



## OROVILLE PARKS COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**August 31, 2021  
SPECIAL MEETING  
OPEN SESSION 4:00 PM  
AGENDA**

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### COVID-19 AND PUBLIC ACCESS AND PARTICIPATION

Individuals who attend in person are expected to follow all local public health department guidelines when attending in person. To view the meeting or provide comment, please see the options below. All comments emailed will be provided to the Commissioners for their consideration. To prevent the spread of COVID-19 and to comply with the time limit regulations for individuals to provide comments to the Council, each device or phone number will only be allowed once per item. Multiple individuals may not share the same device to provide public comment.

#### To View the Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYl85UBfYqT7IbQ/>

#### To Provide Comment to the Commission:

1. Email before the meeting by 2:00 PM your comments to [publiccomment@cityoforoville.org](mailto:publiccomment@cityoforoville.org)
2. Join the meeting virtually via Zoom – Join Zoom Meeting  
<https://zoom.us/j/92263763527?pwd=ZHIBeEtrRzdobmZpUmE2bG9UWUloQT09>  
Meeting ID: 922 6376 3527  
Passcode: 17351735
3. Join the meeting by telephone (audio only):  
Telephone: 1-669-900-6833  
Meeting ID: 922 6376 3527  
Passcode: 17351735

To provide comment via zoom, you will need to use the raise hand function in Zoom. For those accessing the meeting from a computer or smartphone, that raise hand feature can be selected by clicking or tapping it. For members of the public utilizing a telephone (audio only) to access the meeting, you can use the raise hand feature when the item for which you desire to provide comment is called by pressing \*9 on your keypad to raise your hand. When it is your turn to speak, you will be called upon by the last 4 digits of your phone number, if available.

**If you would like to address the Commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of two (2) minutes per speaker on all items. (California Government Code §54954.3(b)). Pursuant to Government Code Section 54954.2, the Commission is prohibited from taking action except for a brief response from the Commission or staff to statements or questions relating to a non-agenda item.**

## **CALL TO ORDER / ROLL CALL**

Commissioners: Kay Castro, Andee Krantz, Joseph Whitley, Machelie Conn, Bobby O'Reiley

## **OPEN SESSION**

1. Pledge of Allegiance

## **PRESENTATIONS**

2. Parks Commission Authority Presentation

## **ADJOURNMENT**

The meeting will be adjourned. A regular meeting of the Oroville Parks Commission will be held on October 12, 2021 at 5:15 p.m.

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

*Recordings* - All meetings are recorded and broadcast live on [cityoforoville.org](http://cityoforoville.org) and YouTube.

# Handouts at Meeting 08.31.21

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August 31, 2021  
Park Commission Meeting – Item #2

Authority and Jurisdiction of the Park  
Commission

Presented by  
Scott E. Huber, City Attorney



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# City Charter & Ordinances

- Establishes rules for the functioning of the City
  - Voters exercise a greater degree of local control than that provided by the California Legislature
  - Becoming a charter city allows voters to determine how their city government is organized and, with respect to municipal affairs, enact legislation different than that adopted by the state.
  - The City Council may not remove powers granted by the charter. However, the City Council may grant additional authority, if it so desires.
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## City Charter & Ordinances (cont.)

- No councilman or committee shall issue any order or direction to any officer or subordinate. (Oroville City Code, Section 2.08.010.)
  - Officers, departments, etc. - Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the City of Oroville, unless the context clearly indicates otherwise. (Oroville City Code, Section 1.04.020.)
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# Establishment of Park Commission

- City Charter, Article VI provides, “The officers of the City of Oroville shall be a mayor, six members of the council, a city clerk, a city attorney, a city treasurer, a city engineer, a street superintendent, a chief of police, a fire chief, a health officer, a planning commission, and a park, playground and recreation commission...”
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# Park Commission

- Article X of the City Charter provides most of the rules governing the authority and jurisdiction of the Park Commission
  - Oroville Municipal Code Sections 9.04.030 and 12.12.060 also include some areas of authority for the Park Commission
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There shall be a park commission consisting of five members to be appointed by the council each to serve for a term of five years, without compensation.

- Chairperson Bobby O'Reiley – June 2024
  - Vice Chair Kay Castro – June 2024
  - Commissioner Machel Conn – June 2025
  - Commissioner Andee Krantz – June 2025
  - Commissioner Joseph Whitley – June 2025
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The department of parks shall have the power and duty:

1. To manage and control the parks owned or operated by the City of Oroville.
2. To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without city limits.
3. To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boathouses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes.
4. To establish schedules of charges for special services.
5. To grant to the department of playgrounds and recreation the right to establish, maintain and operate playground and recreation facilities on lands under the control of the department of parks upon such terms and conditions as shall be fixed by the board of park commissioners.
6. To have charge over and care of trees, plants and lawns in parking along public streets, subject to street improvements authorized by the city.
7. To appoint a superintendent of parks who shall have general supervision of all parks and under direction of the park commission.

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Appropriation may be made from the general city funds for park purposes. All money arising from appropriations above referred to or received by the department of parks from fees, sales, gifts or otherwise in connection with the operation of the department shall be placed to the credit of the department of parks in a fund to be known as the park fund.

No money in the park fund shall be used for any purpose other than the financial support of the department of parks.

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The board of park commissioners shall have power to control and order, in the manner in this Charter provided, the expenditure of all money coming into the park fund, or from the sale of bonds authorized by the city for financing the work of the park department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this Charter.

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Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the city treasury to the credit of the park fund.

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No real property shall be acquired by the city for park sites unless such sites are first approved by the board of park commissioners.

Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

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Whenever funds are donated by any person or persons for the acquisition or construction of any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the mayor, subject to the conformation by a majority of the council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor.

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In the event funds are donated in the manner provided for in this section for the maintenance of any such improvement at the time of construction thereof or otherwise, the council may, by ordinance, create a commission to be appointed under the provisions of this section, which shall have such powers and duties as to such construction or maintenance as may be conferred upon it by such ordinance.

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All lands belonging to the city which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.

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Article X – Section 1. Park Commission (underlining and shading added)

■ = Park Commission

■ = City Council

■ = Department of Parks

There shall be a park commission consisting of five members to be appointed by the council each to serve for a term of five years, without compensation.

The department of parks shall have the power and duty:

1. To manage and control the parks owned or operated by the City of Oroville.
2. To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without city limits.
3. To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boathouses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes.
4. To establish schedules of charges for special services.
5. To grant to the department of playgrounds and recreation the right to establish, maintain and operate playground and recreation facilities on lands under the control of the department of parks upon such terms and conditions as shall be fixed by the board of park commissioners.
6. To have charge over and care of trees, plants and lawns in parking along public streets, subject to street improvements authorized by the city.
7. To appoint a superintendent of parks who shall have general supervision of all parks and under direction of the park commission.

Appropriation may be made from the general city funds for park purposes. All money arising from appropriations above referred to or received by the department of parks from fees, sales, gifts or otherwise in connection with the operation of the department shall be placed to the credit of the department of parks in a fund to be known as the park fund.

No money in the park fund shall be used for any purpose other than the financial support of the department of parks.

The board of park commissioners shall have power to control and order, in the manner in this Charter provided, the expenditure of all money coming into the park fund, or from the sale of bonds authorized by the city for financing the work of the park department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this Charter.

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# City Municipal Code Provisions

- Oroville Municipal Code section 9.04.030:
  - (A) - Vehicles Excluded. No person shall ride or drive in a vehicle within any city park or park facility except in areas designated by the park commission.
  - (E) - Control of Dogs, Cats or Other Animals. No dog, cat or other animal shall be permitted to enter upon land or water owned, managed, controlled or operated as a city park or park facility, except at a time, place and manner as may be designated by the park commission.

# City Municipal Code Provisions

- OMC Section 9.04.030 (cont.):
  - (G)(2) - The city park commission shall designate the hours of closing for each city park or park facility and shall cause such hours of closing to be posted at each entrance to each city park or park facility.
  - (R) - Alcoholic Beverages. No person shall have in his possession within any city park or park facility any alcoholic beverage without written permission of the director of parks and trees. The city park commission may establish a procedure whereby written permission to possess alcoholic beverages may be issued to groups which have been granted exclusive use of all or part of a city park.

# City Municipal Code Provisions

- OMC Section 9.04.030 (cont.):
  - (T) - Horseback Riding. No person other than one acting under authorization or direction of the park commission shall ride a horse, pony, mule or animal of any description onto any city park or park facility, except on roads or trails and at times so designated for that purpose.
  - (W) Playing or Practicing Golf Restricted. No person shall drive, putt or in any other fashion play or practice golf or use golf balls and golf clubs within any city park or park facility except in areas so designated by the park commission.

# City Municipal Code Provisions

- OMC Section 9.04.030 (cont.):
  - (X) - Model Crafts Restricted. No person shall fly model airplanes or operate model automobiles, boats or other craft of any kind or description in any city park or park facility except in areas so designated by the park commission.
  - (Z) - Overnight Camping Prohibited. No person shall camp overnight, erect a campsite or tent in any city park or park facility except as authorized by the park commission.

# City Municipal Code Provisions

- OMC Section 9.04.030 (cont.):
  - (CC) - Unreasonable Noises Prohibited. No person shall operate any loudspeaker in any city park or park facility without written permission of the park commission.
  - (DD) - Fireworks. No person or groups shall discharge or cause to be discharged any type of fireworks within any city park or park facility except in areas so designated by the park commission.

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# City Municipal Code Provisions

- OMC Section 9.04.030 (cont.):
    - (EE) - Construction of Platforms, Booths, etc., Prohibited. No person shall construct platforms, display booths or any edifice on or in any city park or park facility, nor shall such platforms, booths, etc., be placed in any park or park facility except as so designated by the park commission.
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# City Municipal Code Provisions

- OMC Section 12.12.060:
  - (a) The park department may require that the planting of street trees be included in all building plans that appear before the architectural board of review for approval ... No tree which has been designated as an historical or specimen tree shall be removed from the site without the prior approval of the park commission.
  - (b) The park department may require the planting of street trees within the planting strips of any new subdivision in conformity with the plan covering the area involved. No tree designated as an historical or specimen tree shall be removed from the site of a proposed subdivision without the prior approval of the park commission. (see also OMC §16.16.050)

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# Summary of Park Commission Authority

- Commissioners serve for 5 years
  - Expenditure of money from park fund or from the sale of bonds
  - Invest surplus funds
  - Approval of potential park sites
  - Full control over all park sites (regulation of activities, time restrictions, establish rental rates, etc.)
  - Duties outlined in Oroville Municipal Code, Sections 9.04.030 and 12.12.060
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# Discussion



Article X – Section 1. Park Commission (underlining and shading added)

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