



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 12/6/2011

Report Type: Consent

Title: (Pass for Publication) Ordinance Amendment: Sacramento Metropolitan Arts Commission (Continued from 7-19-11)

Report ID: 2011-00403

Location: Citywide

Recommendation: Review an Ordinance amending Chapter 2.84 of Title 2 of the Sacramento City Code relating to the Sacramento Metropolitan Arts Commission and pass for publication the Ordinance title as required by the Sacramento City Charter section 32(c), to be adopted on December 13, 2011.

Contact: Rhyena Halpern, Executive Director, (916) 808-3992, Convention, Culture and Leisure Department

Presenter: None

Department: Convention Culture & Leisure

Division: Metro Arts-Administration

Dept ID: 17001811

Attachments:

- 1- Description/Analysis
- 2- Background
- 3- Ordinance - Redline
- 4- Proposed Ordinance - Clean

City Attorney Review

Approved as to Form
Kourtney Burdick
11/30/2011 10:29:57 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
11/22/2011 6:18:08 PM

Approvals/Acknowledgements

Department Director or Designee: Rebecca Bitter - 11/29/2011 1:34:12 PM



Description/Analysis

Issue: Staff recommends amending Chapter 2.84 of the City Code related to the Sacramento Metropolitan Arts Commission (Commission). The amendments to the ordinance will:

- 1) Eliminate the Commission seats that are reserved for practicing artists and arts administrators, in favor of having all 11 seats allocated to a mix of community representatives based on interest, experience, and knowledge of the arts.
- 2) Replace the Folsom/Isleton/Galt (FIG) seat with a seat to be jointly appointed by the City and County upon recommendation by the Commission.
- 3) Create consistency in term limits among all commissioners.
- 4) Revise the powers and duties of the Commission to make consistent with actual practice.

Policy Considerations: The City Clerk's Office recommended all City boards and commissions review their governance documents to create parity, conformity, and efficiencies.

Environmental Considerations: None.

Commission/Committee Action:

On November 15, 2011, the Law and Legislation Committee approved: 1) the proposed Ordinance change to Sacramento Metropolitan Arts Commission, Title 2, Chapter 2.84; and 2) forwarding a recommendation of approval of the Ordinance to City Council.

Rationale for Recommendation: The FIG seat is no longer relevant. Folsom has its own Arts Council and Isleton and Galt have been minimally involved, never having seated a resident. Replacing the FIG seat with a seat to be jointly appointed by the City and County upon recommendation by the Commission as well as allocating a mix of community representatives based on interest, experience, and knowledge of the arts, will better fit the Commission's needs in practice. The current ordinance language is outdated and cumbersome and does not fit today's best business practices. Changes recommended to the Powers and Duties section of the ordinance reflect a broader spectrum of community partners and broadens the scope of activities and programs the Commission administers.

Financial Considerations: Not applicable.

Emerging Small Business Development (ESBD): Not applicable.



Background:

The Sacramento Metropolitan Arts Commission (Commission) is a joint commission of the City and County of Sacramento. The governing City ordinance has not been updated since its inception in 1977. Prompted by the City Clerk's recommendations to review current Commission procedures and practices to ensure consistency with the City Code and other City practices, the Commission has reviewed the ordinance and recommends the attached changes. In addition, the Commission has recommended additional amendments in an effort to have the ordinance more closely reflect the Commission's practices as well as streamline the appointment process.

Should the Council approve these recommended changes, the Commission will implement a revised Rules of Procedure governing its operation. Modeled upon the Rules of Procedure for the Parks and Planning Commission as an example of best practices, the Commission, via its Governance Ad Hoc Committee and Executive Director, spent the last two years updating the Commission's Bylaws, which were last changed in 1995. The new Rules of Procedure, which are housed in the Bylaws, were reviewed and approved by the Commission on October 11, 2010, in anticipation of the changes recommended to the ordinance.

County staff has preliminarily approved the recommended amendments to the ordinance. The matter will be scheduled before the Board of Supervisors in January 2012.



ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 2.84 OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO METROPOLITAN ARTS COMMISSION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 2.84.020 of the Sacramento City Code is amended to read as follows:

2.84.020 Definitions.

As used in this chapter, the following definitions apply:

“Board” means the board of supervisors of Sacramento County.

“Capital Improvement Program” or “CIP” means the annual program for City financed public improvement projects.

“City” means the city of Sacramento.

“Commission” means the Sacramento metropolitan arts commission.

“Council” means the city council of the city of Sacramento.

“County” means the county of Sacramento.

“Division” means the Sacramento Metropolitan Arts Commission Division of the City’s Department of Convention, Culture and Leisure.

“Mayor” means the mayor of the city of Sacramento.

“Member” means a person appointed as a member of the commission.

“Public art” means an original work of art or artwork that is accessible to the public and that has been approved as public art by the commission.

“Works of art” or “artwork” includes, but is not limited to, all paintings, mural decoration, inscriptions, stained glass, fibre work, statues, reliefs or other sculptures, monuments, fountains, arches, or other structures, intended for ornament or commemoration. It also

~~includes, but is not limited to, works in the fields of music, literature, theater, dance and film means all forms of the visual arts conceived in any medium, material, or combination thereof.~~

SECTION 2. Section 2.84.030 of the Sacramento City Code is amended to read as follows:

2.84.030 Appointment ~~and removal~~ of members and qualifications.

The commission shall consist of eleven (11) members, who shall be appointed as follows:

A. Five members ~~shall~~ be appointed by the mayor with approval of the council. ~~Of the five members appointed, one member shall be a practicing artist, and one member shall be an arts administrator.~~

B. Five members ~~shall~~ to be appointed by the board. ~~Of the five members appointed, one member shall be a practicing artist, and one member shall be an arts administrator.~~

C. One member ~~appointed jointly by the mayors of Folsom, Isleton and Galt~~ shall be jointly appointed by the council and board upon recommendation by the commission.

D. ~~The fields of art which may be considered in the appointment of the practicing artist and arts administrator include architecture, the environmental arts, visual arts, performing arts and the literary arts~~ Each member shall be qualified by reason of the following knowledge, training, and professional experience:-

1. Demonstrated knowledge about the arts;
2. History of involvement with the local arts community;
3. Experience as an arts educator, arts supporter, arts advocate, arts administrator, art curator, art historian, art critic, or practicing artist; and
- 4.4. Basic understanding of the commission's activities.

E. The members should reflect the diversity of the city and county to the maximum extent practicable.

SECTION 3. Section 2.84.040 of the Sacramento City Code is amended to read as follows:

2.84.040 Term of office—~~First appointment~~—Eligibility for reappointment.

A. Each member shall serve for a term of three years.

~~B. Notwithstanding the provisions of subsection A of this section, the members first appointed to the commission shall serve from the date on which the commission holds its first meeting for the following terms:~~

~~1. Two members appointed by the council and two members appointed by the board shall each serve for a period of one year.~~

~~—2.— Two members appointed by the council and two members appointed by the board shall each serve for a period of two years.~~

~~—3.— One member appointed by the council and one member appointed by the board shall each serve for a period of three years.~~

~~—4.— That member appointed jointly by the mayors of Folsom, Isleton and Galt shall serve for a term of three years.~~

~~—CB.~~ No member, who has served two consecutive full three-year terms shall be eligible for reappointment to the commission until two years after the last prior date the member served on the commission.

C. Notwithstanding subsection (A), above, the term of a member who fills a vacancy pursuant to Section 2.84.070 shall be for the remainder of the predecessor's term. For purposes of calculating the two-consecutive term limit under subsection (B), above, the term of a member filling more than half of a vacant term shall constitute a full term.

SECTION 4. Section 2.84.050 of the Sacramento City Code is amended to read as follows:

2.84.050 Organization ~~and procedural meetings~~—Officers.

~~Within fifteen (15) days after the appointment of the members of the commission, they shall meet and organize by electing from their members a~~ Annually, the commission shall elect from its members a chairperson and a vice-chairperson, each of whom shall hold that office for a term of one year. ~~president and secretary who shall hold office at the pleasure of the commission~~ The commission shall fill vacancies in the offices of chairperson and vice-chairperson from among its members. The commission may adopt such lawful rules as it deems necessary, consistent with the provisions of this chapter, for the conduct of its business.

SECTION 5. Section 2.84.060 of the Sacramento City Code is amended to read as follows:

2.84.060 Regular meetings—Compensation.

~~The commission shall hold regular meetings once a month, at a time and place selected by majority vote of the entire commission.~~ The commission shall establish a time and place for regular meetings to be held approximately monthly and not less than nine (9) times per year. ~~The members shall not be compensated for attendance at commission or committee meetings. For attendance at noncommission meetings or events, each member shall receive travel and subsistence expenses necessarily incurred in the discharge of his or her official duties as a commission member.~~

SECTION 6. Section 2.84.070 of the Sacramento City Code is amended to read as follows:

2.84.070 Vacancies—Absences from meetings.

A. The mayor, with approval of the council, shall fill any vacancy occurring among the members ~~which~~who the mayor appoints, ~~and~~ ~~the~~ ~~board~~ shall fill any vacancy occurring among the members ~~which~~who it appoints, The commission shall make a recommendation to the council and board for filling a vacancy ~~and the mayors of the cities of Folsom, Isleton, and Galt shall fill any vacancy~~ occurring in the position of the jointly appointed member, ~~appointed by said~~

~~B. Vacancies occurring among those members appointed for limited terms pursuant to Section 2.84.040(B)(1) and (2), shall be filled in the manner prescribed by this section, provided that such appointments shall be for the remainder of the limited term being filled.~~

CB. The position of any member who fails to attend three or more regular meetings in one year without the approval of the majority of the members of the commission shall automatically become vacant.

SECTION 7. Section 2.84.080 of the Sacramento City Code is amended to read as follows:

2.84.080 Powers and duties.

The powers and duties of the commission shall be as follows:

A. To foster and develop support for the arts;

B. To advise the council and the board on all matters concerning the arts, including pending legislation;

C. To advise the council and the board on the allocation of funds in support of the arts, to establish firm and equitable standards for such allocations, and to evaluate those allocations annually;

D. To develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to Sacramento;

~~E. To develop programs, subject to budgetary limitations, either alone or in cooperation with other private or public agencies, to provide accessibility to the arts for everyone and to encourage public participation in the arts;~~

FE. Except for works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the city or county either by purchase or gift ~~and to make recommendations concerning their proposed locations;~~

GF. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages. ~~Actions of the council, planning commission, design commission and preservation commission shall not be delayed by such review;~~

~~HG.~~ To work with city and county departments, community organizations, businesses, schools, and colleges to develop arts possibilities ~~within each department~~;

~~H.~~ To advise the city and county of, and to seek, state, federal, and private funds ~~available~~ in support of the arts;

~~—J.~~ To act as a liaison between the city and county, local artists and cultural groups, and the community at large;

~~K.~~ ~~To offer assistance to groups or individual artists in developing arts programs and in applying for public or private funds;~~

~~—L.~~ ~~To develop, distribute, and sell publications of local (1) artists, (2) art groups, (3) spaces available for the fine and performing arts, and (4) services available to the arts;~~

~~—M.~~ ~~To work with the fine and performing arts departments in local colleges and universities to encourage their participation in the community;~~

~~—N.~~ ~~To work with school districts in an advocacy capacity to encourage arts and artists in the schools;~~ ~~O.~~ ~~J.~~ To research the needs of artists and the community, and then develop, and regularly update and evaluate progress against a long term five-year plan for the growth of the arts in Sacramento;

~~PK.~~ To ~~establish an advisory committee to~~ explore the future of the aesthetic quality of life in the community, with vision and imagination, and to report and recommend periodically to the council and board ~~commission~~;

~~QL.~~ To recommend to the council and board policies, programs, and services to further the purposes of the commission, ~~and to annually propose the budget and work plan of the commission and periodically review revenues and expenditures thereunder;~~

~~RM.~~ To advise and assist the city and county in other activities as may be referred to it by the council or board.

SECTION 8. Section 2.84.090 of the Sacramento City Code is amended to read as follows:

2.84.090 Joint participation—Funding.

A. County and city shall, within the limits of available funding, jointly share the cost of maintaining and financing the activities of the commission and the division. ~~The division shall provide administrative staff and fiscal control services to the commission.~~

B. The city and county shall specify in the ir annual budgets, or through subsequent appropriations during the fiscal year, the amount of money to be expended for the activities of the commission and the division.



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- B. Five members shall be appointed by the board.
- C. One member shall be jointly appointed by the council and board upon recommendation by the commission.
- D. Each member shall be qualified by reason of the following knowledge, training, and professional experience:
 - 1. Demonstrated knowledge about the arts;
 - 2. History of involvement with the local arts community;
 - 3. Experience as an arts educator, arts supporter, arts advocate, arts administrator, art curator, art historian, art critic, or practicing artist; and
 - 4. Basic understanding of the commission's activities.
- E. The members should reflect the diversity of the city and county to the maximum extent practicable.

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- B. No member who has served two consecutive full three-year terms shall be eligible for reappointment to the commission until two years after the last prior date the member served on the commission.
- C. Notwithstanding subsection (A), above, the term of a member who fills a vacancy pursuant to Section 2.84.070 shall be for the remainder of the predecessor's term. For purposes of calculating the two-consecutive term limit under subsection (B), above, the term of a member filling more than half of a vacant term shall constitute a full term.

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commission may adopt such lawful rules as it deems necessary, consistent with the provisions of this chapter, for the conduct of its business.

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B. The position of any member who fails to attend three or more regular meetings in one year without the approval of the majority of the members of the commission shall automatically become vacant.

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C. To advise the council and the board on the allocation of funds in support of the arts, to establish firm and equitable standards for such allocations, and to evaluate those allocations annually;

D. To develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to Sacramento;

E. Except for works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the city or county either by purchase

or gift;

F. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages.

G. To work with city and county departments, community organizations, businesses, schools, and colleges to develop arts possibilities;

H. To advise the city and county of, and to seek, state, federal, and private funds in support of the arts;

I. To act as a liaison between the city and county, local artists and cultural groups, and the community at large;

J. To research the needs of artists and the community, and then develop, and regularly update and evaluate progress against a long term plan for the growth of the arts in Sacramento;

K. To explore the future of the aesthetic quality of life in the community, with vision and imagination, and to report and recommend periodically to the council and board;

L. To recommend to the council and board policies, programs, and services to further the purposes of the commission;

M. To advise and assist the city and county in other activities as may be referred to it by the council or board.

SECTION 8. Section 2.84.090 of the Sacramento City Code is amended to read as follows:

2.84.090 Joint participation—Funding.

A. County and city shall, within the limits of available funding, jointly share the cost of maintaining and financing the activities of the commission and the division.

B. The city and county shall specify in their annual budgets, or through subsequent appropriations during the fiscal year, the amount of money to be expended for the activities of the commission and the division.

C. The city as fiscal agent shall provide the initial and ongoing financial outlay for administrative costs and expenditures. Upon receipt of itemized invoice for approved administrative costs and other expenditures, the county shall reimburse the city.

D. The city as fiscal agent shall provide the county with an annual accounting of all income from private, local, state and federal sources, as well as profits earned from any source.

E. If the commission goes out of existence, the city and county shall divide equally any unspent funds that the commission has received from any source whatsoever.

SECTION 9.

This ordinance shall become operative only if a similar ordinance changing the Sacramento Metropolitan Arts Commission is enacted by the Sacramento County Board of Supervisors, and in that case the operative date shall be thirty days after enactment by the City Council or the date on which the County ordinance takes effect, whichever occurs later.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective: