

ORDINANCE NO. 3572 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE CHAPTER 2, ARTICLE 4 TO REVISE THE NAME AND RESPONSIBILITIES OF THE COLTON HALL MUSEUM AND CULTURAL ARTS COMMISSION AND TO ADD SECTION 2-19 QUORUM, VOTING REQUIREMENTS, AND SECTION 2-20 COMPENSATION.

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, in 1986 the City Council established the Colton Hall Museum and Cultural Arts Commission (CHMCAC) as an official advisory body to the City Council on matters affecting the operation of the Colton Hall Museum and on matters pertaining to Monterey history and cultural arts;

WHEREAS, in 2016, after discussion at several CHMCAC meetings regarding changing the name of the CHMCAC, the Commission Chair appointed a subcommittee to work with staff to review other cities' arts and history commission names, responsibilities and propose revisions to the Commission;

WHEREAS, the subcommittee recommended changing the name to Museums and Cultural Arts Commission to reflect its advisory role with respect to the four City Museums – Colton Hall Museum, the Presidio Museum, the Pacific Biological Laboratories and the Workers Shacks;

WHEREAS, the subcommittee further recommended that provisions regarding quorum, and voting requirements, and compensation be added to bring CHMCAC in conformity with current City Code provisions for other City Commissions and Boards; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 2, Article 4, Sections 2-15 through 2-18 are hereby amended to read as follows:

"Article 4. Museums and Cultural Arts Commission.

Sec. 2-15. Established.

The Museums and Cultural Arts Commission is hereby created as an official advisory commission of the City.

Sec. 2-16. Composition.

The Commission shall be composed of seven members who shall act as an advisory commission to the City Council on matters pertaining to City museums, Monterey history, and cultural arts. Members shall represent a variety of history and cultural arts-related disciplines and activities, including, but not limited to:

- (a) California history; especially as it relates to Monterey;
- (b) Museum administration;
- (c) Performing arts, such as drama, music, and dance; and
- (d) Visual arts, such as painting, sculpture, photography, graphics, and applied art.

In addition to regular members, the Mayor, with the approval of the City Council, may appoint additional ex-officio members who have studied early California history or are interested in preserving historical objects of Monterey, or who are well versed or interested in cultural arts. Such members may not vote, however, they will give technical advice and assistance in promoting Monterey's museums and cultural arts.

Sec. 2-17. Terms; Meetings; Officers.

Members shall be appointed by the City Council in accordance with the provisions of Monterey Charter sections 4.5 for a term of two (2) years, and vacancies shall be filled in a like manner. Members whose terms have expired shall continue to serve until their vacancy is filled by the City Council. Members shall be appointed in such a manner as to provide for staggered terms. If a vacancy occurs other than by expiration of the term, it shall be filled by appointment for the unexpired portion of the term.

The Commission shall meet regularly at least once a month at such time and place as the Commission shall fix. At the first meeting in January of each year, the Commission shall elect a Chairperson and Vice-Chairperson for the ensuing year. The Commission shall cause a proper record of its proceedings to be kept, and may adopt rules and procedures for the orderly and proper conduct of its meetings.

Sec. 2-18. Powers and Duties.

The Museums and Cultural Arts Commission shall:

- (a) Advise and make recommendations to the City Council regarding the development and improvement of the City's museums to increase historic appeal, stewardship, and access.
- (b) Advise and make recommendations to the City Council regarding the acquisition, design, and development of City museum facilities.
- (c) Advise and make recommendations to the City Council regarding the purchase or deaccession of works of art, in accordance with the Collections Policy, to increase the aesthetic appeal of, and to promote cultural arts in, public sites and buildings.
- (d) Accept or reject works of art. Only works of art that meet the Collections Policy may be accepted by the Commission.
- (e) Create subcommittees and utilize non-member experts as needed to advise and assist the Commission in making informed and appropriate decisions.
- (f) Encourage cultural arts, including historically oriented exhibits or events, and performing and visual arts projects and programs.
- (g) Work with other civic or community groups to consider partnering with, or jointly sponsoring, events or projects related to history, museums, or the cultural arts.
- (h) It shall perform such other functions as the City Council may provide."

SECTION 3: Monterey City Code, Chapter 2, Article 4, Sections 2-19 and 2-20 are hereby added to read as follows:

"Sec. 2-19 Quorum; Voting Requirements.

A majority of the appointed members of the Commission shall constitute a quorum. Disqualified members (i.e., when the law requires that a member not participate in a decision) are not counted as part of the quorum. Members who abstain (i.e., members who voluntarily choose not to participate in a decision) are counted as part of the quorum. Determination of any issue, except procedural matters, shall require the vote of at least three (3) members. If a matter cannot be determined at a meeting due to the lack of three (3) voting members, it shall be continued to the next available meeting.

Sec. 2-20 Compensation.

As compensation for their services, regular members of the Commission, if in compliance with the ethics training requirements specified by Government Code section 53235, shall receive \$25.00 for each regular, special, or adjourned meeting attended, provided the total compensation shall not exceed \$75.00 in any calendar month."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 15th day of August, 2017, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Barrett, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

