



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### City Council Meeting

910 Calle Negocio  
2nd Floor  
San Clemente, California  
www.san-clemente.org

Meeting Date: 7/18/2023

Agenda Item: 9A

**Department:** City Clerk  
**Prepared By** Laura Campagnolo, City Clerk

**Subject:**

**INTRODUCTION (FIRST READING) OF AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, ADDING CHAPTER 2.45, ESTABLISHING AN ARTS AND CULTURE COMMITTEE; AND CONSIDERATION OF A RESOLUTION REGARDING COMPENSATION FOR MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE**

**Summary:**

At its meeting of June 20, 2023, the City Council introduced and conducted a first reading of Ordinance No. 1753, re-establishing the Coastal Advisory Committee and directed Staff to return with an Ordinance creating an Arts and Culture Committee and modifying the Human Affairs Committee meeting schedule to allow for the Committee to meet monthly, rather than bi-monthly.

With the establishment of the Coastal Advisory Committee and an Arts and Culture Committee, it is appropriate to set compensation to members by resolution at \$55 per meeting, consistent with compensation to other City commission and committee members. Proposed Resolution No. 23-75 (Attachment 2) accomplishes that.

With the establishment of the Coastal Advisory Committee, some of the Beaches, Parks and Recreation Commission duties will be carried over to the Coastal Advisory Committee. The proposed Ordinance No. 1756, provided as Attachment 1 to this agenda report, provides for all of the changes directed by Council, with redlines indicating where changes were made.

Below is a summary of the changes, as reflected in the Exhibits attached to the proposed Ordinance No. 1756 (Attachment 1):

Exhibit A

Beaches, Parks and Recreation Commission

References made to the Beaches, Parks and Recreation Commission duties which relate to coastal issues, including ocean and beach quality have been removed. Coastal issues will fall under the Coastal Advisory Committee. References to parkway and street trees were removed as those are now a function of Public Works. It is anticipated that staff support for the Commission will be provided by the Coastal Administrator who will be hired in the near future, or designee.

Exhibit C

Human Affairs Committee

The Ordinance has been modified to allow regular meetings to be on a monthly basis.

Exhibit E

Arts and Culture Committee

The proposed Arts and Culture Committee's functions and duties are as follows:

- Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture program including developing and making recommendations on arts acquisition and proposals for art works for public buildings and public spaces;
- Recommend rules and regulations necessary for the administration, preservation, and perpetuation of fine arts, performing arts, and aesthetic aspects of the community and make recommendations with respect thereto to the City Council and the City Manager;
- Elevate arts and cultural events and programming in San Clemente by providing direction and support for continued development and presentation of a variety of arts in the city;
- Foster the inclusion of arts and cultural aspects in local events;
- Evaluate and review arts and culture plans of the City;
- Develop an annual work plan with specific goals and objectives for the coming year. The work plan, with recommendations, shall be submitted to the City Council no later than October 1 of each year. The plan shall be submitted in written form for approval at a City Council meeting. Any amendments to the work plan shall require Council approval;
- Limit meetings to three hours unless otherwise approved by a majority vote of the Commission plus the concurrence of the primary staff support to the Commission; and
- Perform such other duties as may be prescribed by the City Council.

It is anticipated that the Committee will receive staff support from the Director of Beach, Parks and Recreation, or designee.

***City Council Options:***

- Introduce and conduct the first reading of Ordinance No. 1756 and adopt Resolution No. 23-75.
- Modify Ordinance No. 1756 and conduct a first reading and/or modify and adopt Resolution No. 23-75.
- Direct Staff to return to Council with additional information.
- Take no action with respect to Ordinance No. 1756 and/or Resolution No. 23-75.

***Fiscal Impact:***

Yes. If Council determines to pay the Coastal Advisory Committee members and Arts and Culture Committee members \$55.00 per meeting, the total fiscal impact would be \$6,600 per year. There will also be additional staff time devoted to the newly established committees.

***Environmental Review/Analysis:***

Pursuant to Section 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines (14 CCR Section 15378(b)(5)), neither the proposed Ordinance nor any of the other actions contemplated in this report constitute a “project” under CEQA because they are organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

***Recommended Actions:***

Staff Recommendation

1. Introduce Ordinance No. 1756 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.28 AND 2.40 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, AND ADDING CHAPTER 2.45 ESTABLISHING AN ARTS AND CULTURE COMMITTEE.
2. Adopt Resolution No. 23-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATING TO COMPENSATION PAID TO MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE.
3. Upon adoption of the Ordinance, direct staff to recruit to fill five vacancies on the newly created Arts and Culture Committee and set a meeting date to interview and appoint committee members.
4. Receive and file the Administrative Report, dated July 18, 2023, which is on file with the City Clerk.

***Attachment:***

1. Ordinance No. 1756.
2. Resolution No. 23-75.

***Notification:***

None.

**ORDINANCE NO. 1756**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.28 AND 2.40 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, AND ADDING CHAPTER 2.45 ESTABLISHING AN ARTS AND CULTURE COMMITTEE**

**WHEREAS**, at its meeting of June 20, 2023, the San Clemente City Council expressed the desire to establish an Arts and Culture Committee, to re-establish a Coastal Advisory Committee, to make changes to the Beaches, Parks and Recreation Commission and to have the Human Affairs Committee meet monthly; and

**WHEREAS**, these changes require amendments and additions to the San Clemente Municipal Code (SCMC); and

**WHEREAS**, the City Council introduced and conducted a first reading of the ordinance at its regular meeting of July 18, 2023 and considered any public input provided at that time; and

**WHEREAS**, updating the SCMC is in the City's and public's best interest.

**NOW, THEREFORE**, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: Chapter 2.28 of the SCMC, relating to the Beaches, Parks and Recreation Commission, is hereby modified to read in its entirety as set forth in Exhibit A attached hereto and incorporated fully herein (underlines are additions and ~~strikethroughs~~ are deletions).

Section 3: Chapter 2.40 of the SCMC, relating to the Human Affairs Committee, is hereby modified to read in its entirety as set forth in Exhibit C attached hereto and incorporated fully herein (underlines are additions and ~~strikethroughs~~ are deletions).

Section 4: Chapter 2.45, relating to the creation of an Arts and Culture Committee, is hereby added to the SCMC to read as described in Exhibit E attached hereto and incorporated fully herein.

Section 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions 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 subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 6. This Ordinance shall become effective on September 14, 2023.

Section 7. Upon this Ordinance becoming effective, all previous Ordinances and Resolutions that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary thereof, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of San Clemente, and shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code Section 36933.

APPROVED AND ADOPTED this \_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of  
San Clemente, California

STATE OF CALIFORNIA            )  
 COUNTY OF ORANGE            ) ss.  
 CITY OF SAN CLEMENTE        )

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1756 having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 CITY CLERK of the City of  
 San Clemente, California

Approved as to Form:

\_\_\_\_\_  
 Elizabeth A. Mitchell, City Attorney

**EXHIBIT A****CHAPTER 2.28 - BEACHES, PARKS AND RECREATION COMMISSION**

2.28.010 - Establishment of the Beaches, Parks and Recreation Commission; composition; appointment of members.

There is established a Beaches, Parks and Recreation Commission which shall consist of seven San Clemente citizens appointed by the City Council.

2.28.020 Function.

The Beaches, Parks and Recreation Commission's functions and duties are to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, and parkways;
- B. Provide feedback on projects to be considered during the annual budget for parks, beaches, recreation, parkways, during the preparation of the annual budget and make recommendations with respect thereto to the City Council and the City Manager;
- C. Assist in the planning of parks and support the coordination of recreation programs for the public, promote and stimulate public interests therein, and to that end solicit, to the fullest extent possible, the cooperation of all public and private agencies interested therein;
- D. Evaluate and review park development plans of the City;
- E. Develop an annual work plan with specific goals and objectives for the coming year. The work plan, with recommendations, shall be submitted to the City Council no later than October 1 of each year. The plan shall be submitted in written form for approval at a City Council meeting. Any amendments to the work plan shall require Council approval;
- F. Limit meetings to three hours unless otherwise approved by a majority vote of the Commission plus the concurrence of the primary staff support to the Commission; and
- G. Perform such other duties as may be prescribed by the City Council.

2.28.030 Beaches, Parks and Recreation Commission—Term of office.

The terms of office of members of the Beaches, Parks and Recreation Commission shall be for two years from July 1st to June 30th of the second following year, and with such terms staggered so that four Commissioners are appointed in even-numbered years and three Commissioners are appointed in odd-numbered years. Annually, at the first meeting after the newly appointed Commission members assume office in July, the Commission shall select a chair and vice-chair from among its members, No less than 60 days prior to the expiration of terms, the City Clerk shall notify the City Council of the

forthcoming vacancies and the City Council shall make the necessary appointments prior to the expiration of the terms. In the event the City Council does not make the necessary appointments prior to the expiration of the terms, existing members with expiring terms shall continue to serve as Beaches, Parks and Recreation Commissioners until successors are appointed by the City Council and assume office.

#### 2.28.040 Meetings—Attendance.

The Beaches, Parks and Recreation Commission shall hold meetings bi-monthly (every two months) in accordance with the rules of procedure to be enacted and recorded in a book of official proceedings. The location, dates, time and organization of Beaches, Parks and Recreation Commission meetings shall be established by resolution of the Beaches, Parks and Recreation Commission. Any member of the Beaches, Parks and Recreation Commission who is absent from two consecutive regular meetings of the Beaches, Parks and Recreation Commission, without furnishing to the City Clerk a certificate of illness from a duly practicing physician, or without the authorization of the Beaches, Parks and Recreation Commission to be absent from two consecutive regular meetings for good cause, shall, as a result, surrender his or her office on the Beaches, Parks and Recreation Commission and the office shall be considered vacant.

#### 2.28.050 Filling of vacancies—Removal of members.

Any vacancy occurring in the office of a member of the Beaches, Parks and Recreation Commission shall be filled in the same manner as the original appointment, and a successor shall hold office for the unexpired portion of the term of his or her predecessor. Each member of the Beaches, Parks and Recreation Commission shall serve at the pleasure of the City Council and may be removed from office with or without cause during his or her term in office by a majority vote of all members of the City Council.

#### 2.28.060 Voting power of members.

The members of the Beaches, Parks and Recreation Commission shall each have one vote on any matter pending before the commission.

#### 2.28.070 Commission subject to state law, etc.

The Beaches, Parks and Recreation Commission shall be subject to the rules and regulations regarding the conduct of meetings under state and city law and to the provisions of this Code and any other ordinance of the City.



## EXHIBIT C

### CHAPTER 2.40 - HUMAN AFFAIRS COMMITTEE

2.40.010 - Establishment of the Human Affairs Committee; composition; appointment of members.

There is established a Human Affairs Committee which shall consist of seven (7) San Clemente citizens appointed by the City Council. It is preferred that two members of the Human Affairs Committee possess expertise in the area of homelessness.

2.40.020 - Function.

The Human Affairs Committee's functions and duties are to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to human needs, including homelessness, within the City of San Clemente;
- B. Act as a sounding board for human needs and homelessness within the community;
- C. Assess the human affairs needs of the community on a periodic basis;
- D. Establish a priority list of identified needs and reassess periodically;
- E. Develop an annual work plan with specific goals and objectives for the coming year. The work plan, with recommendations, shall be submitted to the City Council no later than October 1 of each year. The plan shall be submitted in written form for approval at a City Council meeting. Any amendments to the work plan shall require Council approval;
- F. Limit meetings to three hours unless otherwise approved by a majority vote of the Committee plus the concurrence of the primary staff support to the Committee;
- G. Perform such other duties as may be prescribed by the City Council.

2.40.030 - Human Affairs Committee - Terms of Office.

The terms of office of members of the Human Affairs Committee shall be for two (2) years from July 1st to June 30th of the second following year, and with such terms staggered so that four (4) Committee members are appointed in even-numbered years and three (3) Committee members are appointed in odd-numbered years. Annually, at the first meeting after the newly appointed Committee members assume office in July, the Committee shall select a chair and vice-chair from among its members. No less than sixty (60) days prior to the expiration of terms, the City Clerk shall notify the City Council of the forthcoming vacancies and the City Council shall make the necessary appointments prior to the expiration of the terms. In the event the City Council does not make the necessary appointments prior to the expiration of the terms, existing members with

expiring terms shall continue to serve as Human Affairs Committee members until successors are appointed by the City Council and assume office.

#### 2.40.040 - Meetings - Attendance.

The Human Affairs Committee shall hold monthly meetings in accordance with the rules of procedure to be enacted and recorded in a book of official proceedings. The location, dates, time and organization of Human Affairs Committee meetings shall be established by resolution of the Human Affairs Committee.. Qualifying committee meetings shall be limited to those gatherings which, in the opinion of the City Manager or his/her designee, will help the Human Affairs Committee to fulfill its function as set forth in Section 2.40.020 of this Code. Any member of the Human Affairs Committee who is absent from three (3) consecutive regular meetings of the Human Affairs Committee, without furnishing to the City Clerk a certificate of illness from a duly practicing physician, or without the authorization of the Human Affairs Committee to be absent from three (3) consecutive regular meetings for good cause, shall, as a result, surrender his or her office on the Human Affairs Committee and the office shall be considered vacant.

#### 2.40.050 - Filling of vacancies - Removal of members.

Any vacancy occurring in the office of a member of the Human Affairs Committee shall be filled in the same manner as the original appointment, and a successor shall hold office for the unexpired portion of the term of his or her predecessor. Each member of the Human Affairs Committee shall serve at the pleasure of the City Council and may be removed from office with or without cause during his or her term in office by a majority vote of all members of the City Council.

#### 2.40.060 - Voting power of members.

The members of the Human Affairs Committee shall each have one (1) vote on any matter pending before the committee.

#### 2.40.070 - Committee subject to state law, etc.

The Human Affairs Committee shall be subject to the rules and regulations regarding the conduct of meetings under state and city law and to the provisions of this code and any other ordinance of the City.

## EXHIBIT E

### Chapter 2.45 ARTS & CULTURE COMMITTEE

#### 2.45.010 Establishment of the Arts & Culture Committee; composition; appointment of members.

There is established an Arts and Culture Committee which shall consist of five San Clemente citizens appointed by the City Council and shall be actively involved in the arts.

#### 2.45.020 Function.

The Arts and Culture Committee's functions and duties are to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and cultural program including developing and making recommendations on arts acquisition and proposals for art works for public buildings and public spaces;
- B. Recommend rules and regulations necessary for the administration, preservation, and perpetuation of fine arts, performing arts, and aesthetic aspects of the community and make recommendations with respect thereto to the City Council and the City Manager;
- C. Elevate arts and cultural events and programming in San Clemente by providing direction and support for continued development and presentation of a variety of arts in the city; foster the inclusion of arts and cultural aspects in local events;
- D. Evaluate and review arts and culture plans of the City;
- E. Develop an annual work plan with specific goals and objectives for the coming year. The work plan, with recommendations, shall be submitted to the City Council no later than October 1 of each year. The plan shall be submitted in written form for approval at a City Council meeting. Any amendments to the work plan shall require Council approval;
- F. Limit meetings to three hours unless otherwise approved by a majority vote of the Commission plus the concurrence of the primary staff support to the Commission.
- G. Perform such other duties as may be prescribed by the City Council.

#### 2.45.030 Arts and Culture Committee —Term of office.

The terms of office of members of the Arts and Culture Committee shall be for two years from July 1st to June 30th of the second following year, and with such terms staggered so that three Committee members are appointed in even-numbered years and two Committee members are appointed in odd-numbered years. Annually, at the

first meeting after the newly appointed Committee members assume office in July, the Committee shall select a chair and vice-chair from among its members, No less than 60 days prior to the expiration of terms, the City Clerk shall notify the City Council of the forthcoming vacancies and the City Council shall make the necessary appointments prior to the expiration of the terms. In the event the City Council does not make the necessary appointments prior to the expiration of the terms, existing members with expiring terms shall continue to serve as Arts and Culture Committee members until successors are appointed by the City Council and assume office.

#### 2.45.040 Meetings—Attendance.

The Arts and Culture Committee shall hold meetings bi-monthly (every two months) in accordance with the rules of procedure to be enacted and recorded in a book of official proceedings. The location, dates, time and organization of Arts and Culture Committee meetings shall be established by resolution of the Arts and Culture Committee. Any member of the Arts and Culture Committee who is absent from two consecutive regular meetings of the Arts and Culture Committee, without furnishing to the City Clerk a certificate of illness from a duly practicing physician, or without the authorization of the Arts and Culture Committee to be absent from three consecutive regular meetings for good cause, shall, as a result, surrender his or her office on the Arts and Culture Committee and the office shall be considered vacant.

#### 2.45.050 Filling of vacancies—Removal of members.

Any vacancy occurring in the office of a member of the Arts and Culture Committee shall be filled in the same manner as the original appointment, and a successor shall hold office for the unexpired portion of the term of his or her predecessor. Each member of the Arts and Culture Committee shall serve at the pleasure of the City Council and may be removed from office with or without cause during his or her term in office by a majority vote of all members of the City Council.

#### 2.45.060 Voting power of members.

The members of the Arts and Culture Committee shall each have one vote on any matter pending before the commission.

#### 2.45.070 Commission subject to state law, etc.

The Arts and Culture Committee shall be subject to the rules and regulations regarding the conduct of meetings under state and city law and to the provisions of this Code and any other ordinance of the City.

RESOLUTION NO. 23-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATING TO COMPENSATION PAID TO MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE

WHEREAS, the San Clemente City Council established an Arts and Culture Committee and Coastal Advisory Committee.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Each member of the Arts and Culture Committee, as established by Section 2.45 of the San Clemente Municipal Code, shall receive compensation in the amount of \$55.00 per meeting, not to exceed \$55.00 per month.

Section 2. Each member of the Coastal Advisory Committee, as established by Section 2.29 of the San Clemente Municipal Code, shall receive compensation in the amount of \$55.00 per meeting, not to exceed \$55.00 per month.

Section 3. The salaries shall become effective at the commencement of the first meeting of the Arts and Culture Committee and Coastal Advisory Committee, respectively. This Resolution is subject to all present and future applicable wage control laws and regulations, and shall become effective only to the extent permitted by such laws and regulations.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of San Clemente, California

\_\_\_\_\_  
Mayor of the City of San Clemente, California

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) §  
CITY OF SAN CLEMENTE    )

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney