



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 22-788

**Meeting Date:** 7/19/2022

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**TITLE:**

**ADOPTION OF AN ORDINANCE REVISING CHAPTER III OF TITLE 12 REGARDING THE PARKS, ARTS AND COMMUNITY SERVICES COMMISSION TO REMOVE ARTS FUNCTIONS, AND ADOPTION OF AN ORDINANCE ADDING CHAPTER IV OF TITLE 12 ESTABLISHING AN ARTS COMMISSION**

**DEPARTMENT:** PARKS & COMMUNITY SERVICES

**PRESENTED BY:** JASON MINTER, PARKS & COMMUNITY SERVICES DIRECTOR

**CONTACT INFORMATION:** JASON MINTER, PARKS & COMMUNITY SERVICES DIRECTOR, (714) 754-5009

**RECOMMENDATION:**

Staff recommends the City Council:

1. Give second reading to and adopt Ordinance No. 2022-05, to revise Chapter III of Title 12 regarding the Parks, Arts and Community Services Commission to remove Arts Functions (Attachment 1).
2. Give second reading to and adopt Ordinance No. 2022-06, to adopt Chapter IV of Title 12 establishing an Arts Commission (Attachment 2).

**BACKGROUND:**

On June 21, 2022, the City Council introduced and gave first reading to Ordinance Nos. 2022-05 and 2022-06 by a vote of 5-0. The City Council made modifications to the proposed ordinance as follows:

Ordinance No. 2022-05

- Remove District requirement for the Parks and Community Services Commission and only require residency in Costa Mesa.

Ordinance No. 2022-06

- Commission eligibility changed for Council member selections and requires a minimum of four (4) members being Costa Mesa residents, with up to three (3) members authorized to be non-residents. All members must have a background in the arts.

**ANALYSIS:**

As part of its motion approving the introduction and first reading of the Ordinances, the City Council articulated requested changes to the Ordinances. Those changes are reflected in the final Ordinances (Attachments 1 and 2) and are also provided in an underlined/strikethrough format (Attachments 3 and 4).

The agenda report and video for the June 21, 2022 City Council meeting can be found at the following links:

Agenda Report:

<https://costamesa.legistar.com/View.ashx?M=A&ID=926662&GUID=5B36D613-69E9-45AF-A4AF-421B6844B5CB>

Video: [https://costamesa.granicus.com/player/clip/3873?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/3873?view_id=14&redirect=true)

If approved, the Ordinances would become effective 30 days after adoption.

**ALTERNATIVES:**

City Council may adopt the Ordinances as proposed, modify the Ordinances, or not adopt the Ordinances.

**FISCAL REVIEW:**

The cost to establish an Arts Commission for FY 2022-23 is \$8,400. This was added to the Parks and Community Services Department budget during the budget process in 2021-22 utilizing funding from the Measure Q Cannabis Sales Tax.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report, the proposed ordinances and approves them as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

**CONCLUSION:**

Staff recommends the City Council:

1. Adopt Ordinance No. 2022-05, to revise Chapter III of Title 12 regarding the Parks, Arts and Community Services Commission to remove Arts Functions (Attachment 1).
2. Adopt Ordinance No. 2022-06, to adopt Chapter IV of Title 12 establishing an Arts Commission (Attachment 2).

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III (PARKS, ARTS AND COMMUNITY SERVICES COMMISSION) OF TITLE 12 (PARKS AND RECREATION) OF THE COSTA MESA MUNICIPAL CODE**

**WHEREAS**, Chapter III (Parks Arts, and Community Services Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code establishes a Parks, Arts and Community Services Commission (“Commission”), the rules, regulations, and procedures applicable to the Commission, and the membership requirements for the Commission; and

**WHEREAS**, the City Council desires to amend Chapter III to rename the Commission as the Parks and Community Services Commission, revise membership requirements, and to remove all duties related to the Arts of the Commission.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** The title of Chapter III of Title 12 of the Costa Mesa Municipal Code is hereby amended to read as follows:

**CHAPTER III. PARKS AND COMMUNITY SERVICES COMMISSION**

**Section 2.** Section 12-71 of the Costa Mesa Municipal Code is amended, as follows:

12-71. Commission established.

There is hereby established as a part of the government of the city, a parks and community services commission, which shall:

- (a) Consider and provide advice regarding matters that may be referred to it by the City Council, the City Manager, the Director of Parks and Community Services, or the Director of Public Works;
- (b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to parks, recreation, senior programs, recreation facilities, community facilities, and parkways, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the City’s Parks, Recreation and Open Space Master Plan and report its findings and recommendations to the City Council, the City Manager, the Director of Parks and Community Services, and/or the Director of Public Works;

- (c) Recommend to the city council approval of concept plans for development and/or modification of parks, recreation, community, and open space facilities;
- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the parks, recreation, recreation facilities, community facilities, and parkways of the City;
- (e) Make recommendations and findings on the necessity for removal of parkway trees and the necessity for terms and conditions for retention of trees in accordance with Chapter V of Title 15 of this Code, which decisions shall be final notwithstanding section 2-303;
- (f) Set the fees to be charged to participants in recreation and community programs and classes in accordance with the guidelines adopted by the City Council;
- (g) In its discretion, review the annual budget as presented to the City Council and advise it on the current operational needs and long-range plans for capital improvements;
- (h) Periodically visit parks, recreation and community facilities in the city to review established programs and facilities, and to monitor needs in accordance with the Parks, Recreation and Open Space Master Plan;
- (i) On behalf of the city, actively encourage programs for the cultural enrichment of the community;
- (j) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population; and
- (k) Seek out and recommend to the City Council, City Manager or Director of Parks and Community Services possible public and private funding opportunities available to implement new or enhance existing senior programs and services. (Ord. No. 19-06, § 2, 4-2-19)

**Section 3.** Subsection (a) of Section 12-74 of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following: (a) *Commission*. The Parks and Community Services Commission shall consist of seven (7) members.

**Section 4.** Subsection (b) of Section 12-74 of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following: (b) *Appointment and removal of commissioners*. Each council member shall appoint a commission member, subject to approval by a majority vote of the entire city council. Commission members appointed by district representatives shall be for a term of four (4) years, except as otherwise provided in this section. The commissioner appointed by the mayor shall be for a two (2) year term, except as otherwise provided in this section. Commissioners

serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

**Section 5.** Section 12-74(c) of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following:

(c) *Residency.* Each member of the commission must be a resident of the City. If any member of the Commission ceases to be a resident of the City, that member's appointment will automatically terminate. The Commission secretary shall immediately inform the City Council of any such termination.

**Section 6.** Section 12-74(e) of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following:

(e) *Senior liaison.* If the Mayor does not assign the liaison position, the members of the Commission shall designate one (1) member of the Commission to serve as the liaison for the senior center.

**Section 7. Environmental Compliance.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3)(General Rule) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**Section 8. Inconsistencies.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**Section 9. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 10. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**Section 11. Certification.** This City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this \_\_\_\_th day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City  
Attorney

**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER IV (ARTS COMMISSION) OF TITLE 12 (PARKS AND RECREATION) OF THE COSTA MESA MUNICIPAL CODE**

**WHEREAS**, Chapter III (Parks and Community Services Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code was recently amended to delete responsibilities relating to the arts from the purview of the Parks and Community Services Commission (previously known as the Parks, Arts and Community Services Commission); and

WHEREAS, the City Council previously approved the City's Arts and Culture Master Plan; and

WHEREAS, in accordance with the new Arts and Culture Master Plan, the City Council desires to establish an Arts Commission to assume all duties related to the arts for the City,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Chapter IV of Title 12 of the Costa Mesa Municipal Code is hereby added to read as follows:

CHAPTER IV. ARTS COMMISSION

**12-75. Commission established.**

There is hereby established as a part of the government of the City, an Arts Commission, which shall:

- (a) Consider and provide advice regarding matters that may be referred to it by the City Council, the City Manager, the Director of Parks and Community Services, or the Director of Public Works;
- (b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to arts, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the City's Arts and Culture Master Plan and report its findings and recommendations to the City Council, the City Manager, the Director of Parks and Community Services, and/or the Director of Public Works;
- (c) Recommend to the City Council approval of concept plans for development and/or modification of arts programming, policies and services;

- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the arts, in the City;
- (e) Set the fees to be charged to participants in arts programs and classes in accordance with the guidelines adopted by the City Council;
- (f) In its discretion, review the annual budget as presented to the City Council and advise it on the current operational needs and long-range plans for arts opportunities;
- (g) On behalf of the City, actively encourage programs for the cultural and artistic enrichment of the community;
- (h) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population relating to arts; and
- (i) Seek out and recommend to the City Council, City Manager or Director of Parks and Community Services possible public and private funding opportunities available to implement new or enhance existing arts programs and services.

#### **12-76 Rules and regulations.**

The commission shall operate under the following rules and regulations:

- (a) *Chairperson, vice-chairperson:* The election of the chairperson will precede that of the vice-chairperson nominations. Elections of officers shall take place annually to coincide as closely as possible with the appointment terms of the commissioners. The commission, in event of a vacancy in either office, shall elect one (1) of its members for the unexpired term.
- (b) *Meetings:* The commission shall meet at City Hall, 77 Fair Drive, on the times and dates set forth by resolution of the City Council. In the event the regular meeting day falls on a holiday, the regular meeting shall be held on the next business day. A regular or adjourned meeting may be adjourned to a time and place specified in the order of adjournment. Special meetings may be called at any time by the chairperson, or in the absence of the chairperson, by the vice-chairperson, by the City Manager, the Mayor, or by the majority of the members of the commission, by notice delivered to each available member of the commission, at least twenty-four (24) hours previous to the meeting. A regularly scheduled meeting may be canceled or rescheduled by a majority vote of the commission, with proper notice as required by law.
- (c) *Quorum:* A majority of the members of the commission shall constitute a quorum for the transaction of business. No action shall be taken by the commission unless it is concurred in and adopted by the affirmative vote of at least a majority of the members present. The powers conferred to the commission shall be exercised by motion of



resolution and recorded in the minutes. Upon request of any member of the commission a roll call of the vote shall be conducted, and the results thereof recorded in the minutes.

(d) *Secretary*: The secretary shall be designated by the Director of Parks and Community Services. The secretary shall record the minutes of the commission and shall maintain the records of its proceedings and transactions.

#### **12-77. Procedures.**

(a) All meetings of the Commission shall be open to the public.

(b) Matters brought before the Commission by the public, Director of Parks and Community Services, or their designee, shall be considered by the Commission and it shall report its actions, findings and recommendations to the City Council, the City Manager, or the Director of Parks and Community Services.

#### **12-78. Membership.**

(a) *Commission*. The Arts Commission shall consist of seven (7) members.

(b) *Appointment and removal of commissioners*. Each Council member elected by district shall appoint a Commission member who may or may not be a resident of his or her district, or of the City, subject to approval by a majority vote of the entire City Council. The Mayor shall appoint a Commission member, subject to approval by a majority vote of the entire City Council. Commission members appointed shall be for a term of four (4) years, except as otherwise provided in this section. The Commissioner appointed by the Mayor shall be for a two (2) year term, except as otherwise provided in this section. Commissioners serve at the pleasure of the City Council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire City Council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by City Council policy. For the initial appointments only, members appointed by the representatives of the first, second and sixth districts shall initially serve a two (2) year term.

(c) *Residency in the City*. Residency in the City shall not be required of all members of the Commission, provided that at least four of the commissioners shall be residents of the City and all members of the commission shall be in the business of or regularly engaged in the practice of the arts in the judgment of the appointing Council Member and Council.

(d) *Term*. The term of each Commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the Council member or Mayor who appointed that member, or until he or she is reappointed or replaced.

**Section 2. Environmental Compliance.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3)(General Rule) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**Section 3. Inconsistencies.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**Section 6. Certification.** This City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this \_\_\_\_th day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III (PARKS, ARTS AND COMMUNITY SERVICES COMMISSION) OF TITLE 12 (PARKS AND RECREATION) OF THE COSTA MESA MUNICIPAL CODE**

**WHEREAS**, Chapter III (Parks Arts, and Community Services Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code establishes a Parks, Arts and Community Services Commission (“Commission”), the rules, regulations, and procedures applicable to the Commission, and the membership requirements for the Commission; and

**WHEREAS**, the City Council desires to amend Chapter III to rename the Commission as the Parks and Community Services Commission, revise membership requirements, and to remove all duties related to the Arts of the Commission.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** The title of Chapter III of Title 12 of the Costa Mesa Municipal Code is hereby amended to read as follows:

**CHAPTER III. PARKS AND COMMUNITY SERVICES COMMISSION**

**Section 2.** Section 12-71 of the Costa Mesa Municipal Code is amended, as follows:

12-71. Commission established.

There is hereby established as a part of the government of the city, a parks and community services commission, which shall:

(a) Consider and provide advice regarding matters that may be referred to it by the City Council, the City Manager, the Director of Parks and Community Services, or the Director of ~~Public Services~~Public Works;

(b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to parks, recreation, senior programs, recreation facilities, community facilities, and parkways, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the City’s Parks, Recreation and Open Space Master Plan and report its findings and recommendations to the City Council, the City Manager, the Director of Parks and Community Services, and/or the Director of ~~Public Services~~Public Works;

- (c) Recommend to the city council approval of concept plans for development and/or modification of parks, recreation, community, and open space facilities;
- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the parks, recreation, recreation facilities, community facilities, and parkways of the City;
- (e) Make recommendations and findings on the necessity for removal of parkway trees and the necessity for terms and conditions for retention of trees in accordance with Chapter V of Title 15 of this Code, which decisions shall be final notwithstanding section 2-303;
- (f) Set the fees to be charged to participants in recreation and community programs and classes in accordance with the guidelines adopted by the City Council;
- (g) In its discretion, review the annual budget as presented to the City Council and advise it on the current operational needs and long-range plans for capital improvements;
- (h) Periodically visit parks, recreation and community facilities in the city to review established programs and facilities, and to monitor needs in accordance with the Parks, Recreation and Open Space Master Plan;
- (i) On behalf of the city, actively encourage programs for the cultural enrichment of the community;
- (j) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population; and
- (k) Seek out and recommend to the City Council, City Manager or Director of Parks and Community Services possible public and private funding opportunities available to implement new or enhance existing senior programs and services. (Ord. No. 19-06, § 2, 4-2-19)

**Section 3.** Subsection (a) of Section 12-74 of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following: (a) *Commission*. The Parks and Community Services Commission shall consist of seven (7) members. ~~There shall be one (1) member from each electoral district of the city and one (1) at large member.~~

**Section 4.** ~~Subsection (b) of Section 12-74 of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following: (b) *Appointment and removal of commissioners*. Each council member shall appoint a commission member, subject to approval by a majority vote of the entire city council. Commission members appointed by district representatives shall be for a term of four (4) years, except as~~

otherwise provided in this section. The commissioner appointed by the mayor shall be for a two (2) year term, except as otherwise provided in this section. Commissioners serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

**Section 45.** Section 12-74(c) of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following:

(c) *Residency ~~in districts.~~* ~~Except for the at-large member, e~~Each member of the commission must be a resident of the City. ~~electoral district from which the member is nominated at the time the member is nominated and appointed.~~ If any member of the Commission ceases to be a resident of the City ~~district from which the member was appointed~~, that member's appointment will automatically terminate. ~~The at-large member must be a resident of the City. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate.~~ The Commission secretary shall immediately inform the City Council of any such termination.

**Section 56.** Section 12-74(e) of the Costa Mesa Municipal Code is hereby deleted in its entirety and replaced with the following:

(e) *Senior liaison.* If the Mayor does not assign the liaison position, the members of the Commission shall designate one (1) member of the Commission to serve as the liaison for the senior center.

**Section 67. Environmental Compliance.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3)(General Rule) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**Section 78. Inconsistencies.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**Section 89. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 910. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**Section 110. Certification.** This City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this \_\_\_th day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City  
Attorney

**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER IV (ARTS COMMISSION) OF TITLE 12 (PARKS AND RECREATION) OF THE COSTA MESA MUNICIPAL CODE**

**WHEREAS**, Chapter III (Parks and Community Services Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code was recently amended to delete responsibilities relating to the arts from the purview of the Parks and Community Services Commission (previously known as the Parks, Arts and Community Services Commission); and

WHEREAS, the City Council previously approved the City's Arts and Culture Master Plan; and

WHEREAS, in accordance with the new Arts and Culture Master Plan, the City Council desires to establish an Arts Commission to assume all duties related to the arts for the City,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Chapter IV of Title 12 of the Costa Mesa Municipal Code is hereby added to read as follows:

CHAPTER IV. ARTS COMMISSION

**12-75. Commission established.**

There is hereby established as a part of the government of the City, an Arts Commission, which shall:

- (a) Consider and provide advice regarding matters that may be referred to it by the City Council, the City Manager, the Director of Parks and Community Services, or the Director of ~~Public Services~~Public Works;
- (b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to arts, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the City's Arts and Culture Master Plan and report its findings and recommendations to the City Council, the City Manager, the Director of Parks and Community Services, and/or the Director of ~~Public Services~~Public Works;
- (c) Recommend to the City Council approval of concept plans for development and/or modification of arts programming, policies and services;

- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the arts, in the City;
- (e) Set the fees to be charged to participants in arts programs and classes in accordance with the guidelines adopted by the City Council;
- (f) In its discretion, review the annual budget as presented to the City Council and advise it on the current operational needs and long-range plans for arts opportunities;
- (g) On behalf of the City, actively encourage programs for the cultural and artistic enrichment of the community;
- (h) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population relating to arts; and
- (i) Seek out and recommend to the City Council, City Manager or Director of Parks and Community Services possible public and private funding opportunities available to implement new or enhance existing arts programs and services.

#### **12-76 Rules and regulations.**

The commission shall operate under the following rules and regulations:

- (a) *Chairperson, vice-chairperson:* The election of the chairperson will precede that of the vice-chairperson nominations. Elections of officers shall take place annually to coincide as closely as possible with the appointment terms of the commissioners. The commission, in event of a vacancy in either office, shall elect one (1) of its members for the unexpired term.
- (b) *Meetings:* The commission shall meet at City Hall, 77 Fair Drive, on the times and dates set forth by resolution of the City Council. In the event the regular meeting day falls on a holiday, the regular meeting shall be held on the next business day. A regular or adjourned meeting may be adjourned to a time and place specified in the order of adjournment. Special meetings may be called at any time by the chairperson, or in the absence of the chairperson, by the vice-chairperson, by the City Manager, the Mayor, or by the majority of the members of the commission, by notice delivered to each available member of the commission, at least twenty-four (24) hours previous to the meeting. A regularly scheduled meeting may be canceled or rescheduled by a majority vote of the commission, with proper notice as required by law.
- (c) *Quorum:* A majority of the members of the commission shall constitute a quorum for the transaction of business. No action shall be taken by the commission unless it is concurred in and adopted by the affirmative vote of at least a majority of the members present. The powers conferred to the commission shall be exercised by motion of



resolution and recorded in the minutes. Upon request of any member of the commission a roll call of the vote shall be conducted, and the results thereof recorded in the minutes.

(d) *Secretary*: The secretary shall be designated by the Director of Parks and Community Services. The secretary shall record the minutes of the commission and shall maintain the records of its proceedings and transactions.

#### **12-77. Procedures.**

(a) All meetings of the Commission shall be open to the public.

(b) Matters brought before the Commission by the public, Director of Parks and Community Services, or their designee, shall be considered by the Commission and it shall report its actions, findings and recommendations to the City Council, the City Manager, or the Director of Parks and Community Services.

#### **12-78. Membership.**

(a) *Commission*. The Arts Commission shall consist of seven (7) members.

(b) *Appointment and removal of commissioners*. Each Council member elected by district shall appoint a Commission member who may or may not be a resident of his or her district, or of the City, subject to approval by a majority vote of the entire City Council. The Mayor shall appoint a Commission member, subject to approval by a majority vote of the entire City Council. Commission members appointed shall be for a term of four (4) years, except as otherwise provided in this section. The Commissioner appointed by the Mayor shall be for a two (2) year term, except as otherwise provided in this section. Commissioners serve at the pleasure of the City Council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire City Council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by City Council policy. For the initial appointments only, members appointed by the representatives of the first, second and sixth districts shall initially serve a two (2) year term.

(c) *Residency in the City*. Residency in the City shall not be required of all ~~Each~~ members of the Commission, provided that at least four of the commissioners shall be residents of the City and all members of the commission shall be in the business of or regularly engaged in the practice of the arts in the judgment of the appointing Council Member and Council. ~~must be a resident of the City at the time the member is nominated and appointed. If any member of the Commission ceases to be a resident of the City, that member's appointment will automatically terminate. The secretary of the Arts Commission shall immediately inform the City Council of any such termination.~~

(d) *Term.* The term of each Commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the Council member or Mayor who appointed that member, or until he or she is reappointed or replaced.

**Section 2. Environmental Compliance.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3)(General Rule) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

**Section 3. Inconsistencies.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after its final passage.

**Section 6. Certification.** This City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this \_\_\_th day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

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Brenda Green, City Clerk

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Kimberly Hall Barlow, City  
Attorney

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