



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: October 3, 2023

Agenda Item: 10A

Department: City Clerk

Prepared By Laura Campagnolo, City Clerk

Subject:

INTRODUCTION (FIRST READING) OF CODE AMENDMENT TO CHANGE THE ARTS AND CULTURE COMMITTEE FROM FIVE TO SEVEN MEMBERS AND UPDATING THE DUTIES OF THE BEACHES, PARKS AND RECREATION COMMISSION

Fiscal Impact:

Fiscal impact is minor. With the dissolution of the Citizens Amphitheater Committee, five stipends were removed and with the increase in membership of the Arts and Culture Committee by two, there will be a net decrease of three commission/committee stipends.

Summary:

At its meeting of September 14, 2023, Council directed Staff to dissolve the Citizens Amphitheater Committee and transition those duties to the newly created Arts and Culture Committee. As part of that transition, Council requested the Arts and Culture Committee be increased from five to seven members.

Additionally, 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, 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:

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.

Exhibit B

Arts and Culture Committee

- Increase the number of Arts and Culture Committee members from five to seven.
- Include analysis of an amphitheater in the function of the Arts and Culture Committee.

Council Options:

- Introduce the Ordinance and conduct the first reading (by title only).
- Amend the Ordinance, introduce the amended Ordinance and conduct the first reading.
- Direct Staff to return to Council with additional information.
- Take no action.

Environmental Review/Analysis:

This is not a “project” under the California Environmental Quality Act.

Recommended Actions:

Staff Recommendation

Introduce and conduct a first reading of Ordinance No. 1761 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND CHAPTER 2.45 RELATING TO THE ARTS AND CULTURE COMMITTEE.

Attachment:

1. Proposed Ordinance No. 1761

Notification:

None.

ORDINANCE NO. 1761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND CHAPTER 2.45 RELATING TO THE ARTS AND CULTURE COMMITTEE

WHEREAS, at its meeting of September 14, 2023, the San Clemente City Council expressed the desire to change the Arts and Culture Committee from five to seven members and to update the responsibilities of the Committee to include feasibility of an amphitheater; and

WHEREAS, with the establishment of the Coastal Advisory Committee, changes to the Beaches, Parks and Recreation Commission duties need to be made; 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 October 3, 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 2: Chapter 2.45, relating to the creation of an Arts and Culture Committee, is hereby is hereby modified to read in its entirety as set forth in Exhibit B attached hereto and incorporated fully herein (underlines are additions and ~~strikethroughs~~ are deletions).

Section 3: 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 4. This Ordinance shall become effective on November 16, 2023.

Section 5. Upon this Ordinance becoming effective, all previous Ordinances and Resolutions that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. 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. 1761, 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 and 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.

(Prior code § 2A-3.7)

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.

(Ord. 1178 § 1 (part), 1996: prior code § 2A-3.2)

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.

(Prior code § 2A-3.3)

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.

(Prior code § 2A-3.4)

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.

(Prior code § 2A-3.5)

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.

(Prior code § 2A-3.6)

EXHIBIT B

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 seven 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 the feasibility of an amphitheater in San Clemente, 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.