



AGENDA MATTER:

Second Reading of Adoption of Ordinance No. 845-2009 regarding the Parks, Recreation and Cultural Commission.

EXECUTIVE SUMMARY:

This is the second reading of the ordinance to modify Chapter 2.26 of the Barstow Municipal Code. This ordinance changes the meeting schedule of the Parks Recreation and Cultural Commission (PRCC) and makes certain changes to the PRCC's duties and responsibilities.

DISCUSSION:

At the February 2nd Council meeting, the Council adopted Ordinance No. 845-2009 which modifies the following sections:

- Amends the Meetings and Compensation (2.26.040) and reduce the minimum number of required meetings from one per month to one per quarter. (The PRCC would still be able to meet more or less often if deemed necessary.)
- Amends Powers and Duties (2.26.050) as follows:
 - (section A) has the PRCC only review recreation programs eliminating the words "operation and establishment".
 - (section B) eliminates the words "preparation of and recommendation for" and annual budget so as to have the PRCC only review the budget.
 - (section C) eliminates the section that has the PRCC prepare, establish, implant and review a master plan of parks, recreation and cultural amenities.

A second reading is required for adoption of this ordinance.

RECOMMENDED ACTION:

The City Council approve the second reading of Ordinance No. 845-2008 which would amend Barstow Municipal Code Chapter 2.26 for second reading and waive the full reading.

PROPOSED BY	FUNDS BUDGETED	FUNDS REMAINING	MEETING DATE
Jeanette Hayhurst	N/A	N/A	February 17, 2009
C.M. APPROVAL	AMOUNT REQUIRED	CATEGORY	ITEM NUMBER
Richard Rowe	N/A	City Council	8

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARSTOW,
CALIFORNIA AMENDING CHAPTER 2.26 PERTAINING TO THE
MEETINGS AND DUTIES OF THE PARKS, RECREATION AND
CULTURAL COMMISSION**

WHEREAS, THE CITY OF BARSTOW ORIGINALLY ESTABLISHED THE PARKS, RECREATION AND CULTURAL COMMISSION IN JULY 2004;

WHEREAS, THE RESPONSIBILITIES OF THE PARKS, RECREATION AND CULTURAL COMMISSION HAVE EVOLVED OVERTIME;

WHEREAS, THE CITY WISHES TO ACCURATELY REFLECT THE DUTIES OF THE PARK RECREATION AND CULTURAL COMMISSION;

THE CITY COUNCIL OF THE CITY OF BARSTOW DOES ORDAIN AS FOLLOWS:

Section 1. Municipal Code Amendment. Section 2.26.040 ("Meetings and Compensation") of Chapter 2.26 ("Parks, Recreation and Cultural Commission") of Title 2 of the Barstow Municipal Code is hereby amended to read:

"The Parks, Recreation and Cultural Commission" shall hold one meeting quarterly unless the Commission determines there is no need to meet in a given quarter. The Commission may meet more often at their discretion. The time, place, and date shall be set in bylaws by resolution of the commission. In the event a quorum of the commission fails to appear at any regular, regular adjourned or legally called special meeting, the secretary of the commission shall adjourn the meeting at the same hour and place on the next regular day of business and shall post notice to that effect on the premises where the meeting was to have been held. Commissioners shall be compensated for attendance at meetings in a manner set forth by resolution of the city council."

Section 2. Municipal Code Amendment. Section 2.26.060 ("Powers and Duties") of Chapter 2.26 ("Parks, Recreation and Cultural Commission") of Title 2 of the Barstow Municipal Code is hereby amended to read:

"The powers and duties of the parks, recreation and cultural commission shall be those which are now, or which may hereafter be prescribed by state law, together with such additional duties as may from time to time be assigned by the city council. Such duties shall be adopted by the commission as bylaws by resolution, and shall include but not be limited to the following:

- A. Review recreation programs consistent with a budget approved by the city council; and
- B. Review of an annual budget for parks, recreation and cultural activities, including capital construction, which shall be submitted to the finance director each year in time to be considered as part of the annual budget process. Nothing in the commission's submittal shall be binding upon the City Council authority or discretion to adopt a budget."

Section 3. Continuations of Provisions. To the extent the provisions of the Barstow Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they existed prior to the adoption of this Ordinance, those provisions shall be construed as continuations of, and not amendments of, the earlier provisions.

Section 4. Severability. If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 5. Effective Date. The City Clerk shall cause this Ordinance to be published in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the City Council.

PASSED, APPROVED AND ADOPTED, this ____ day of February, 2009.

Joe D. Gomez
Mayor

ATTEST:

JoAnne V. Cousino, City Clerk

I, JoAnne V. Cousino, City Clerk of the City of Barstow, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Barstow held on the ____th day of _____, 2009, and was adopted at the regular meeting of the City Council of the City of Barstow on ____th day of _____, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED: