

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