

ORDINANCE NO. 20-003

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 3.44
TO THE MUNICIPAL CODE CLARIFYING MUSEUM BOARD POWERS AND
DUTIES REGARDING THE POINT PINOS LIGHTHOUSE**

WHEREAS, Article 26 of the City of Pacific Grove (City) Charter establishes a Museum Board with certain enumerated powers and duties regarding operation, administration and protection of the City Museum; and

WHEREAS, in addition to its duties with respect to the Museum, and pursuant to Resolution 10-071, the Museum Board traditionally advised the City Council and City Manager with respect to the Point Pinos Lighthouse (Lighthouse); and

WHEREAS, in 2010, the City Council adopted Resolution 10-071 to recognize and clarify the Museum Board's responsibilities regarding the Lighthouse; and

WHEREAS, in 2011, the City Council determined the Museum Board to be operating such that the Board was no longer required to share many of its powers and duties with other bodies, and approved Resolution 11-072, which rescinded the Board's responsibilities regarding the Lighthouse; and

WHEREAS, since 2011, no City Board, Commission or Committee has been responsible to advise the City Council or staff regarding the Lighthouse; and

WHEREAS, the City has determined that it is now appropriate to reassign responsibilities for the Lighthouse to the Museum Board due to its historic designation, and to provide increased oversight and transparency; and

WHEREAS, at its December 10, 2019 special meeting, the majority of the Museum Board voted in favor of such reassignment; and

WHEREAS, notice of the public hearing was published or posted on February 20, 2020; and

WHEREAS, this ordinance amends the Municipal Code to create a new Chapter 3.44, entitled "Museum Board" to further clarify the Museum Board's powers and duties regarding the Lighthouse; and

WHEREAS, in enactment of this Ordinance, the City follows guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.; and

WHEREAS, enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational

or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. A new Chapter 3.44, entitled "Museum Board" shall be created and added to Title 3, "Boards and Commissions," as follows:

**Chapter 3.44
MUSEUM BOARD**

Sections:

3.44.010 Powers and Duties.

3.44.010 Powers and duties.

The Museum Board shall have the following powers and duties:

- (a) Those powers and duties set forth in Charter Article 26.
- (b) To act in an advisory capacity to the City Council and City Manager in all matters pertaining to the operation of the Point Pinos Lighthouse.
- (c) To recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the Point Pinos Lighthouse.

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this Ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 19th day of February, 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield,
McAdams, and Smith.

NOES: None.

ABSENT: Councilmember Tomlinson.

APPROVED:



BILL PEAKE, Mayor

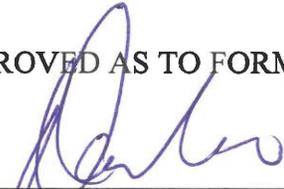
ATTEST:

DATED: 2/20/2020



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney