

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

DEPARTMENT: Museums and Cultural Affairs (MCAD)

AGENDA DATE: Introduction on 10/23/07 and Public Hearing on 10/30/07

CONTACT PERSON/PHONE: Yolanda R. Alameda, 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), 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.

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?

On 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 at the Museum of Art. The proposed amendments outlined here clarify and articulate the following: Correctly identify names of institutions under MCAD purview:

- El Paso Museum of Art
- El Paso Museum of Art Advisory Board
- El Paso Museum of Archaeology
- El Paso Museum of History
- El Paso Museum of History Advisory Board

Reaffirm free admission at all three museums

Clarify role of the Museum of Art Advisory Board

Codify ordinance creating the El Paso Museum of History Adviosry Board

Establish the El Paso Museum of Archaeology Advisory Board

Establish the appointment of a member of the El Paso Museum of Archaeology to the Cultural Affairs Advisory Board as a liaison

Change the CAAB make up from 11 to 12 to include the appointment of a member of the El Paso Museum of Archaeology to the Cultural Affairs Advisory Board as a liaison

Reduce the quorum for all MCAD advisory boards to be based on the total number of members appointed; not less than one-third of all potential appointments

PRIOR COUNCIL ACTION

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

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

CITY CLERK DEPT
07 OCT 15 PM 2:03

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

Reviewed and approved by the Cultural Affairs Advisory Board - October 2, 2007

Reviewed and approved by the Art Museum Advisory Board - August 2, 2007

Reviewed and approved by the History Museum Advisory Board - October 18, 2007

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.40 (DEPARTMENT OF MUSEUMS AND CULTURAL AFFAIRS), 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.

WHEREAS, the City Council (the “Council”) of the City of El Paso (the “City”) created a City department, known as the Museums and Cultural Affairs Department (the “Department”), to administer the functions of museums and cultural affairs within the City; and

WHEREAS, the name of the El Paso Museum of Art Advisory Board and the names of the museums under the purview of the Department are not referenced in a consistent manner in the City Code, and this amendment corrects those inconsistencies; and

WHEREAS, the Cultural Affairs Advisory Board (“CAAB”) and the advisory board for each of the museums under the purview of the Department could more efficiently accomplish their respective duties by changing their quorum requirements; and

WHEREAS, clarifying that there shall be an appointment from each of the museum advisory boards to the CAAB, and stating the El Paso Museum of Art Advisory Board’s ability to work in a cooperative relationship with certain groups, will facilitate the administration of the ordinance; and

WHEREAS, the El Paso Museum of History Advisory Board was created pursuant to Ordinance No. 9772, and that ordinance was amended pursuant to Ordinance No. 11532, deleting the requirement for board nominations by the El Paso County Historical Society and clarifying the method of appointment of board members, but neither ordinance was codified nor did either address the board’s quorum; and

WHEREAS, City seeks to create an El Paso Museum of Archaeology Advisory Board in order to assist the El Paso Museum of Archaeology, the Department and City Council.

WHEREAS, the CAAB has approved of the amendments contained herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.010 (Department created - Functions), A. shall be replaced with the following:

- 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.

2. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.010 (Department created – Functions), D.1 shall be replaced with the following:

- D.1. Management and operation of the El Paso Museum of Art, El Paso Museum of Archaeology and El Paso Museum of History;

3. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.020 (Fees), A. shall be replaced with the following:

- A. 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 maybe imposed for a ticket to a special exhibit within the museum facilities in order to defray the costs of such special exhibit.

4. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.030 (Advisory Board – Created – Members-Appointments) shall be replaced in its entirety with the following:

In order to assist the City Council, there is created an El Paso Museum of Art Advisory Board of nineteen members composed of the following:

- A. Two members nominated by each district representative and three members nominated by the Mayor;
- B. Each member shall be appointed based upon their professional competence and experience in the arts and may include concerned members of the public.

5. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.040 (Advisory Board – Members - Terms) shall be replaced in its entirety with the following:

- A. The members of the El Paso Museum of Art Advisory Board will serve staggered terms. The initial board will be composed of seven members who will serve for two years and eight members who will serve for one year. The initial terms will be established by lot at the first meeting. Initial terms will all run from March 1, 1992. Each successive term shall be for a two-year period. El Paso Museum of Art Advisory Board members may not serve more than two consecutive terms.

- B. Those board members serving as of August 24, 1993, shall continue to serve until the expiration of their terms, except for those instances of earlier resignation or earlier removal by the City Council. All additional members, as well as any members appointed to any other positions vacant as of August 24, 1993, shall serve in terms as stated in the motion appointing the board member. Thereafter, all new appointments shall be made for two-year terms, except for appointments made to fill vacancies occurring during any term, which shall be for the remainder of the unexpired term.

6. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.050 (Advisory Board – Officers and Quorum) shall be replaced in its entirety with the following:

- A. Officers. Each year members shall elect presiding officers of the El Paso Museum of Art Advisory Board. The El Paso Museum of Art Director shall act as an ex officio member of the board without the right to vote and shall not be counted for purposes of establishing a quorum. The Director will assign a secretary to El Paso Museum of Art Advisory Board.
- B. Quorum. A quorum of the El Paso Museum of Art Advisory Board shall be a majority of the total number of the board members who have been appointed by City Council at the time of the board meeting; provided however, a quorum shall not be less than seven.

7. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.060 (El Paso Museum of Art Advisory Board – Duties) shall be replaced in its entirety with the following:

The El Paso Museum of Art Advisory Board shall perform the following duties:

- A. The El Paso Museum of Art Advisory Board shall from time to time make such general studies of existing museum facilities and operations as may be useful in keeping the museum responsive to the cultural and historical needs of the City and the professional demands of the museum community. It shall report the results of any studies to the City Council together with any recommendations adopted by the board as a result of the subjects studied.
- B. The El Paso Museum of Art Advisory Board shall make recommendations to the Mayor and City Council on the relocation of the museum or the renovation and expansion of the existing facilities.
- C. The El Paso Museum of Art Advisory Board shall make recommendations to the Mayor and City Council on the museum's operating budget.
- D. The El Paso Museum of Art Advisory Board shall make recommendations to City Council on policies regarding collection management which shall include, but not be limited to, policies on:
 - 1. Acquisition/deaccession;
 - 2. Loans;

3. Conservation;
 4. Insurance;
 5. Use of collections; and
 6. Documentation of collections.
- E. The El Paso Museum of Art Advisory Board shall make recommendations to City Council on the care and use of the physical plant, including security of the building(s), collections or visitors.
 - F. The board shall review exhibition schedules and educational programs to assure they are in keeping with the mission of the El Paso Museum of Art and to make such recommendations to City Council on these items as are necessary.
 - G. The El Paso Museum of Art Advisory Board shall assist the El Paso Museum of Art in developing and supporting its operations, facilities and collections, and the board may also work in cooperation with other groups and organizations in support of the El Paso Museum of Art.
 - H. The El Paso Museum of Art Advisory Board shall annually select one of their own members to the Cultural Affairs Advisory Board of the Museums and Cultural Affairs Department as referenced herein in Section 2.40.070, to serve during the same term as the El Paso Museum of Art Advisory Board's presiding officers.

8. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.070 (Cultural Affairs Advisory Board – Duties), B. shall be replaced in its entirety with the following:

- B. The board will be composed of twelve local citizens. Nine members will be appointed by the Mayor and city representatives, with the Mayor and the representatives nominating one member each. The El Paso Museum of Art Advisory Board, the El Paso Museum of History Advisory Board and the El Paso Museum of Archaeology Advisory Board shall each select one of their respective members to serve on the Cultural Affairs Advisory Board. The beginning date of all terms shall be November 1, 2005. The initial terms will be staggered and at the first meeting members shall draw lots so that one-third of the members shall serve a one-year term, one-third of the members shall serve a two-year term and one-third of the members shall serve a three-year term. Thereafter, each board member will serve a three-year term and members shall serve a maximum of two consecutive three-year terms. Upon serving the maximum consecutive full terms, should that member be interested in serving additional terms, such member shall remain off of the board for at least one full term of three years prior to seeking reappointment.

9. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.070 (Cultural Affairs Advisory Board), G. (Quorum) shall be added with the following:

- G. (Quorum) A quorum of the board shall be a majority of the total number of the board members who have been appointed by City Council, the El Paso Museum of Art Advisory Board, the El Paso Museum of History Advisory Board and the El

Paso Museum of Archaeology Advisory Board at the time of the board meeting; provided however, quorum shall not be less than four.

10. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.080 (El Paso Museum of History Advisory Board) shall be added with the following:

- A. **Members – Appointment.** In order to assist the Department, the El Paso Museum of History and the City Council, there is hereby created the El Paso Museum of History Advisory Board composed of nine regular members. One appointment shall be nominated by the Mayor and one appointment shall be nominated by each of the eight Representatives. All regular members of the El Paso Museum of History Advisory Board must be residents of the City of El Paso.
- B. **Term.** Regular members shall be appointed for a two-year period, except that appointments made to fill vacancies created during a term shall be for the remainder of the unexpired term. Terms shall be staggered, selected by lot at the first board meeting. Five of the initial regular members shall have two-year terms and four of the initial regular members shall have one-year terms. All future appointments shall be for two-year terms. Each member shall serve until his successor is appointed.
- C. **Officers and Quorum.**
 - 1. **Officers.** The El Paso Museum of History Advisory Board shall select from among its members a Chairman and a Vice-Chairman and shall adopt, subject to the approval of City Council, such rules and regulations governing its proceedings as it may deem proper. Such rules and regulations must be consistent with the City Charter and ordinances of the City.
 - 2. **Quorum.** A quorum of the El Paso Museum of History Advisory Board shall be a majority of the total number of the board members who have been appointed by City Council at the time of the board meeting; provided however a quorum shall not be less than three.
- D. **Duties.** The El Paso Museum of History Advisory Board shall perform the following duties:
 - 1. The El Paso Museum of History Advisory Board shall serve as an advisory body to the Mayor and City Council on all matters concerning the operation of the El Paso Museum of History.
 - 2. The El Paso Museum of History Advisory Board shall from time to time make such general studies of existing El Paso Museum of History facilities and operations as may be useful in keeping the El Paso Museum of History responsive to the cultural and historical needs of the City and the professional demands of the museum community. It shall report the results of any studies to the City Council

together with any recommendations adopted by the Board as a result of the subjects studied.

3. The El Paso Museum of History Advisory Board shall advise the Mayor and City Council on scheduling of traveling exhibits, changes to existing exhibits and the creation of new exhibits.

4. The El Paso Museum of History Advisory Board shall make recommendations to the Mayor and City Council on the relocation of the El Paso Museum of History or the renovation and expansion of existing facilities.

5. The El Paso Museum of History Advisory Board shall make recommendations to the Mayor and City Council on the El Paso Museum of History's operating budget, including recommendations as to a reasonable allocation of support staff (janitorial, curatorial, educational, maintenance, etc.) for those support services which are shared among the City's museum system.

6. The El Paso Museum of History Advisory Board shall draft and present to the Mayor and City Council for approval a five-year plan aimed toward achieving AAM accreditation for the El Paso Museum of History.

7. The El Paso Museum of History Advisory Board shall annually select one of their own members to the Cultural Affairs Advisory Board of the Department of Museums and Cultural Affairs as referenced herein in Section 2.40.070, to serve during the same term as the El Paso Museum of History Advisory Board's officers.

E. The Director of the El Paso Museum of History or his/her designee shall act as Secretary to the El Paso Museum of History Board, without additional compensation. The curator of the El Paso Museum of History will keep a record of all transactions of the El Paso Museum of History Advisory Board and shall provide the El Paso Museum of History Advisory Board with all information necessary for the performance of its duties.

11. That Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.090 (El Paso Museum of Archaeology Advisory Board) shall be added with the following:

A. Members – Appointment. In order to assist the El Paso Museum of Archaeology and the City Council, there is hereby created a Museum of Archaeology Advisory Board composed of nine regular members. One appointment shall be nominated by the Mayor and one appointment shall be nominated by each of the eight Representatives. All regular members of the Museum of Archaeology Advisory Board must be residents of the City of El Paso.

B. Terms. Regular members shall be appointed for a two-year period, except that appointments made to fill vacancies created during a term shall be for the

remainder of the unexpired term. Terms shall be staggered, selected by lot at the first board meeting. Five of the initial regular members shall have two-year terms and four of the initial regular members shall have one-year terms. All future appointments shall be for two-year terms. Each member shall serve until his successor is appointed.

C. Officers and Quorum.

1. Officers. The El Paso Museum of Archaeology Advisory Board shall select from among its members a Chairman and a Vice-Chairman and shall adopt, subject to the approval of City Council, such rules and regulations governing its proceedings as it may deem proper. Such rules and regulations must be consistent with the City Charter and ordinances of the City.
2. Quorum. A quorum of the El Paso Museum of Archaeology Advisory Board shall be a majority of the total number of the board members who have been appointed by City Council at the time of the board meeting; provided however a quorum shall not be less than three.

D. Duties. The Museum of Archaeology Advisory Board shall perform the following duties:

1. The Museum of Archaeology Advisory Board shall serve as an advisory body to the Mayor and City Council on all matters concerning the operation of the El Paso Museum of Archaeology.
2. The Museum of Archaeology Advisory Board shall from time to time make such general studies of existing Museum of Archaeology facilities and operations as may be useful in keeping the Museum of Archaeology responsive to the cultural and archaeological needs of the City and the professional demands of the museum community. It shall report the results of any studies to the City Council together with any recommendations adopted by the Board as a result of the subjects studied.
3. The Museum of Archaeology Advisory Board shall advise the Mayor and City Council on scheduling of traveling exhibits, changes to existing exhibits and the creation of new exhibits.
4. The Museum of Archaeology Advisory Board shall make recommendations to the Mayor and City Council on the relocation of the Museum of Archaeology or the renovation and expansion of existing facilities.
5. The Museum of Archaeology Advisory Board shall make recommendations to the Mayor and City Council on the Museum of Archaeology's operating budget, including recommendations as to a reasonable allocation of support

staff (janitorial, curatorial, educational, maintenance, etc.) for those support services which are shared among the City's museum system.

6. The Museum of Archaeology Advisory Board shall draft and present to the Mayor and City Council for approval a five-year plan aimed toward achieving AAM accreditation for the Museum of Archaeology.
7. The El Paso Museum of Archaeology Advisory Board shall annually select one of their own members to the Cultural Affairs Advisory Board of the Department of Museums and Cultural Affairs as referenced herein in Section 2.40.070, to serve during the same term as the El Paso Museum of Archaeology Advisory Board's officers.

- E. The Museum of Archaeology Director or his/her designee shall act as Secretary to the Museum of Archaeology Advisory Board, without additional compensation. The Museum of Archaeology curator will keep a record of all transactions of the Museum of Archaeology Advisory Board and shall provide the Museum of Archaeology Advisory Board with all information necessary for the performance of its duties.

12. Except as expressly herein amended, Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40 (Department of Museums and Cultural Affairs) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2007.

(Signatures appear on following page)

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

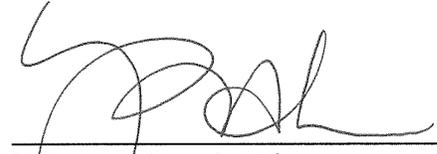
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Yolanda Alameda, Director
Museums & Cultural Affairs Department

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