

BOARD REPORT

NO. 19-032 Revised

DATE February 6, 2019

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: **AMENDMENTS TO THE RULES OF THE BOARD OF RECREATION AND PARK COMMISSIONERS**

AP Diaz	_____	V. Israel	_____
R. Barajas	_____	S. Piña-Cortez	_____
H. Fujita	_____	*N. Williams	<u>NDW</u>



General Manager

Approved _____ Disapproved _____ Withdrawn X

RECOMMENDATIONS

Approve the Proposed Amendments to the Rules of the Board of Recreation and Park Commissioners (Board Rules), as detailed in the Summary of this Report, effective upon publication of the amendment in a daily newspaper per City Charter Section 506(b).

SUMMARY

The Board Rules were last updated on October 1, 2014, and since that date, the Board of Recreation and Park Commissioners (Board) has identified the need to meet at various locations throughout the City to better accommodate the public it serves. The Board Rules, in their current state, call for Regular Meetings to be held at EXPO Center, which at times has challenges providing enough parking for visitors, given its robust schedule. This Proposed Amendment seeks to codify the Board’s intent of travelling to various communities throughout the City to better engage and address the Department of Recreation and Parks’ region-specific wants and needs. This Proposed Amendment also makes additional changes to various sections of the rules to bring the rules into conformance with changes in the law and recent board practice. The changes are highlighted in redline in the “Proposed Amendments” attached to this Report.

FISCAL IMPACT STATEMENT

The Proposed Amendment will have no fiscal impact to the Department of Recreation and Parks’ General Fund.

This Report was prepared by Harold Arrivillaga, Commission Executive Assistant.

LIST OF ATTACHMENTS/EXHIBITS

- 1) Proposed Amendments

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OF THE CITY OF LOS ANGELES

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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 the EXPO Center Community Hall Room, 3980 S. Menlo Avenue, Los Angeles, CA 90037,~~ on the first **and third** Wednesday of each month at 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 the Board.

If a regular **meeting** ~~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 meeting at least twice a month. All meetings shall be in a **Department of Recreation and Parks facility or other City facility** ~~municipal or other facility~~ open to the public and with reasonable provision for attendance by the public. **The “Schedule of Meetings” posted on the Board’s website shall be for informational purposes only and shall not bind the Board to utilizing the specified locations so long as any and all meeting locations are noticed and posted in accordance with the requirements of the Brown Act.**

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

The Board, **whether or not a quorum is present**, may adjourn any ~~regular, adjourned regular, special or adjourned special~~ meeting to **another** time and place, **which time and place shall be** specified in the motion or order of adjournment. ~~Less than a quorum may so adjourn from time to time.~~ **For any** members **who** are absent from ~~any regular or adjourned regular~~ **the** meeting **adjourned**, the Secretary or Acting Secretary shall cause a written notice of adjournment to be given **to the absent members** in the same manner as provided for special meetings. A copy of the motion, order or notice of adjournment **setting forth the time and place of the adjourned meeting** 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~~ **adjourned** 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 reconvened 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

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, ~~at which time the Secretary or Acting Secretary will deliver 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~~ **provided that public notice prescribed by law is duly given.** 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. **The Secretary or Acting Secretary shall deliver personally or by e-mail written notice to each member of the Board that such special meeting has been called.** 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) 3) 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 \$50**25.00** 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 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 during the last 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 **at the next regular meeting**.

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 are prescribed by law or as 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;

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- 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;
 - 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) 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~~ **and posted** not less than ~~seventy-two~~ **72** 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 24 hours before the regular meeting date. The Secretary or Acting Secretary shall furnish copies of such Agenda to each member of the Board, to the Office of the Mayor, the Chair of the Council Committee having oversight over the Department of Recreation and Parks, the City Attorney, the General Manager of the Department, and such other employees, members of the public, other City agencies as designated by law, the Board or General Manager. The Secretary or Acting Secretary shall ascertain that there are sufficient copies of the Agenda for reasonable distribution to persons attending the regular Board Meetings. Copies of such 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 Board's office. The Secretary or Acting Secretary shall transmit 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.
- 2) All matters delivered to the Secretary or Acting Secretary less than five working days preceding the day on which the meeting of the Board is to be held shall be held over to the next 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 a regular agenda may be brought to the Board at the time and place of the meeting as a special or emergency Agenda, published according to law and these rules.
- 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 shall be presented by the General Manager, or by some other person authorized to act for the General Manager, 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.
- 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 its policy that each speaker may speak for a minimum of two minutes on each agenda item, except in quasi-judicial hearings.~~
- 5) 4) During each regular meeting, the Board shall provide members of the public the opportunity to address the Board on any issue within the subject matter jurisdiction of the Board. This shall be referred to as "General Public Comment," which generally shall be taken up at or near the beginning of each regular meeting. Each speaker shall be limited to two minutes of general public comment each regular meeting. The Board shall not discuss or take action relative to any general public comment unless authorized by Section 54954.2(b) of the Government Code.

- 6) 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 speaker to fill out a speaker form requesting the speaker's name and the subject matter to which the speaker's comments are to be addressed, and may set a time limit on each such speaker. This shall be referred to as "Board Report Public Comment." Each speaker shall be limited to two minutes of public comment per Board Report. To facilitate the orderly process of Board Report Public Comment and to assist the Board in conducting business as efficiently as possible, members of the public wishing to address the Board shall hand a speaker card, which includes the speaker's name or other identifying designation, to the Secretary or Acting Secretary prior to the specified agenda item being called.~~
- 7) 6) To facilitate the orderly process of General Public Comment on a matter on which the Board is not deliberating at such meeting and to assist the Board in conducting business as efficiently as possible, members of the public wishing to address the Board shall hand a speaker card, which includes the speaker's name or other identifying designation, to the Secretary or Acting Secretary prior to general public comment being called.
- 8) 7) For both Board Report Public Comment and General Public Comment the following provisions apply: failure to submit an intelligible speaker card prior to an item being called may preclude a member of the public from speaking during that particular meeting or on a particular item; an electronic automated system to submit a request to speak may be implemented instead of a member of the public handing in a speaker card; each speaker promptly shall conclude all comments when his or her time to speak has expired; speakers are not allowed to cede their time to other speakers; the President or other presiding officer may exercise discretion in curtailing the duration of all speakers' comments based upon factors such as the length of the agenda, the number of public comment speaker cards submitted, the need for the Board to conclude its business as expeditiously as is practicable, and whether the Board is in danger of losing a quorum; and, the President or other presiding officer may rule that a speaker is impeding the orderly conduct of the meeting if the general public comment is not on a subject within the jurisdiction of the Board, or of the agenda-item public comment is not germane to the agenda item under consideration, and the speaker may forfeit his or her remaining time on that item.

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.
- a) All remarks shall be addressed to the Board as a whole or to the Presiding Officer and not to any single member, unless in response to a question from a member.

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- b) ~~Persons addressing the Board~~ No person in the audience at a Board meeting shall engage in conduct that disrupts or otherwise impedes the orderly conduct of any Board meeting, including, but not limited to, the utterance of loud, threatening or abusive language, whistling, clapping, stamping of feet, repeated waving of arms or other disruptive acts 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.
 - c) Members of the audience and speakers in the Board meeting room shall not wear or display signs, placards, banners, hats, costumes or similar items at any time or that obstruct the view of other audience members. In no event shall signs, placards, banners, props or similar items be illuminated or be attached to any pole, stick or other device. No person in the audience or addressing the Board at a Board meeting shall engage in disorderly or boisterous conduct, or insolent behavior toward the Board or any member thereof, which disrupts disturbs or otherwise impedes the due and orderly course of the meeting.
 - d) ~~No person in the audience at a Board meeting shall engage in disorderly, violent 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.~~
 - e) d) All persons attending a Board meeting shall obey any lawful order of the **President or other presiding officer** ~~Presiding Officer~~, which shall include an order to be seated or to refrain from addressing the Board.
 - f) ~~Signs, placards, banners, or similar items shall not be permitted at any time in the Board Hearing Room.~~
 - g) e) Unless addressing the Board or entering or leaving the Board hearing room, all persons in the audience shall remain sitting in seats provided.
 - h) f) No person shall stand or sit in the center aisle without the permission of the **President or other presiding officer** ~~Presiding Officer~~, nor shall the doorways be blocked. The **President or other presiding officer** ~~Presiding Officer~~ of the Board, with the assistance of the sergeant-of-arms, shall be responsible for maintaining the order and decorum of meetings, as set forth more fully below.
- 2) Enforcement of Decorum. The Rules of Decorum shall be enforced as follows:
- a) Warning: The **President or other presiding officer** ~~Presiding Officer~~ shall request that a person who is breaching the Rules of Decorum and disrupting the meeting be orderly and silent. If the person continues to disrupt, disturb or otherwise impede the orderly conduct of the meeting, the **President or other presiding officer** ~~Presiding Officer~~ shall order that person to leave the meeting. If such person does not remove

himself or herself from the meeting, the ~~President or other presiding officer~~ **Presiding Officer** may order the Sergeant-at-Arms to remove him or her from the meeting.

- b) Exclusion from the remainder of the meeting: Any person so removed pursuant to Subsection 2.a. above shall be excluded from further attendance at the meeting from which he/she has been removed. Such exclusion shall be executed by the Sergeant-at-Arms upon being so directed by the ~~President or other presiding officer~~ **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.
- 3) ~~Penalties. Any person who has been ordered removed from a meeting may be charged with a violation of Penal Code section 403, or other appropriate Penal Code or Los Angeles Municipal Code sections.~~

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 **motion**, 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) 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.

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 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.

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- 4) The General Manager or representative, the Assistant General Manager(s) or 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.