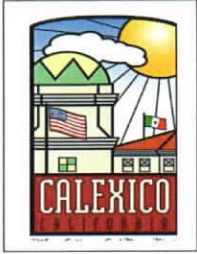


**AGENDA  
ITEM**

**3**



# AGENDA STAFF REPORT

**DATE:** December 16, 2020

**TO:** Mayor and City Council

**APPROVED BY:** Miguel Figueroa, City Manager *MK*

**PREPARED BY:** Carlos Campos, City Attorney

**SUBJECT:** Second Reading and Adoption of Ordinance No. 1211 - An Ordinance of the City Council of the City of Calexico, California, Amending the Calexico Municipal Code to Establish the Library Board of Trustees and the Arts and Historical Commission

=====

**Recommendation:**

Conduct second reading and adopt Ordinance No. 1211 – An Ordinance of the City Council of the City of Calexico, California, amending the Calexico Municipal Code to establish the Library Board of Trustees and the Arts and Historical Commission.

**Background:**

In 2016, the City Council consolidated several commissions in efforts to streamline operations and boost efficiency. To that end, the Calexico Library Board, Arts Commission, and Historical Commission were consolidated into one commission—the Library, Arts, and Historical Board—which is outlined in Calexico Municipal Code Chapter 2.26. The Community Services Department provided support to this new commission.

On May 20, 2020, the City Council voted to reorganize the Community Services Department. The reorganization eliminated the Community Services Director position thereby creating two individual departments—the Library Department and the Recreation Department—each to be supervised by department managers and support staff.

A draft of a similar Ordinance was reviewed by City Council in July, but additional information from staff necessitated further edits requiring a first reading of the proposed Ordinance.

**AGENDA  
ITEM  
3**

**Discussion:**

Now that the Community Service Department has been split into the Library Department and the Recreation Department (which includes services related to art and historical resources), it logically follows that the Library, Arts, and Historical Board be split into two new separate commissions—namely, the Library Board of Trustees and the Arts and Historical Commission. The Library Board of Trustees will be overseen by the Library Department and the Arts and Historical Commission will be overseen by the Recreation Department.

The proposed Ordinance repeals and replaces Chapter 2.26; the new chapter being named “Library Board of Trustees,” which includes procedure and responsibilities in accordance with the Municipal Library Act (California Education Code § 18900 *et seq.*). The proposed Ordinance also adds new Chapter 2.27 “Arts and Historical Commission” to the Municipal Code to house provisions specific to that commission.

City Council approved the first reading by title only of the ordinance at their meeting of December 2, 2020 by the following roll-call vote:

AYES:	Arreola-Fernandez, Pacheco, Garcia, Hodge
NOES:	None
ABSENT:	Reisin
ABSTAIN:	None

**Fiscal Impact:**

There is no fiscal impact associated with the recommended action.

**Attachment(s):**

1. Ordinance No. 1211 - An Ordinance of the City Council of the City of Calexico, California, Amending the Calexico Municipal Code to Establish the Library Board of Trustees and the Arts and Historical Commission.

## ORDINANCE NO. 1211

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING THE CALEXICO MUNICIPAL CODE TO ESTABLISH THE LIBRARY BOARD OF TRUSTEES AND THE ARTS AND HISTORICAL COMMISSION.

**WHEREAS**, the City of Calexico, California, (“City”) has reorganized its Community Services Department into two new departments namely the Library Department and the Recreation Department (which includes services related to arts and historical resources); and

**WHEREAS**, the Library, Arts, and Historical Board, which was supported by Community Services Department staff, should also be reorganized such that there are two new separate boards—the Library Board of Trustees supported by the Library Department and the Arts and Historical Board supported by the Recreation Department.

**NOW, THEREFORE, IT SHALL BE ORDAINED** by the City Council of the City of Calexico, California, as follows:

**SECTION 1. Recitals.** The City Council of the City of Calexico, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

**SECTION 2. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.26 *Library, Arts, and Historical Board* is hereby repealed and replaced with Chapter 2.26 *Library Board of Trustees* as follows:

#### “Chapter 2.26 – LIBRARY BOARD OF TRUSTEES

##### **2.26.010 Established.**

A board of library trustees (“Board”) will advise the Camarena Memorial Library in accordance with Chapter 5 of Title 1 of the California Education Code commencing at Section 18900, as it may be amended (“Municipal Libraries Act”).

##### **2.26.020 Organization.**

The Board will consist of five members, to be appointed by the Mayor, with the consent of the City Council. Members shall hold office for three years.

##### **2.26.030 Duties.**

The Board shall have the following duties and powers:

1. Support the Camarena Memorial Library and other public libraries;

2. Aid in meeting the community’s educational, recreational, informational, and cultural needs to encourage lifelong learning and the pursuit of knowledge;

3. Encourage the use of traditional and innovative library services.

The Board shall also have such specific duties and powers as the city council shall from time to time invest in it.”

**SECTION 3. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.27 *Arts and Historical Commission* is hereby added to the Municipal Code as follows:

**“Chapter 2.27 – ARTS AND HISTORICAL COMMISSION**

**2.27.010 Established.**

A board to be known and designated as the Arts and Historical Commission of the city is created and established. The rules and regulations set forth in Chapter 2.19 shall apply to this board, except as otherwise required by state law.

**2.27.020 Organization.**

- A. The board shall be composed of five members.
- B. The board shall be organized as described in Section 2.19.070.

**2.27.030 Powers and duties.**

- A. The board shall have such specific duties and powers as the city council shall from time to time invest in it.
- B. In addition, the board shall have the following duties and powers:
  - 1. Arts.
    - a. Encourage individuals and organizations that provide educational experience in the arts for the citizens;
    - b. Provide direction and support for continued development and presentation of a variety of arts in the city;
    - c. Generate a wide range of programs that develop the skills of the participants at all levels of creative expression;
    - d. Provide a forum whereby the public can provide recommendations and voice concerns regarding art issues;

- e. Encourage citizens to take advantage of the art programs offered by agencies and institutions in the community;
  - f. Make recommendations to the city council regarding public art program funding;
  - g. Promote school and community cooperation to create artistic and cultural events;
  - h. Recognize and assist those who have specialized knowledge and skills in the arts;
  - i. Assist in developing cooperative arrangements between the city and other agencies, local, state, and federal, to provide needed arts facilities for the city;
  - j. Encourage the planning and development of new or improved arts facilities as may be needed;
  - k. Provide for the selection, installation, and maintenance of art work within public facilities;
  - l. Encourage private businesses to display works of art in their public places;
  - m. Seek private funding in all areas of the arts;
  - n. Promote cooperative arrangements between the city and other agencies (local, state, and federal) to provide works of fine art for display in public places;
  - o. Facilitate the use of free public exhibition spaces;
  - p. Review and make recommendations upon all works of art to be acquired by the city, either by purchase, gift or otherwise, and their proposed locations;
  - q. Review and make recommendations with reference to any existing works of art in the city's possession regarding the removal, relocation or alteration thereof;
  - r. Act as a liaison between the city and other art organizations, such as the Imperial County Arts Council, Inc.
2. Historical.
    - a. Aid in identifying historical structures and landmarks;
    - b. Provide advice and recommend plans to the city to preserve historical structures and landmarks;
    - c. Coordinate educational projects with San Diego State University, Calexico Campus, I.V. Museum, I.V. Historical Society.

C. Nothing contained in this section shall be construed to abridge or change the powers and duties of other commissions, departments, boards or bodies of the city.”

**SECTION 4. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 6. Certification and Publication.** The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

**SECTION 7. CEQA.** The City Council finds that adoption of this Ordinance is not a “project,” as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Calexico, California on the 16<sup>th</sup> day of December, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
ROSIE ARREOLA-FERNANDEZ, MAYOR

ATTEST:

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CARLOS CAMPOS, CITY ATTORNEY



State of California     )  
County of Imperial    ) s.s.  
City of Calexico       )

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1211, introduced at a regular meeting held on the 2nd day of December, 2020, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the 16<sup>th</sup> day of December, 2020.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

GABRIELA T. GARCIA, CITY CLERK