



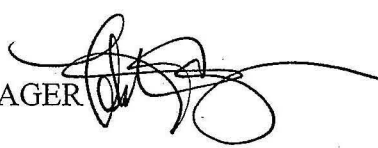
MEETING DATE: 9/6/05

ITEM NO. 9

COUNCIL AGENDA REPORT

DATE: AUGUST 25, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION RESCINDING ENABLING RESOLUTION 2004-3
AND AMENDING THE TERMS OF OFFICE OF STUDENT MEMBERS OF
THE PARKS COMMISSION

RECOMMENDATION:

Adopt resolution rescinding enabling Resolution 2004-03 and amending the terms of office of student members of the Parks Commission.


BACKGROUND:

On January 5, 2004, Council adopted Resolution 2004-03 rescinding Resolution 2002-103 establishing the Parks Commission. Resolution 2004-03 outlines "membership and organization" and requires that at least eight of the nine members of the Parks Commission reside within the incorporated boundaries of Los Gatos; the one remaining adult member may reside within either Los Gatos or Monte Sereno. The two student members can reside in either the incorporated area of Los Gatos and attend any accredited school or can reside in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address, and attend a school located within the Town of Los Gatos.

DISCUSSION:

The Parks and the Community Services Commission each have two student members. This amendment is necessary to align Parks Commissioner student member terms of office to be consistent with those student members who serve on the Community Services Commission which shall be one (1) year, and/or until their successors are appointed.

The previous term of office for student members was one year, commencing October first and ending September thirtieth and/or until their successors were appointed.

PREPARED BY:  JOHN E. CURTIS
Director of Parks and Public Works

Reviewed by: PSS Assistant Town Manager OK Attorney _____ Clerk Administrator _____
Finance _____ Community Development _____ Revised: 8/26/05 2:40 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: ADOPT RESOLUTION RESCINDING ENABLING RESOLUTION 2004-3 AND
AMENDING THE TERMS OF OFFICE OF STUDENT MEMBERS OF THE
PARKS COMMISSION

AUGUST 25, 2005

CONCLUSION:

Staff recommends that the new terms of office for student members shall be one (1) year, and/or until their successors are appointed to be consistent with the student terms of office of the Community Services Commission.

ENVIRONMENTAL ASSESSMENT:

The recommended actions are not projects defined under CEQA, and nor further action is required.

FISCAL IMPACT:

There is no fiscal impact projected from the recommended action.

Attachments:

1. Resolution rescinding enabling Resolution 2004-03 and amending the terms of office of student members of the Parks Commission.
2. Resolution 2004-03 adopted on January 5, 2004

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2004-3 AND AMENDING THE TERMS OF OFFICE OF STUDENT MEMBERS OF THE PARKS COMMISSION

WHEREAS, Section 19.20.010 of the Los Gatos Town Code states that the Town Council shall establish a Parks Commission; and

WHEREAS, Resolution 2004-3 established the Parks Commission; and

WHEREAS, the Town Council now desires to rescind Resolution 2004-3 to amend the terms of office of student members of the Parks Commission.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE AS FOLLOWS:

There is hereby created a Parks Commission for the Town.

1. The Commission shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.
2. Membership/Organization
 - a. The Parks Commission shall consist of nine (9) members, seven (7) adults, two (2) students. All commissioners shall be appointed by the Town Council.
 - b. Six (6) adult members of the Commission shall reside within the incorporated municipal limits of the Town of Los Gatos, California; one (1) adult member may reside within the incorporated municipal limits of the Town of Los Gatos or of the City of Monte Sereno, California. Two (2) youth members shall reside within the incorporated municipal limits of the Town of Los Gatos, California and attend any accredited school; or reside in the unincorporated areas of the County of Santa Clara, California, which have a Los Gatos mailing address, and attend a school located within the Town of Los Gatos.
 - c. Two (2) youth members of the Commission shall, at the time of their appointment, have completed the ninth grade, and shall be no more than eighteen (18) years old.
 - d. The Commission shall develop a procedure regarding recruitment of youth members for Council approval. **The terms of office of the student members shall be one (1) year, and/or until their successors are appointed.**

- e. The terms of office of all other members of the Commission shall be four (4) years and until their successors are appointed and qualify. The members' terms of office are staggered and overlapped so that the terms of no more than one-third of the members expire each year.
 - f. Commission members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.
 - g. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following.)
 - h. The Parks Commission shall hold regular meetings at least once a month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient. A majority of the Parks Commission shall constitute a quorum for the purpose of transacting the business of the Commission. The Parks Commission shall elect a Chair and a Vice-Chair, both of whom shall serve at the pleasure of the Commission. Terms of office shall be for one (1) year and shall begin on the first meeting in March and end the following March.
 - i. Staff services as required shall be provided to the Parks Commission by the Director of Parks and Public Works, who shall also serve as Secretary of the Commission without vote.
 - j. Meeting attendance requirements will conform with current Town Resolution.
 - k. The Secretary of the Parks Commission shall keep a record of all proceedings, resolutions, findings, determinations, and transactions of the Commission, which records shall be a public record, and a copy of which shall be filed with the Clerk Administrator.
3. Powers and duties. The duties of the Parks Commission shall be to:
- a. Act in an advisory capacity to the Town Council in matters pertaining to public parks, off-street trails, open space, grounds, street trees, and Town beautification, and to cooperate with other governmental agencies and civic groups in the advancement of sound planning and programming for parks and street trees.

- b. Review policies and procedures on park, trail, open space, street tree, and beautification programs for approval by the Town Council.
 - c. Review periodic inventories of parks, street tree, trails, open space, and beautification services that exist or may be needed, and interpret the needs of the public, within these areas, to the Town Council.
 - d. Aid in coordinating the park, open space, trail, street tree, and beautification services with the programs of other governmental agencies and voluntary organizations.
 - e. Understand the policies and functions of the Town park, street tree, open space, trails, and beautification programs.
 - f. Advise the Director of Parks and Public Works in the preparation of the annual budget for the parks, street tree, trails, open space, and beautification programs, and a long-range capital improvement program for these services.
 - g. Hold hearings on matters pertaining to park, open space, and trails sites, their acquisition and development, capital expenditures, and municipal activities in relation to parks.
4. Not to affect powers of Town Council. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to the Parks Commission of any of the authority or discretionary powers vested and imposed by law in such Council. The Town Council declares that the public interest, convenience, welfare and necessity require the appointment of a Parks Commission to act in a purely advisory capacity to such Council for the purposes enumerated in this resolution.

BE IT FURTHER RESOLVED that Resolution 2004-3 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town
of Los Gatos, California, held on the day of , 2005 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

Marlyn Rasmussen
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2004 - 3

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
RESCINDING RESOLUTION 2002-103 AND ESTABLISHING
THE PARKS COMMISSION**

WHEREAS, Section 19.20.010 of the Los Gatos Town Code states that the Town Council shall establish a Parks Commission; and

WHEREAS, Resolution 2002-103 established the Parks Commission; and

WHEREAS, the Town Council now desires to rescind Resolution 2002-103 and establish a Parks Commission with advisory oversight for issues related to public parks, off-street trails, open space, grounds, street trees, and Town beautification.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS
GATOS DOES HEREBY RESOLVE AS FOLLOWS:**

1. There is hereby created a Parks Commission for the Town.
2. The Commission shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.
3. Membership/Organization
 - a. The Parks Commission shall consist of nine (9) members, seven (7) adults, two (2) students. All commissioners shall be appointed by the Town Council.
 - b. Six (6) adult members of the Commission shall reside within the incorporated municipal limits of the Town of Los Gatos, California; one (1) adult member may reside within the incorporated municipal limits of the Town of Los Gatos or of the City of Monte Sereno, California. Two (2) youth members shall reside within the incorporated municipal limits of the Town of Los Gatos, California and attend any accredited school; or reside in the unincorporated areas of the County of Santa Clara, California, which have a Los Gatos mailing address, and attend a school

located within the Town of Los Gatos.

- c. Two (2) youth members of the Commission shall, at the time of their appointment, have completed the ninth grade, and shall be no more than eighteen (18) years old.
- d. The Commission shall develop a procedure regarding recruitment of youth members for Council approval. The terms of office of the student members shall be one (1) year, commencing October first and ending September thirtieth.
- e. The terms of office of all other members of the Commission shall be four (4) years and until their successors are appointed and qualify. The members' terms of office are staggered and overlapped so that the terms of no more than one-third of the members expire each year.
- f. Commission members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.
- g. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following.)
- h. The Parks Commission shall hold regular meetings at least once a month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient. A majority of the Parks Commission shall constitute a quorum for the purpose of transacting the business of the Commission. The Parks Commission shall elect a Chair and a Vice-Chair, both of whom shall serve at the pleasure of the Commission. Terms of office shall be for one (1) year and shall begin on the first meeting in March and end the following March.
- i. Staff services as required shall be provided to the Parks Commission by the Director of Parks and Public Works, who shall also serve as Secretary of the Commission without vote.
- j. Meeting attendance requirements will conform with current Town Resolution.
- k. The Secretary of the Parks Commission shall keep a record of all proceedings,

resolutions, findings, determinations, and transactions of the Commission, which records shall be a public record, and a copy of which shall be filed with the Town Clerk.

4. Powers and duties. The duties of the Parks Commission shall be to:
 - a. Act in an advisory capacity to the Town Council in matters pertaining to public parks, off-street trails, open space, grounds, street trees, and Town beautification, and to cooperate with other governmental agencies and civic groups in the advancement of sound planning and programming for parks and street trees.
 - b. Review policies and procedures on park, trail, open space, street tree, and beautification programs for approval by the Town Council.
 - c. Review periodic inventories of parks, street tree, trails, open space, and beautification services that exist or may be needed, and interpret the needs of the public, within these areas, to the Town Council.
 - d. Aid in coordinating the park, open space, trail, street tree, and beautification services with the programs of other governmental agencies and voluntary organizations.
 - e. Understand the policies and functions of the Town park, street tree, open space, trails, and beautification programs.
 - f. Advise the Director of Parks and Public Works in the preparation of the annual budget for the parks, street tree, trails, open space, and beautification programs, and a long-range capital improvement program for these services.
 - g. Hold hearings on matters pertaining to park, open space, and trails sites, their acquisition and development, capital expenditures, and municipal activities in relation to parks.
5. Not to affect powers of Town Council. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to the Parks Commission of any of the authority or discretionary powers vested and imposed by law in such Council. The Town Council declares that the public interest, convenience, welfare and necessity require the appointment of a Parks Commission to act in a purely advisory capacity to such Council for the purposes enumerated in this resolution.

BE IT FURTHER RESOLVED that Resolution 2002-103 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of January, 2004 by the following vote:

COUNCIL MEMBERS:

AYES: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman,
Mayor Steve Glickman.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

/s/ Steve Glickman
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA