127, § 4, 2015; Ord. 303, § 9.1, 1965)

### **2.36.110 Effect.**

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City Officers, or the delegation to the Parks and Recreation Commission of any authority or discretionary powers imposed by law in such Council or officers. The City Council declares that the public interest and convenience require the appointment of a Parks and Recreation Commission to act in a purely advisory capacity to such Council.

(Ord. 1083, (part), 1980)