

ORDINANCE NUMBER O- 19876 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 22 2009

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 26.30, RELATING TO THE DESIGNATION OF THE PARK AND RECREATION BOARD TO FULFILL THE ROLE OF THE SAN DIEGO REGIONAL PARKS IMPROVEMENT FUND OVERSIGHT COMMITTEE, AND THE MISSION BAY PARK COMMITTEE TO FULFILL THE ROLE OF THE MISSION BAY PARK IMPROVEMENT FUND OVERSIGHT COMMITTEE.

WHEREAS, on July 28, 2008, the City Council passed an ordinance, on file with the Office of the City Clerk as Ordinance Number O-19776, submitting to the qualified voters of the City of San Diego at the Municipal Special Election consolidated with the Statewide General Election held on November 4, 2008, a proposition [Proposition C] amending the City Charter by adding Charter section 55.2, designating the use of lease revenue from Mission Bay Park; and

WHEREAS, on November 4, 2008, the voters passed Proposition C, establishing a Mission Bay Park Improvement Fund, to receive and spend Mission Bay lease revenues for the benefit of Mission Bay Park, and a San Diego Regional Parks Improvement Fund, to receive and spend Mission Bay lease revenues for the benefit of the San Diego Regional Parks; and

WHEREAS, Ordinance O-19776 also provides for the establishment of a Mission Bay Park Improvement Fund Oversight Committee, and a San Diego Regional Parks Improvement Fund Oversight Committee, to carry out the oversight responsibilities described therein; and

WHEREAS, Ordinance O-19776 provides that, prior to the effective date of Proposition C, the City Council shall by ordinance designate the Mission Bay Park Committee to fulfill the role

of the Mission Bay Park Improvement Fund Oversight Committee, and the Park and Recreation Board to fulfill the role of the San Diego Regional Parks Improvement Fund Oversight Committee in accordance with Charter sections 55.2(a)(6) and 55.2(a)(11), respectively, and shall prescribe qualifications for future appointees to ensure that the committee members possess the requisite ability to perform effective oversight; and

WHEREAS, Proposition C requires certain qualifications for members of the Mission Bay Park Improvement Fund Oversight Committee, thus it is now necessary to restructure the Mission Bay Park Committee to ensure each member is qualified to perform his or her role as a member of the Mission Bay Park Improvement Fund Oversight Committee; and

WHEREAS, members previously appointed to the Mission Bay Park Committee may be re-appointed to the Mission Bay Park Committee if they meet the applicable eligibility and qualification requirements, subject to the term limits set forth in Charter section 43(a); and

WHEREAS, the City Council acknowledges and with this Ordinance formalizes the importance of having citizen advisory boards that are broadly representative of the community;

NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, Division 3, of the San Diego Municipal Code is hereby amended to read as follows:

§26.30 Park and Recreation Board

- (a) It is the purpose and intent of the City Council to establish a policy advisory board on matters relating to the acquisition, development, maintenance and operation of parks, beaches and recreation property and facilities and that the Board will, along with other duties, perform the functions of the former

Park and Recreation Commission and the former Mission Bay Commission. Effective July 1, 2009, the Park and Recreation Board shall also fulfill the role of the San Diego Regional Parks Improvement Fund Oversight Committee as described in Charter Section 55.2. In order to fulfill the responsibilities under Charter section 55.2, new qualifications are established to ensure each member is qualified to perform effective oversight.

- (b) There is hereby created a Park and Recreation Board consisting of eleven (11) members who shall serve without compensation.
 - (1) Each of the members of the Park and Recreation Board shall possess expertise, or demonstrated experience or knowledge, in one or more of the following areas: auditing, finance or municipal finance, general business, planning, biology or environmental science, resource management or protection, wildlife management or protection, construction management, recreation management or planning.
 - (2) The members shall be appointed by the Mayor, based on nominations from Councilmembers, and confirmed by the Council.
 - (3) The members shall serve two (2) year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than six (6) members shall expire in any year. The expiration date shall be March 1.

(4) During March of each year, the Mayor may designate one (1) member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select from among their members a Chairman.

(5) The Park and Recreation Director shall serve as Secretary to the Board.

(c) [No change in text]

(d) [No change in text]

(e) [No change in text]

(f) [No change in text]

(g) There is hereby established a Mission Bay Park Committee to serve in an advisory capacity to the Park and Recreation Board, Mayor, City Council, and City Manager on policy issues relating to the acquisition, development, maintenance, and operation of Mission Bay Park. Effective July 1, 2009, the Mission Bay Park Committee shall also fulfill the role of the Mission Bay Park Improvement Fund Oversight Committee as described in Charter section 55.2. In order to fulfill the responsibilities under Charter section 55.2, new qualifications are established to ensure each member is qualified to perform effective oversight.

(1) Each of the members of the Mission Bay Park Committee shall possess expertise, or demonstrated experience or knowledge, in one or more of the following areas: auditing, finance or municipal finance, general business, planning, biology or environmental

science, resource management or protection, wildlife management or protection, construction management, recreation management or planning.

- (2) The Mission Bay Park Committee shall consist of eleven members, who shall serve without compensation.
- (3) The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions:
 - (A) The Mayor shall appoint three members from nominations submitted by the Councilmember for Council District Two, and three members from nominations submitted by the Councilmember for Council District Six;
 - (B) The Mayor shall appoint three at large members;
 - (C) The Mayor shall appoint one Mission Bay lessee who shall represent a hotel in the Park;
 - (D) The Mayor shall appoint one Mission Bay lessee who shall represent a lessee in the Park other than a hotel.
- (4) The members shall serve two year staggered terms for a maximum of eight consecutive years. An interval of four years must pass before a person who has served eight consecutive years can be reappointed. Each member shall serve until his or her successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than six members shall expire in any year. Effective July 1, 2009, all terms unexpired as of

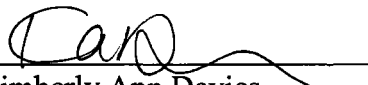
June 30, 2009 shall be deemed expired. Thereafter, all terms shall expire on June 30.

- (5) During July of each year, the Mayor shall designate one member as Chairperson of the Committee. In the absence of such designation, the Board shall, on or after August 15 of that year, select a Chairperson from amongst its members. During July of each year the Committee shall select from among its members a Vice Chairperson.
- (6) Meetings of the Mission Bay Park Committee shall be held at least six times a year with no two consecutive months passing without a regularly scheduled meeting of the Committee.
- (7) The Committee shall adopt rules consistent with the law for the government of its business and procedures.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:mm
05/27/09
06/02/09 Corr. Copy
06/11/09 Rev. Copy
07/09/09 Rev2.
Or. Dept: Park & Rec.
O-2009-145
MMS#9153

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 23 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-22-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

0-19876