



Staff Report

File #: 21-0852

REQUEST FOR CITY COUNCIL ACTION

DATE: 09/15/2021

TO: Honorable Mayor and City Council Members

FROM: Community Services Department
Legal and Risk Management Department

SUBJECT:

Ordinance amending Corona Municipal Code Chapters 2.35 and 2.48 clarifying provisions relating to the Corona Public Library and term limits for officials appointed to certain City boards and commissions.

EXECUTIVE SUMMARY:

Staff has noted it has been many years since CMC Chapters 2.35 and 2.48 have been reviewed and updated. The proposed amendments to 2.48 align the provisions with the historical practices of the library, including the powers of the Library Board of Trustees and appointment of Trustees. For instance, they clarify that each Council District has the authority to select a person who will be considered for appointment to one position on the Library Board. Additionally, the proposed amendments to 2.35 clarify to which boards and commission the term limits apply.

RECOMMENDED ACTION:

That the City Council introduce by title only and waive full reading for consideration of Ordinance No. 3336, first reading of an ordinance to clarify provisions relating to the Corona Public Library and term limits for officials appointed to certain City boards and commissions.

BACKGROUND & HISTORY:

CMC 2.48 & The Municipal Libraries Act

The Corona Public Library was established pursuant to Corona Municipal Code ("CMC") Chapter 2.48. According to CMC § 2.48.050, the powers and duties of the Corona Library Board of Trustees are as set forth in the California Education Code, specifically, the Municipal Libraries Act, which is found at Education Code § 18900 et seq. ("MLA"). The MLA provides a detailed statutory scheme for the operation and management of municipal libraries, including the composition and appointment of the library Board of Trustees. In fact, in the only published appellate decision that addresses the MLA,

Friends of the Library of Monterey Park v. City of Monterey Park (1989) 211 Cal.App.3d 358, the court concluded that the MLA provides the only authority for the establishment and operation of public libraries by general law cities. As such, the City is required to operate the Corona Public Library in a manner consistent with the MLA.

The MLA contains both mandatory and permissive provisions. The Library Board has historically operated as advisory to the City Council and the Corona Public Library has historically operated under only the mandatory provisions of the MLA, which are as follows:

- Board. The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor with the consent of the legislative body of the municipality. (Ed. Code §18910)
- Three (3) Year Board Member Terms. The trustees shall hold office for three years. (Ed. Code §18911)
- Fill Board Member Vacancies. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made. (Ed. Code §18913)
- Set Board Meeting Frequency and Location. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. (Ed. Code §18914)
- Conduct Meetings Under Brown Act. Meetings of the board are governed by the Ralph M. Brown Act. (Ed. Code §18915)
- Three (3) Board Member Quorum. A majority of the board shall constitute a quorum for the transaction of business. (Ed. Code §18916)
- Board President & Pro Tem. The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. (Ed. Code §18917)
- Board Minutes. The board shall cause a proper record of its proceedings to be kept. (§18918)

CMC 2.35 & Term Limits for Appointed Officials

CMC Chapter 2.35 was adopted many years ago to essentially establish a two-term limit for officials appointed to certain City boards and commissions. In researching and drafting the CMC 2.48 clarifications discussed above, staff also noted that some clarifications to CMC Chapter 2.35 would be needed.

ANALYSIS:

CMC 2.48

Although the Corona Public Library has historically operated under only the mandatory provisions of the MLA, CMC Chapter 2.48 also mentioned some of the permissive provisions which could - but were not - implemented. Staff believes it would be best to clarify that the library is operating only under the mandatory provisions.

The attached redline version of CMC 2.48 outlines those clarifications, as well as the following:

- ✓ Library Name: While CMC Section 2.48.010 had named the library the "Corona Free Public Library and Reading Room", that name has never been used to staff's current knowledge. We are recommending the more common name of "Corona Public Library" be included in the CMC.

- ✓ Fund Names: CMC Sections 2.48.020 and 2.48.030 referred to funds which are not used and are not necessary.
- ✓ Appointments by Each Council Member/District: CMC Section 2.48.040 recited the requirement from Education Code Section 18910 that Library Board Trustees be appointed by the mayor with the consent of the legislative body. While City Council Members have been informally given the ability to make an appointment to the Library Board of Trustees, there has also been some confusion since the Trustees can only be appointed for three-year terms under state law. Staff is recommending a revision to this Section that makes it clear that a Council Member from each Council District has the authority to select a person who will be considered for appointment to one position on the Library Board of Trustees. Each of the five Trustee positions will be informally assigned to a Council District for appointment purposes. When a Trustee's term ends, the Council Member currently in that informally assigned district will make the recommendation for appointment from a Citywide candidate pool (e.g. a Library Trustee shall not be required to reside in the Council District of the City Council Member selecting them for appointment).
- ✓ Library Regulations: The library has a fairly extensive and detailed set of Library Operation Policies, as well as other administrative regulations for its proper operation. CMC Section 2.48.110 has listed a few library regulations regarding a patron code of conduct which are somewhat antiquated and which essentially have been superseded by other operating and administrative policies. Staff recommends that the specifics in the CMC be removed and that the CMC instead cross-reference to the administrative policies and regulations. Moreover, staff is recommending that those administrative policies be adopted by the City Manager, rather than the Board of Trustees. While staff will continue to seek Board advice on many policies, operationally, it is more appropriate for the policies to be formally adopted by the City's chief executive officer. The board serves in an advisory capacity, with library operations being managed by staff. Finally, clarification is added to the proposed revisions to allow for improved enforcement of Library policies and regulations. Specifically, any person violating any policy or other duly adopted regulation shall be deemed to be in violation of the CMC.

CMC 2.35

The attached redline version of CMC 2.35 outlines the clarifications staff believes are necessary to coordinate with the clarifications to CMC 2.48 discussed above.

In addition, while staff understands that CMC Chapter 2.35 was adopted to essentially establish a two-term limit for officials appointed to certain City boards and commissions, the language of the chapter is in some ways too broad and some ways too narrow. Section 2.35.010 provides that it applies to "advisory Board members, commissioners and committee members." First, staff is not aware of any "committee" to which this limit has been applied. Second, the Planning Commission is technically not limited to an "advisory" capacity, as it has those powers and duties "necessary to enable it to perform its planning functions as provided in the California Government Code, other state statutes and local ordinances." Accordingly, staff is recommending that Chapter 2.35 be clarified to apply to the following: (1) park and recreation commission; (2) planning commission; (3)

library board of trustees; (4) housing commission; and (5) any other standing board, commission, or committee formally created by the City Council and expressly made subject to Chapter 2.35. To reiterate, this is simply a clarifying action to make it clear to which commissions and boards the term limits apply. No change to any term is being made and appointed officials will continue to serve coterminously with the council member that appoints them, except for library trustees which will remain at three years as required by state law. No other changes are proposed to this ordinance section.

COMMITTEE ACTION:

The amendments for CMC 2.48 were discussed with the Library Board of Trustees at a special meeting of the Board on Saturday, August 14, 2021. It was the consensus of the Trustees that we move forward with the proposed revisions, and they were highly supportive of having the make-up of the Trustees reflect the Corona community with the most inclusive leadership and library programs.

FINANCIAL IMPACT:

There is no financial impact.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that 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. This action makes changes to the composition, powers and duties of the Library Board of Trustees and clarifies the appointment and term limits for officials appointed to certain City boards and commissions and there is no possibility that this action will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: ABIGAIL LENNING, COMMUNITY SERVICES ASSISTANT DIRECTOR

REVIEWED BY: DEAN DERLETH, CITY ATTORNEY/LRM DIRECTOR & ANNE K. TURNER,
COMMUNITY SERVICES DIRECTOR

Attachments:

1. Exhibit 1- Ordinance No. 3336
2. Exhibit 2- CMC 2.35 (Redline)
3. Exhibit 3- CMC 2.35 (Final)
4. Exhibit 4- CMC 2.48 (Redline)
5. Exhibit 5- CMC 2.48 (Final)