

ARTICLE X. APPOINTIVE BOARDS AND COMMISSIONS.

Section 1000. Generally.

There shall exist within the city each of the boards and commissions provided for by this article and any other board or commission now or hereafter established by ordinance of the council. Each such board and commission shall have the powers and duties provided for in this Charter and/or established by ordinance or resolution of the council; provided, however, that no power granted to a board or commission herein shall be deemed to be equal to or greater than that of the council.

Section 1006. Bidwell Park and Playground commission - Creation and appointment of members; suspension.

The council shall appoint a board of park commissioners to be known as the Bidwell Park and Playground commission except during such time as the council shall, by resolution or ordinance, have determined that the conditions for suspension of the Bidwell Park and Playground commission exist, as hereinafter provided in subsection 1 of this section, which condition of suspension so determined shall have the effects set out in subsection 2 herein:

1. Conditions of Suspension. The conditions of suspension referred to in this section are as follows:
 - a. Bidwell Park, Children's Playground and such other city parks and playgrounds as the city council deems appropriate are leased to another public entity.
 - b. The territory of said public entity includes entirely within its boundaries the territory within the city limits of the city of Chico.
 - c. The terms of the agreement pursuant to which said properties are leased requires the lessee public entity to operate, maintain, and improve said properties for the benefit of the citizens and residents of the city of Chico, and may provide for the use of said properties by residents and citizens of the territory of the public entity, as well as others who may not be practically excluded.
 - d. The lease agreement referred to above shall provide that the level of uses and benefit of said properties by citizens and residents of the city shall not be significantly curtailed or altered without consent of the council.
 - e. The agreement referred to herein need not be specifically denoted a lease agreement so long as the effect is the same, and provided further that nothing herein authorizes the sale or conveyance of title to any of said park or playground properties to any public entity.

2. Determination and Effect of Suspension. At any time that the conditions for suspension set out in subdivision 1 herein exist, the council may by resolution or ordinance find and determine such existence and order that a state of suspension exists. In the same manner, the council may rescind such resolution or ordinance by finding and determining that the conditions for suspension do not exist, provided, however, that they shall, at the same time, appoint a board of park commissioners as

provided in the initial provision of this section. Upon an order that a state of suspension exists the following shall occur:

a. All powers and duties conferred upon the Bidwell Park and Playground commission in this Charter or in the ordinances of the city of Chico shall cease and the terms of the members of such commission shall be forthwith terminated.

b. The council shall be responsible for the propagation, planting, removing, pruning, and maintenance of all trees and shrubberies on the streets and along the sidewalks of the city. The council shall adopt such ordinances as may be necessary to exercise such responsibilities and may in such ordinances delegate the responsibility to any other board, commission or department of the city as it determines.

c. The council shall accept the donations, legacies or bequests referred to in Section [1006.2](#) of this Charter.

d. The council shall perform or provide by ordinance for the performance of all other responsibilities of the Bidwell Park and Playground commission regardless of the source of the imposition of such responsibility.

Upon a determination by the council that the conditions for suspension do not exist, the provisions of this subsection 2 shall cease to apply and the powers, duties and responsibilities of the Bidwell Park and Playground commission shall again exist as though no suspension had occurred.

(Res. No. 60 74-75 §1, Passed 3-4-75, Filed in Office of Secretary of State 4-21-75; Res. No. 96 84-85 §2, Measure B, Passed 4-9-85, Filed in Office of Secretary of State 4-16-85; Res. No. 111 89-90 §4, Passed 6- 5-90, Filed in Office of Secretary of State 10-4-90)

Section 1006.1. Same - Powers and duties.

The Bidwell Park and Playground commission, except when suspended as provided in this Charter, shall have the following powers and duties:

A. The power and duty to operate and maintain all of the parks and playgrounds owned by the city and to adopt such rules and regulations as may be necessary to govern and control the use of such parks and playgrounds.

B. The power and duty to provide for the propagation, planting, removing, pruning and maintenance of all trees and shrubberies along the streets and sidewalks of the city and to adopt such rules and regulations as may be necessary to govern and control the planting, removal, pruning, and maintenance of such trees and shrubberies.

C. The power to enter into leases and contracts in connection with the operation of the properties under its supervision; provided, however, that any lease in excess of 15 years or any contract which encumbers city funds shall first require prior approval of the council; and, provided further, that no power granted herein shall be deemed to confer upon the Bidwell Park and Playground commission the right to sell or convey title to any city property.

D. The power to confirm the appointment of the park director by the city manager, as hereinbefore provided in this Charter.

(Res. No. 60 74-75 §1, puPassed 3-4-75, Filed in Office of Secretary of State 4-21-75; Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85)

Section 1006.2. Same - Acceptance and disposition of donations, legacies or bequests.

In the name of the city, except when suspended as provided in this Charter, the Bidwell Park and Playground commission may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under its supervision, provided that all moneys derived from such donations, legacies or bequests shall, unless otherwise provided under the terms of such donations, legacies or bequests, be deposited in the treasury of the city to be used for the aid and improvement of the parks and playgrounds of the city subject to the terms of such donations, legacies or bequests.

(Res. No. 60 74-75 §1 Passed 3-4-75, Filed in Office of Secretary of State 4-21-75)