

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Museums and Cultural Affairs (MCAD)

**AGENDA DATE:** Introduction on 8/4/09 and Public Hearing on 8/11/09

**CONTACT PERSON/PHONE:** Sean McGlynn 541-4896

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

To approve an ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs) of the City Code, Section 2.40.010 (Department Created-Functions), to include the presentation of museum and cultural events and activities as a departmental goal; and Section 2.40.020 (Fees), to clarify the procedures for setting the fees for membership, exhibitions, facility rental, and classes.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

This ordinance amendment will provide MCAD the flexibility to standardize fees for department-wide activities, such as membership, exhibitions, facility rentals, classes and related programming, that reflect true cost recovery. Moreover, this will help the department foster existing and develop new revenue streams to support department-wide operations.

**PRIOR COUNCIL ACTION**

Has the Council previously considered this item or a closely related one?

On October 30, 2007 - Council adopted Ordinance No. 16764 changing multiple sections to correct Board and Museum names, change quorum requirements and clarify cross-appointments; adding Section 2.40.080 to codify the Ordinance creating the Museum of History Advisory Board; and adding Section 2.40.090 to create an El Paso Museum of Archaeology Advisory Board.

November 1, 2005 - Council adopted Ordinance 16196 creating the Museums and Cultural Affairs Department outlining responsibility for the El Paso Museum of Art, History and Archaeology. The re-establishment of the Cultural Affairs Adviosry Board; outling the relationship with the Museum of Art and History Adviosry Boards; and establishing free admission to the Museum of Art.

August 31, 1993 - Council adopted Ordinance 011532 establishing the Museum of History and Museum of History Adviosry Board.

March 1992 - Council adopted Ordinance 010927 establishing the Museum of Art Adviosry Board.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.40 (DEPARTMENT OF MUSEUMS AND CULTURAL AFFAIRS) OF THE CITY CODE, SECTION 2.40.010 (DEPARTMENT CREATED-FUNCTIONS), TO INCLUDE THE PRESENTATION OF MUSEUM AND CULTURAL EVENTS AND ACTIVITIES AS A DEPARTMENTAL GOAL; AND SECTION 2.40.020 (FEES), TO CLARIFY THE PROCEDURES FOR SETTING THE FEES FOR MEMBERSHIP, EXHIBITIONS, FACILITY RENTAL, AND CLASSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

SECTION 1: That Section 2.40.010 of the El Paso City Code, Department created--Functions, is amended as follows:

**2.40.010 Department created--Functions.**

- A. There is created a city department, to be known as the Museums and Cultural Affairs Department, which shall administer the functions of museums and cultural affairs within the city, including the functions of the El Paso Museum of Art, the El Paso Museum of History, the El Paso Museum of Archaeology, as well as public art, the encouragement, promotion, coordination and improvement of the arts, and related programming, grant-making, cultural tourism and other related functions as assigned by the city manager.
- B. The department shall report under the city's organizational structure as set forth in Chapter 2.110 of this code.
- C. The mission of the department will be to assist in developing a world-class arts community in El Paso.
- D. The goals of the department will include but not be limited to:
  - 1. Management and operation of the El Paso Museum of Art, El Paso Museum of Archaeology and El Paso Museum of History;
  - 2. Collection, interpretation, preservation and exhibition of works of art and artifacts to maintain and support diverse cultures;
  - 3. Programming internationally acclaimed exhibitions, lectures and educational programs focusing on the permanent collections and temporary exhibitions;
  - 4. Management of cultural funding;
  - 5. Production and presentation of the performing and visual arts programs;
  - 6. Production and presentation of civic arts, culture, historical and heritage events, fairs and activities, utilizing the grounds and facilities of the various museums, as are appropriate within the mission of the department;
  - 7. Implementation of the public art program;
  - 8. Provision of technical assistance for individual artists;

9. Development provision of technical assistance for individual artists of the cultural and heritage tourism program;
10. Partnering with approved agencies in the programming and promotion of the conventions and visitor bureau, Plaza Theater and McKelligon Canyon Amphitheater;
11. Initiation of the arts in education in collaboration with school districts, arts educators, artist and other stakeholders.

SECTION 2: That Section 2.40.020 of the El Paso City Code, Fees, is amended as follows:

**2.40.020 Fees.**

A. Fees for Membership and Admission to Classes, Facility, Object and Exhibit Rentals at the El Paso Museum of Art, El Paso Museum of History and the El Paso Museum of Archaeology, and for programs provided by the Museums and Cultural Affairs Department shall be in the amounts set forth in the budget resolution of the city council or established by the director of the Museums and Cultural Affairs Department or his designee, subject to the guidelines and requirements set forth in this chapter. For purposes of this section, persons age 60 or over qualify for any senior citizen rate. Persons with a valid student identification qualify for any student rate. Persons with a valid military identification card or military family identification card qualify for any military rate.

1. **Admission Fees.** There shall be no fee charged for regular admission at the El Paso Museum of Art, El Paso Museum of History or the El Paso Museum of Archaeology; provided, however, that a charge may be imposed for a ticket to a special exhibit within the museum facilities in the amount set forth in the annual budget resolution or other appropriate resolution of the city council, or when a specific amount is not established by resolution, in an amount established by the director, in conjunction with the director of the office of management and budget or his designee, as calculated to recover the exhibit costs. Such charges may be reduced or waived for groups or for specific days as designated by the director in accordance with the policies that have been approved by resolution of the city council or when determined appropriate to promote increased attendance, to honor groups of importance to the city, or to create good will in the community. The director may also reduce or waive exhibit fees based on senior citizen status, student status, or military status.
2. **Membership Fees.** The department shall administer the membership program for Membership to the El Paso Museum of Art, El Paso Museum of History and El Paso Museum of Archaeology in accordance with the policies and procedures established by the director, which may include incentives for members. Membership fees will be in an amount set forth

in the annual budget resolution or other appropriate resolution of the City Council. Membership fees may have categories based on senior citizen status, military status, corporate or other status as set forth within the annual budget resolution or other appropriate resolution of the city council.

3. **Facility Rental.** The department shall administer facility rentals at the El Paso Museum of Art, El Paso Museum of History and the El Paso Museum of Archaeology in accordance with the policies that have been approved by resolution of the city council. Facility rentals may also include rental of museum equipment to include chairs, tables, podiums, sound system, slide projectors, electronic media projector, TV/VCR/DVD players, and the like. Facility rental fees and equipment rental fees will be in an amount set forth in the annual budget resolution or other appropriate resolution of the City Council.
4. **Facility Use.** The director may, in accordance with the policies and procedures approved by resolution of the city council, utilize the grounds and facilities of the various museums as appropriate within the mission of the department, to produce and present civic arts, culture, historical and heritage events, fairs and activities. Such policy may include authorization and guidelines for the selection of persons and organizations to conduct displays and vending of such types and purposes as will further the purpose and enjoyment of the event, fair, or activity by the public, and may include criteria by which the director would be authorized to approve the sale or service of alcoholic beverages in conformity with the Texas Alcoholic Beverages Code. The fees for such uses shall be as set forth within the annual budget resolution or other appropriate resolution of the city council.
5. **Curatorial Fees.** The department shall administer loans of art, artifacts and one time use of copyright in accordance with all applicable laws and the Collection, Care & Management Policy approved by resolution of the city council. The Loan Fees and Copyright Fee shall be determined in accordance with the Collection, Care & Management Policy that has been approved by resolution of the city council and shall be in the amount or within the parameters as set forth in the annual budget resolution or other appropriate resolution of the City Council. The director, in conjunction with the director of the office of management and budget or his designee, shall establish a specific fee within a range of parameters for a fee, so as to recover the city's costs of administration or use.
6. **Class Fees.** The department is authorized to create and schedule classes available to the public through the El Paso Museum of Art, the El Paso Museum of History, El Paso Museum of Archaeology, and through the department. Such classes shall serve or further the purpose and mission of the department. The fee for such classes set forth in the annual budget

resolution shall be in the amount listed therein or within the parameters of the amounts listed therein. When the fee has been authorized within a range of parameters, the director, in conjunction with the director of the office of management and budget or his designee, shall establish the exact fee to be charged in an amount calculated to recover the cost of the class. The director is authorized to develop additional classes throughout each fiscal year and charge a fee for such classes in an amount calculated by the director, in conjunction with the director of the office of management and budget or his designee, to recover the cost of the class.

SECTION 3. Except as herein amended, Title 2 of the El Paso City Code shall remain in full force and effect.

SECTION 4. This ordinance shall take effect September 1, 2009.

ADOPTED THIS \_\_\_\_\_ day of August 2009.

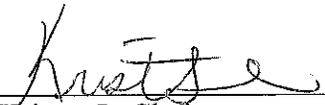
CITY OF EL PASO

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John F. Cook, Mayor

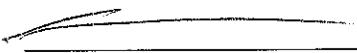
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Choi  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Sean P. McGlynn, Director  
Museums and Cultural Affairs  
Department