



Memorandum

TO: RULES COMMITTEE

FROM: Albert Balagso

**SUBJECT: PARKS AND RECREATION
COMMISSION CHARTER CHANGE
BALLOT PROCESS**

DATE: May 1, 2008

Approved

Date

5-1-08

COUNCIL DISTRICT: City-Wide
SNI AREA: N/A

RECOMMENDATION

Accept the staff report on the Parks and Recreation Commission recommendations regarding potential Charter Amendment changes that would extend the time period for leases on developed parkland.

BACKGROUND

On March 11, Councilmembers Liccardo, Chirco, and Pyle submitted a Rules Committee memo directing the Administration to draft options that would propose changes to Section 1700 of the City Charter, which would extend the period that a nonprofit organization or private company can lease a City facility. At the March 12 Rules Committee meeting, the Committee referred the discussion regarding proposed changes to the Parks and Recreation Commission for the purpose of providing feedback and recommendations.

On April 2, staff facilitated a discussion with the Commission. At this time, the Commission asked staff for additional information regarding the guidelines and criteria that would decide which parks would be subject to the potential Charter change. On April 16, staff returned to the Commission to discuss potential ballot language and the selection of criteria to establish guidelines relating to the time period for lease extensions, and the applicability of the policy to specific facilities and parklands. The Commission stated their goal was to achieve a balance between the need for protected community open spaces and the need to create opportunities for revenue enhancement strategies to support parks.

ANALYSIS

The Parks and Recreation Commission stated they would support a charter amendment if the following guidelines are explicitly identified in the charter amendment language or managed within the development and approval process of the proposed leases.

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Park Parameters

The Commission recommends that proposed changes exempt all developed parks that are over five acres and have at least one community serving amenity, identified as a community center, reservable sports field, dog park, or tennis courts. Staff finds that this guideline would exempt 49 of our 176 parks, and all City trail systems.

Length of Terms

The Commission recommends an extension of leases on parkland to 10 year terms, with 10 year extension provisions, up to a maximum of 30 years.

Approval Process

The Commission recommends that potential ballot language follow existing policy which requires a public process for the approval of long term lease agreements. Proposed charter amendments should include guidelines which state the Parks and Recreation Commission will hear and advise the Council on all lease proposals that are longer than 10 years. This specific guideline does not need to be in the ballot language of the charter amendment.

Accessibility and Affordability

The Commission recommends that potential lease agreements include provisions to ensure public accessibility and maintain elements of affordability for low income or impacted areas of the City.

Use of Revenue from Lease

The Commission recommends the ballot measure follow and expand upon existing City Policy 7-8 entitled "Long-Term use of City parklands for private enterprise purposes" and require all revenue received by the City from Long-Term Leases on developed parkland be used for park and recreational use.

Purpose of Lease

The Commission recommends that proposed Charter Amendment language affirm the purpose of any lease on developed parkland is to enhance and not interfere with the recreational and open space of the existing land.

COORDINATION

This memorandum was coordinated with the City Manager's and City Attorney's offices.


ALBERT BALAGSO
Director, Parks, Recreation,
And Neighborhood Services

For questions please contact Neil Rufino, Recreation Superintendent, at 535-3583.



Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

April 22, 2008

Honorable Mayor and City Council
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Subject: Parklands Charter Change Ballot Initiative

Dear Honorable Mayor and City Councilmembers:

On April 2 and 16, 2008, the Parks Commission received presentations by City staff outlining the potential benefits and potential consequences of a charter change. The Commission is concerned with balancing protected community open and recreational spaces with the need to create the opportunity for greater revenue enhancement strategies to support parks. The purpose of this letter is to support a Charter Amendment if the guidelines identified within this letter are acknowledged in the Charter Language or managed within the development and approval process of the eventual leases.

As you are aware, private-public partnerships have the potential to be a vehicle for enhanced operational and maintenance services. The 3-year time limitation on which nonprofit groups or private companies can lease City facilities, such as parks, pools, or community centers is an obstacle in efforts to further these conversations. However, the Commission also takes a strong stance toward the safeguarding of accessible and affordable recreational opportunities for our residents.

We appreciate you taking the time to read this letter. The Parks and Recreation Commission supports the development of a November ballot measure to amend the City's Charter concerning the time limitation for leases on developed parkland based on the following guidelines:

- Allowable for all developed parks with at least 1 community serving amenity and over 5 acres;
- 10 year terms, with 10 year extension provisions up to a maximum of 30 years.
- The Commission will hear and advise the Council on all lease proposals over 10 years in duration;
- All agreements will have explicit provisions that help ensure public accessibility and maintain elements of affordability for low income residents and/or low income impacted areas;
- Requires all revenue received by the City for parks and recreational use; and

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- The purpose of the lease must enhance the designated recreational purpose of the identified parkland.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Richardson". The signature is written in black ink and is positioned above the typed name.

Melanie Richardson, Chair
Parks and Recreation Commission