

Report ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA ADDING CHAPTER 2.74 TO TITLE 2 OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING A MUNICIPAL LIBRARY FOR THE CITY, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

WHEREAS, at its regular meeting on October 12, 2023, the City Council of the City of Palm Desert adopted Resolution No. 2023-047, after conducting a public hearing and providing the required notice pursuant to Education Code section 19100 et seq., approving the City's withdrawal from the Riverside County Library System ("RCLS"), assuming the provision of library services in the City of Palm Desert, and indicating the City's intent to establish an independent municipal library; and

WHEREAS, pursuant to Resolution No. 2023-047, as of July 1, 2024, or upon the transfer of property, whichever is later, the City of Palm Desert will withdraw from the RCLS and shall assume the responsibility for the provision of library services within the City's jurisdiction; and

WHEREAS, the City is authorized to establish a municipal public library pursuant to Section 101 of the City of Palm Desert Charter, and Article XI, Section 5 of the California Constitution; and

WHEREAS, the City Council desires that the Palm Desert Public Library be established as a municipal public library to be operated by the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Establishment. The City Council of the City of Palm Desert hereby establishes the Palm Desert Public Library to provide library services directly to the public as a municipal library, and directs city staff to take all necessary steps and actions in order to effectuate the transition of the Palm Desert Library from the Riverside County Library System to a municipal library.

Section 3. Amendment to Code. The Palm Desert Municipal Code is hereby amended by adding Chapter 2.74, Public Library, of Title 2, Administration and Personnel, to read as follows:

Section 2.74.010 Public Library Established.

The City Council of the City of Palm Desert hereby establishes and provides for the regulation and maintenance of a public library in the city to be known as the Palm Desert Public Library. The purpose of this chapter is to ensure that the Palm Desert Public Library provides a

quiet, orderly, and safe environment in which people may read, study, use library materials and equipment, and attend programs.

Section 2.74.020 Governance and Operation of Library.

The city manager or their designee shall direct and control all affairs of the library. The city manager shall cause to be employed a Director of Library Services, and authorize the Director of Library Services to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the Director of Library Services, assistants and employees shall have been fixed and approved by a majority of the members of the city council voting in favor thereof.

Section 2.74.030 Rules and Regulations.

The city manager or their designee shall establish the rules of conduct for library patrons. The city manager or their designee may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Section 2.74.030 Library Fund and Expenditures.

A. The legislative body of the city shall annually allocate from the general funds of the city a sum of money, the amount of which shall be determined by the legislative body, which sum, together with all money acquired by gift, devise, bequest or otherwise for the purposes of the library shall be apportioned to a fund to be designated the library fund and be applied to the purposes authorized under this chapter.

B. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, or bequest, the city shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

C. Payments from the fund shall be made in the same manner as provided for the payment of other demands against the city; provided, that all demands on such fund shall be first presented to the city council and approved by it before being ordered paid.

Section 2.74.040 Title to Property.

The title to all property acquired for the purposes of the library established under this chapter, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city and, in the name of the city, may be sued for and defended by action at law or otherwise.

Section 4. Severability. _____ If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. the City Council of the City of Palm Desert hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that

any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases would be declared invalid, unconstitutional, or unenforceable.

Section 5. CEQA. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this Ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK

APPROVED AS TO FORM:

Isra Shah, City Attorney