

APPROVED

REPORT OF GENERAL MANAGER

FEB 06 2008

NO. 08-50

DATE February 6, 2008

BOARD OF RECREATION  
and PARK COMMISSIONERS

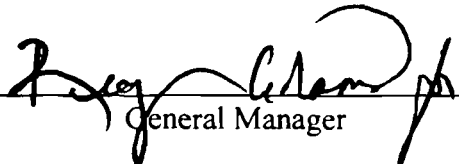
C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RULES OF THE BOARD OF RECREATION AND PARK COMMISSIONERS

Approved                     

Disapproved                     

  
General Manager

Withdrawn                     

RECOMMENDATION:

That the Board approve the updated Rules of the Board of Recreation and Park Commissioners, substantially in the form attached hereto, effective upon publication in a daily newspaper per City Charter Section 506(b).

SUMMARY:

At the Board's meeting of December 12, 2007, the Executive Officer of the Department of Recreation and Parks requested that the Board adopt a policy on decorum. As such, it is timely that this opportunity is taken to update the Rules to comply with current laws and policies. It is now requested that the Board consider and adopt the updated Rules of the Board of Recreation and Park Commissioners which were originally adopted by the Board at its meeting of July 15, 1976, for conducting the proceedings of the Board. The attached draft copy of Rules highlights changes through the use of italicized and interlineated text.

The City Attorney has reviewed these Rules and finds them to be in order.

FISCAL IMPACT STATEMENT:

There will be no fiscal impact to the Department's General Fund.

Prepared by Mary Alvarez, Commission Executive Assistant II, Commission Office.

## R U L E S

### BOARD OF RECREATION AND PARK COMMISSIONERS OF THE CITY OF LOS ANGELES

#### I. MEETINGS

- 1) Regular meetings of the Board of Recreation and Park Commissioners of the City of Los Angeles (hereinafter referred to in these rules as the "Board") shall be held in ~~Room 1325, City Hall East, 200 North Main Street~~ *the Garland Building Auditorium, 1200 West 7<sup>th</sup> Street, First Floor, Los Angeles, California*, on ~~Thursday~~ *the first Wednesday* of each ~~month~~ *week* at ~~5:30 p.m.~~ *9:30 a.m.*, or as soon thereafter as a quorum is present, for the purpose of receiving information from the General Manager and to conduct such other business as may properly come before ~~such~~ *the* Board.

If a regular *or special* meeting of the Board falls on a holiday designated as such by or in accordance with the provisions of the Government Code of the State of California, such meeting shall be cancelled unless the Board shall determine, at least two weeks in advance, to reschedule the meeting to another date.

*Pursuant to Sec. 503 (b) of the City Charter*, the Board shall hold a ~~regular~~ meeting at least twice a month. All meetings shall be in a municipal or other facility open to the public and with reasonable provision for attendance by the public.

The Board may hold ~~Executive~~ *Closed* Sessions during a regular or special meeting in accordance with provisions of applicable laws and regulations.

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the motion or order of adjournment. Less than a quorum may so adjourn from time to time. If all the members are absent from any regular or adjourned regular meeting, the Secretary or Acting Secretary shall cause a written notice of adjournment to be given in the same manner as provided for special meetings. A copy of the motion, order or notice of adjournment shall be conspicuously posted by the Secretary or Acting Secretary on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Any public hearing being held, or noticed or ordered to be held, at which members of the public are invited to express their views on a particular subject, may be continued or recontinued to any subsequent meeting in the same manner and to the same extent as set forth in the preceding paragraph for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or

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notice of hearing, a copy of the order or notice of continuance of hearing shall be posted by the Secretary or Acting Secretary immediately following the meeting at which the order or declaration of continuance was adopted or made, and shall remain posted until the next regular meeting date of the Board.

- 2) A special meeting may be called at any time by the President, or, if the President is absent from the City or is otherwise unable or unwilling to act, by the Vice-President, or by a majority of the members of the Board, *by at which time the Secretary or Acting Secretary will delivering* personally or by mail written notice to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notices must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Secretary or Acting Secretary a written waiver of notice.
- 3) The Secretary or Acting Secretary shall prepare and deliver such written notice above provided upon order of the President, Vice-President, or a majority of the members of the Board as the case may be.
- 4) Posting of public hearings and land-use changes shall be made sufficiently in advance of Board meetings at the facility or facilities affected. In cases where no facilities of the Department exist, reasonable effort shall be made to provide proper notification to interested parties.
- 5) Whenever an appeal or protest is made to the Board by virtue of any law, or whenever the Board is required to conduct any investigation or hearing, the Board may appoint one or more examiners or designate one or more of its members to serve as examiners, and direct such examiner or examiners to consider all or a part of such appeal or protest or to conduct all or a part of such investigation or hearing and to submit a report or reports thereon as hereinafter provided. Examiners may, but need not, be appointed from among the officers or employees of the City. Except as otherwise specifically provided by ordinance, or by a resolution of the Board, no person shall receive any compensation for his services as an examiner in addition to the compensation attached to any other office or employment held by him *or her* in the service of the City. Provided, however, that whenever the Board designates one of its members to act as a hearing examiner, such member shall receive ~~\$25.00~~ *\$50.00* for each day of such hearing as an attending fee, not to exceed \$250.00 in any calendar month, in addition to any other payment such person may receive from the City by reason of his *or her* position as a Commissioner.

## II. OFFICERS OF THE BOARD

- 1) The Officers of the Board shall be a President and Vice-President.
- 2) The President shall preside at all meetings of the Board, and in the event of the President's absence from any meeting, the Vice-President shall preside thereat. In the

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event of the absence of both the President and Vice-President from any meeting, the next senior in point of service shall preside thereat.

- 3) The President and Vice-President shall be elected by the Board ~~at any meeting or meetings~~ during the last ~~week~~ *meeting* in July of each year. The President and the Vice-President shall hold office for one year and until their respective successors are elected, unless their membership on the Board expires sooner.
- 4) If vacancies in the office of President or Vice-President shall occur by resignation, or when the incumbent ceases to be a member of the Board, the Board shall elect one of its members to fill same for the unexpired term.

### III. SECRETARY AND ACTING SECRETARY

- 1) The Board shall appoint a Secretary, not a member of the Board.
- 2) The Secretary shall:
  - a) Keep a record of the proceedings and transactions of the Board, specifying therein the names of the Commissioners present at each meetings and giving the ayes and noes upon all votes;
  - b) Post or publish all orders, resolutions, and notices which the Board shall order to be posted or published;
  - c) Keep index records, convenient for reference, of all resolutions, petitions, communications, and other matters introduced or presented to the Board, together with a complete chronological record of each action thereon by the Board;
  - d) Act as Executive Secretary to the Board and as coordinator between the Board and the general management of the Department of Recreation and Parks (hereinafter referred to in these rules as the “Department”);
  - e) Act as representative of the Board in contacts with the public;
  - f) *Receive bids and proposals on behalf of the Board;*
  - g) Receive communications and reports from the general management of the Department, and organize and summarize all material for proper presentation to the Board;
  - h) *Maintain and process the execution of all Board-approved Agreements as directed by the Board;*
  - i) Act as the official channel through which shall pass all petitions, protests, and complaints addressed to the Board or to individual members of the Board by the public;

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- j) Transmit to appropriate *regions/divisions* in the Department specific communications or complaints from the Board or from the general public;
  - k) *As Custodian of Records, attend depositions and respond to court orders;*
  - l) *As Custodian of Records, coordinate Department responses to all requests for inspection of public documents;*
  - m) Perform such other duties as are or may be imposed upon the Secretary by the Charter of the City of Los Angeles/Ordinance or by the order of the Board; and,
  - n) ~~Anything herein not to the contrary~~ *Unless otherwise provided by the Rules, refer matters involving questions of the management or operation of the physical facilities and services furnished by the Department, however addressed or presented, directly to the General Manager, or his/her designee, if the situation warrants same.*
- 3) An Acting Secretary or Secretaries shall be appointed with full power to act in the place of the Secretary in case of the latter's absence or other inability to act.

### IV. ORDER OF BUSINESS

- 1) The Secretary or Acting Secretary shall prepare an Agenda for regular meetings of the Board, setting forth the items of business to be considered at such meetings, and appending to such Agenda, as part thereof, a cumulative list of all items of unfinished business of the Board and of all matters that the President shall direct the Secretary or Acting Secretary to include therein for the Board's consideration (Matters Pending). The Agenda shall be prepared *and published* not less than ~~one week~~ *seventy-two hours* in advance of its presentation for action, and supplemental reports of an urgent or emergency nature which may add and/or delete items shall be prepared *and published as expeditiously as possible 24 hours* before the regular meeting date; ~~but shall adhere to the Executive Directive No. 8 of the Mayor that no City Board shall discuss matters which do not appear on its published Agendas unless approval of the Mayor is obtained at least 24 hours in advance of the Board Meeting. If such additions or deletions are made, a notice of same shall be posted at the entry to the Board Room.~~—The Secretary or Acting Secretary shall furnish copies of such Agenda to each member of the Board, to the Office of the Mayor, the Chairman of the ~~Recreation and Parks Council~~ *Committee having oversight over the Department of Recreation and Parks of the City Board*, the City Attorney, the General Manager of the Department, and such other employees, ~~citizen groups~~ *members of the public, other City agencies as designated by law, the Board or General Manager.* The Secretary or Acting Secretary shall ascertain that ~~the Public Relations Division of the Department provides~~ *there are* sufficient copies of ~~a condensed version~~ *of the Agenda* for reasonable distribution to persons attending the regular Board Meetings. Copies of such ~~condensed~~ *Agenda* shall also be made available to members of the public prior to each Board meeting upon request.

V. PRESENTATION OF MATTERS TO THE BOARD

- 1) All matters to be submitted or presented to the Board shall be delivered to the Secretary or Acting Secretary at the ~~latter's~~ *Board's* office. The Secretary or Acting Secretary shall transmit ~~said~~ *the* matters to the General Manager for preparation of a report(s) to the Board, or in the case of urgent matters, directly to the Board (~~complying with the Mayor's Executive Directive No. 8~~).
- 2) All matters delivered to the Secretary or Acting Secretary less than five working days preceding the day on which the ~~regular~~ meeting of the Board is to be held shall be held over to the next ~~regular~~ meeting of the Board following such delivery; provided, however, that upon recommendation of the General Manager and approval of the President or Vice-President of the Board, items of an urgent or emergency nature which cannot be prepared in time for assignment to an *regular* agenda may be brought to the Board *at the time and place of the regular meeting at any time prior to adjournment as a special or emergency Agenda, published according to law and these rules (complying however, to Mayor's Executive Directive No. 8)*.
- 3) All resolutions involving a conveyance of an interest in real property presented to the Board for action shall be first approved as to form by the City Attorney. All such resolutions as shall be presented by the General Manager, or by some other person authorized to act *for the General Manager in his stead*, and shall be transmitted to the Board accompanied by a written recommendation of the General Manager or some person authorized to act *as the General Manager's designee in his stead*.
- 4) Any member of the general public, or any group of individuals, desiring to address the Board orally, shall, in a written communication, make such desire known to the Secretary or Acting Secretary with a request to be heard, such communication shall specify the approximate length of time desired, and a reasonably descriptive statement of the subject matter upon which they desire to speak. The Secretary or Acting Secretary shall communicate such request to the General Manager for his/her recommendation to the Board. The Board may, in its discretion, grant such request and designate the amount of time such individual or individuals may speak provided; however, that if any member of the Board objects to the granting of such a request, it shall not be granted except upon the affirmative vote of at least three members of the Board. If action on any matter upon which a member of the public desires to be heard shall have already been taken up by the Board before the time so designated, all reasonable requests for reconsideration of such action shall be given due consideration by the Board and granted or denied. Typically the Board does not operate under this Rule; rather it conducts business under ~~this~~ *its* policy *that each speaker may speak for a minimum of two minutes on each agenda item, except in quasi-judicial hearings*.
- 5) Any member of the general public may address the Board orally at any meeting with regard to any matter on which the Board is deliberating at such meeting ~~Provided~~; however, that the Board may establish the time at which such presentations may be made, may require a ~~written statement identifying such persons~~ *speaker to fill out a speaker form requesting the speaker's name* and the subject matter to which their ~~speaker's~~

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~~comments are to be addressed, and may set a time limit on each such speaker. If any member of the Board objects to such permission being given, the same shall not be granted except upon the affirmative vote of at least three members of the Board. No individual may interrupt any Board member or other speaker; and provided further, that if any such individual or group of individuals should so interrupt, and if any member of the Board object to such interruption, such individual or group of individuals may be excluded from the Board Hearing Room unless such objection is overruled by the vote of at least three members of the Board. It shall be the duty of the Presiding Officer, and of the members of the Board, to have the provisions of this rule strictly enforced.~~

### VI. RULES OF DECORUM

- 1) *Rules of Decorum. During a meeting of the Board, there is the need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Board has an opportunity for its deliberative process. While any meeting of the Board is in session, the following rules of decorum shall be observed. All remarks shall be addressed to the Board as a whole and not to any single member, unless in response to a question from a member. Persons addressing the Board shall not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Board, any member of the Board, staff or general public, nor utter loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting. No person in the audience at a Board meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Board meeting. Signs, placards, banners, or similar items shall not be permitted at any time in the Board Hearing Room. Unless addressing the Board or entering or leaving the Board, all persons in the audience shall remain sitting in the seats provided or standing in the area provided. The doorways to the Board Hearing Room shall not be blocked. The Presiding Officer of the Board, with the assistance of the sergeant-at-arms, shall be responsible for maintaining the order and decorum of meetings, as set forth more fully below.*
- 2) *Enforcement of Decorum of Public Comment Speakers. The Presiding Officer may request that a person speaking at the podium during a public comment period who is violating the rules of decorum, comply immediately. If, after receiving a warning from the Presiding Officer, a person persists in violating the rules of decorum during that meeting or during any of the next two meetings immediately following the meeting at which the warning was given, the Presiding Officer shall order him or her to leave the Board meeting. Any person so ordered removed shall be excluded from further attendance at the meeting from which he or she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board. If that person does not remove himself or herself, the Presiding Officer may order the sergeant-at-arms of the Board to remove that person from the Board Meeting. The Board appoints any officer from the Office of Public Safety or Park Ranger in attendance at a Board meeting as the sergeant-at-arms for the purposes of providing security and enforcing these Rules.*

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- 3) *Enforcement of Decorum of Audience Members.* A member of the audience who is violating the rules of decorum shall comply immediately when so ordered by either the Presiding Officer or the sergeant-at-arms. If the audience member does not comply immediately, the sergeant-at-arms has the authority to remove him or her, without the need of a warning or order from the Presiding Officer. These enforcement provisions are in addition to the authority held by the sergeant-at-arms to maintain order pursuant to his or her lawful authority as a peace officer.
- 4) *Penalties.* Any person who has been ordered removed from a meeting may be charged with a violation of Penal Code Section 403, and/or other appropriate Penal Code or Los Angeles Municipal Code sections. The Board by majority vote may prohibit a person removed on the basis of disruptive conduct from addressing the Board for up to 30 days. The length of time of the prohibition shall be based on the number and severity of prior incidents of disruptive conduct.

### VII. QUORUM, ATTENDANCE AND VOTING

- 1) Three members of the Board shall constitute a quorum for the transaction of business.
- 2) Action by the Board shall be taken by order or resolution adopted by at least three of its members and recorded in the Minutes with the ayes and noes. Such action shall be attested by the signature of the Secretary or Acting Secretary.

### VIII. EXECUTION OF INSTRUMENTS

- 1) ~~After following the appropriate Executive Directives of the Mayor, all contracts to be entered into by, or on behalf of, the Department shall be first approved in writing as to form by the City Attorney, and shall thereupon be presented to the Board.~~ All contracts for which Board approval is required by City Charter or ordinance shall be authorized by the Board and shall be executed in the name of the Department upon receipt of the approvals required by the City Charter or ordinance. Contracts shall be signed by the President, Vice-President or two members of the Board, and Secretary or Acting Secretary. However, the Board may appoint the General Manager or other Departmental staff member to sign in its place. ~~In the absence of the President, either the Vice President or two members of the Board may execute such contracts.~~

### IX. MISCELLANEOUS PROVISIONS

- 1) The roll call of the members of the Board shall be in alphabetical order.
- 2) All Minutes, after their approval, shall be attested by the signatures of the President or Vice-President, or two members of the Board, and by the signature of the Secretary or Acting Secretary.
- 3) Except as otherwise provided by the Charter of the City of Los Angeles, the laws of California, or by these rules, proceedings of the Board shall conform to, and be governed by, Robert's Rules of Order, Revised, and it shall be the duty of the President, or the

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member of the Board at the time presiding at any meeting thereof, to adhere to and enforce such rules or orders and the rules herein set forth.

- 4) The General Manager or ~~his~~ representative, the Assistant General Manager(s) or ~~his~~ ~~(their)~~ representative(s), *and the Chief Financial Officer* shall attend all meetings of the Board and give necessary information, assistance and advice.

### X. AMENDMENT AND SUSPENSION OF RULES

- 1) These rules are for the general guidelines of the work of the Commission, but the legal requirements are specifically reserved with regard to the actions of the Commission to those prescribed by the statute and ordinance.
- 2) These rules may be *adopted and/or* amended by a vote of three members of the Board, provided that one week's notice be given of any proposed *adoption or* amendment and the time of the meeting at which the same shall be presented to the Board. *If a rule of general application to be followed by the public is adopted, it shall be published in a daily newspaper and shall take effect upon publication, per Charter Section 506(b).*
- 3) These rules, or any one or more thereof, may, by vote of three members of the Board, be suspended either for the period of the meeting at which such suspension is effected, or in respect of any specific matter or matters to be considered at such meeting.
- 4) No rule shall be amended, suspended, waived, or adopted which, if amended, suspended, waived or adopted, would violate applicable provisions of the laws of the State of California, the Charter, or Ordinances of the City of Los Angeles, or any rule or regulation of a superior authority.