



City of San Leandro

Meeting Date: September 2, 2014

Staff Report

File Number: 14-344 **Agenda Section:** ACTION ITEMS

Agenda Number: 10.B.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Carolyn Knudtson
Recreation and Human Services Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for the Establishment of an Arts Commission

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council pass to print an ordinance and approve a resolution creating an Arts Commission and adopting its rules of procedure.

Following is a summary of the key elements of the ordinance creating the Arts Commission.

Commission Title: Arts Commission

Cities call their commissions a variety of names, including: Arts Commission, Cultural Arts Commission, Art and Culture Commission, Public Arts Commission, Civic Arts Commission and Commission for the Arts.

Staff recommends the title of Arts Commission as it is specific to arts and eliminates concerns and duplication of Commission responsibilities in current and future cultural events such as Cinco de Mayo, Martin Luther King, Jr. Celebration, Lunar New Year, Celebration of Culture program; which shall remain with the Recreation and Human Services and Library departments and their respective Commissions.

Membership: Nine (9) members (one member from each Council District/three at-large); four (4) year term

Staff recommends a nine-member commission to be consistent with

Human Services Commission, Recreation and Parks Commission and Senior Commission.

Scope: Following are recommended duties and responsibilities for the Arts Commission:

- To encourage and promote art programs and activities within the City
- To make recommendations to City Council regarding local visual and performing art needs, activities, and programs
- To receive and gather input from the community on issues relevant to art policies
- To enhance community awareness of art resources
- To work cooperatively with public and private agencies to procure space and opportunities for public art and to contribute to the enrichment of the community by adding public art that is of the highest quality, visually stimulating and of enduring value
- To analyze and make recommendations to City Council on long term financing to support arts
- To advise and make recommendations to City Council on the acceptance of donations and submissions of art and other matters of arts in the community
- To support the goals and priorities of City Council

Powers and Duties: In general, the Arts Commission will be charged with assessing, developing and promoting art opportunities to enrich and enhance the San Leandro community. See Section (1-3-1605 (a-i) of the ordinance).

BACKGROUND

On November 16, 2013 the City of San Leandro hosted an Arts and Culture Town Hall meeting at the direction of the Mayor and City Council. Members of the public participated in an interactive meeting that commenced with an overview of cultural amenities that currently exist in San Leandro. An interactive group discussion was facilitated to prioritize ideas for advancing artistic and cultural life in San Leandro. The community established priorities of high, moderate, and low interest.

Analysis

A key consideration of the creation of an Arts Commission is the timeline of appointments given the fact that Commissioners' terms expire concurrent with the terms of the appointing Councilmembers.

Recommended timeline on the establishment and appointment of the Arts Commission:

- September 2 - draft ordinance presented; Council votes to pass-to-print
- September 15 - Council votes to adopt the ordinance
- October 15 - Ordinance takes effect (30 days after adoption)
- February - March 2015 - Council nominates/appoints Arts Commissioners

Expedited timeline for consideration:

- September 2 - draft ordinance presented; Council votes to pass-to-print
- September 15- Council votes to adopt the ordinance
- September 16 - announce the new Commission and open the application period
- October 15 - Ordinance takes effect (30 days after adoption)
- October 20 - Council's Commissioner nominations are listed on the agenda and approved
- November 3 - New Commissioners are appointed and sworn in
- December 31 - Commissioners' terms expire concurrent with the terms of the appointing Councilmembers (the terms of six members of the nine-member commission would expire on December 31, 2014)

Staff recommends that regular meetings be scheduled on a monthly basis on the 2nd Wednesday of each month at 7:00 p.m.

Current Agency Policies

The City's Conflict of Interest Code should be updated to include Commissioners appointed to the Arts Commission.

Previous Actions

At the July 7th City Council meeting Councilmembers directed staff to research the formation of an Arts Commission and bring the matter back to City Council for review.

Summary of Public Outreach Efforts

November 16, 2013 - Arts and Culture Town Hall meeting where priorities were developed for arts and cultural activities in San Leandro:

High Level of Interest:

- Develop an art clearinghouse or committee/commission to promote local events
- Promote a local art or film festival
- Expand food trucks to include music, dance, or the performing arts, etc.
- Provide a dedicated revenue stream for public art

Moderate Level of Interest:

- Harness open studio spaces in the industrial areas
- Promote East 14th Street as an art corridor or "gourmet alley"
- Authorize changes to development, Municipal and Administrative Codes and fee structures to promote art

Convert vacant retail spaces into art or music studios

Lower Levels of Interest:

“Activating” the Bay front

Provide community members with a reason to “stay home”

Work with other public agencies to promote art

Utilize social media and traditional media to promote art and culture

Harness Arts sections of local media

Recognition of Youth-involved activities

Infuse art into public infrastructure such as park benches, bike racks, bus benches

Expand the beautification and aesthetic appeal of bike lanes

Promote temporary art displays such as chalk art

Fiscal Impacts

The labor cost of overseeing an Arts Commission is estimated at \$24,047. The additional cost will be offset by savings from the downgrade of the vacant manager position to a supervisor position and from part-time staff duties to be absorbed by the new supervisor position in the Recreation and Human Services Department.

Budget Authority

Staff will present a variety of funding possibilities and estimated project expenditures to the Arts Commission which will then make recommendations to the City Council. Staff will return to the City Council to request appropriation of funding for the costs associated with the Arts Commission’s recommended projects. The following are potential revenue streams identified thus far to possibly fund the Arts Commission projects:

- Medical Marijuana Dispensaries
 - A percentage of revenue on a medical marijuana tax (to be determined) which requires a revenue measure on the ballot
 - Revenue designated from the sales tax
- Public Art Requirement on public construction projects (1%)
- Transient Occupancy Tax (TOT) increase - limited based on the number of current hotel rooms within the city
- Capital Improvement Project (CIP) construction costs designated annually (1%)

ATTACHMENT

None

PREPARED BY: Breyana Riggsbee, Recreation and Human Services Manager, Recreation and Human Services Department



City of San Leandro

Meeting Date: September 2, 2014

Ordinance

File Number: 14-368

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Carolyn Knudtson
Recreation and Human Services Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Amending Sections 1-3-100, 1-3-110 and 1-3-115 of the San Leandro Municipal Code, and Adding Title I, Chapter 3, Article 16 to the San Leandro Municipal Code Relating to the Establishment of an Arts Commission (establishes a nine-member Arts Commission and its powers and duties)

WHEREAS, the City of San Leandro hosted an Arts and Culture Town Hall meeting on November 16, 2013; and

WHEREAS, at the Arts and Culture Town Hall meeting, an interactive group discussion was facilitated to prioritize ideas for advancing artistic and cultural life in San Leandro; and

WHEREAS, participants expressed a high level of interest in having a commission to promote local art events and activities; and

WHEREAS, establishment of such a commission to promote and enhance art programs and activities within the City can serve to enliven and enrich the quality of life in the San Leandro community.

NOW, THEREFORE, the City Council of the City of San Leandro does ORDAIN as follows:

SECTION 1. Section 1-3-100 of the San Leandro Municipal Code is hereby amended as follows:

1-3-100 BOARDS AND COMMISSIONS CREATED.

The following Boards and Commissions are hereby created:

- (a) Board of Appeals;
- (b) Board of Zoning Adjustments;
- (c) Handicapped Access Appeals Board;
- (d) Human Services Commission;

- (e) Library-Historical Commission;
- (f) Personnel Relations Board;
- (g) Planning Commission;
- (h) Recreation and Parks Commission;
- (i) Site Development Sub-Commission;
- (j) Youth Advisory Commission;
- (k) Rent Review Board;
- (l) Senior Commission-; **and**
- (m) Arts Commission.**

SECTION 2. Section 1-3-110 of the San Leandro Municipal Code is hereby amended as follows:

1-3-110 MEMBERS-DISTRICT REPRESENTATION.

One elector from each Council Member District shall be appointed to each of the following Boards and Commissions:

- (a) Board of Zoning Adjustments;
- (b) Human Services Commission;
- (c) Library-Historical Commission;
- (d) Planning Commission;
- (e) Recreation and Parks Commission;
- (f) Senior Commission; **and**
- (g) Arts Commission.**

All other members of each such Board and Commission shall be appointed at large. Three (3) residents selected at large shall be appointed to the Youth Advisory Commission by each Council Member, at least one resident selected from each Council Member District, and the remainder may be selected at large. No change in Council Member District boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such member was appointed.

SECTION 3. Section 1-3-115(a) of the San Leandro Municipal Code is hereby amended as follows:

1-3-115 MEMBERS-TERM OF OFFICE.

(a) Members of the following Boards and Commissions who were appointed from a specific Council Member District pursuant to Section 1-3-110 of this Article ("District Members") may hold office for up to four (4) years, commencing on the date of appointment:

- (1) Board of Zoning Adjustments;
- (2) Human Services Commission;
- (3) Library-Historical Commission;
- (4) Planning Commission;
- (5) Recreation and Parks Commission; ~~and~~
- (6) Senior Commission-; **and**
- (7) Arts Commission.**

SECTION 4. Article 16 is hereby added to Title I, Chapter 3 of the San Leandro Municipal Code as follows:

ARTICLE 16. ARTS COMMISSION

1-3-1600 MEMBERSHIP.

The Arts Commission shall consist of nine (9) members, all of whom shall be residents of the City of San Leandro.

1-3-1605 POWERS AND DUTIES.

The Commission is charged with assessing, developing, and promoting art opportunities to enrich and enhance the San Leandro community. In discharge of this responsibility, the Commission shall:

- (a) Encourage and promote art programs and activities within the City;
- (b) Make recommendations to the City Council regarding local visual and performing art needs, activities and programs;
- (c) Receive and gather input from the community on issues relevant to art policies;
- (d) Enhance community awareness of art resources;
- (e) Work cooperatively with public and private agencies to procure space and opportunities for public art and to contribute to the enrichment of the community by adding public art that is of the highest quality, visually stimulating and of enduring value;
- (f) Analyze and make recommendations to the City Council on long term financing to support arts;
- (g) Advise and make recommendations to the City Council on the acceptance of donations and submissions of art and other matters of arts in the community;
- (h) Support the goals and priorities of the City Council.

The Arts Commission shall not be limited to those duties hereinbefore specifically set forth, but shall perform such other functions and render such reports and recommendations as may be directed by the City Council, and do all things necessary to identify the role and responsibility of the City of San Leandro in relation to art interests and activities and to assist in the assumption of such role and discharge of such responsibility by the City. In so doing, the Commission shall cooperate with individuals and with private and public groups and organizations to achieve broad community participation in and to strengthen the leadership of local artistic endeavors.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.



City of San Leandro

Meeting Date: September 2, 2014

Resolution - Council

File Number: 14-361

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Carolyn Knudtson
Recreation and Human Services Director

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Adding a New Title 24, Chapter 1 to the San Leandro Administrative Code Relating to Rules of Procedure for the City of San Leandro Arts Commission (creates rules of procedure for a newly established Arts Commission)

WHEREAS, on November 16, 2013, the City of San Leandro hosted an Arts and Culture Town Hall meeting and had interactive discussions with the community; and

WHEREAS, at its meeting of July 7, 2014, the City Council provided direction to staff to create an Arts and Culture Commission.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

SECTION 1. A new Title 24 entitled "Arts Commission" is hereby added to the San Leandro Administrative Code; and

SECTION 2. A new Chapter 24.1 entitled "Rules of Procedure" is hereby added to the San Leandro Administrative Code, to read as follows:

ARTICLE 1 - MEETINGS

§24.1.100: REGULAR MEETING. Regular meetings of the Arts Commission shall be held on the second Wednesday of each month, convening at the hour of 7:00 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meeting shall be held at such time as agreed upon by the Commission.

§24.1.105: SPECIAL MEETINGS. The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any five (5) members of the Commission. Written notice of the time

and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

§24.1.110: MEETING PLACE. All regular meetings of the Commission shall be held at the Civic Center, City of San Leandro, unless in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

§24.1.115: AGENDA. The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting, and not less than twenty-four (24) hours prior to the date of a special meeting

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

ARTICLE 2 - OFFICERS

§24.1.200: CHAIR. The presiding officer of the Commission shall be the Chair, who shall be elected at the first regular meeting in July of every year. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

§24.1.205: VICE CHAIR. The Vice Chair of the Commission shall be elected annually at the first regular meeting in July of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

§24.1.210: CHAIR PRO TEM. In the event of the absence of the Chair and the Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

§24.1.215: LIMIT OF TERM. No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

§24.1.220: SECRETARY. The Secretary of the Commission, appointed by the Recreation and Human Services Director, shall keep all minutes, prepare the agenda, and furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence

and other papers related to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but may be mailed to all members of the Commission.

§24.1.225: QUORUM. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

ARTICLE 3 - ORDER OF BUSINESS

§24.1.300: CALL TO ORDER. Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

§24.1.305: AGENDA. The following shall be the ordinary order of business for meetings of the Commission:

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. Public Comments
5. Correspondence
6. Report of Secretary
7. Committee Reports
8. Unfinished Business
9. New Business
10. Report of Chair
11. Commissioners Comments
12. Adjournment

§24.1.310: ALTERATION OF ORDER. The Chair, with the approval of the Commission, may move items out of prepared agenda order.

§24.1.315: SPECIAL ITEMS. Special items not appearing on the agenda may be presented by any member of the public or Commission with consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California Government Code §54950 et seq.).

ARTICLE 4 - CONDUCT OF BUSINESS

§24.1.400: RULES. The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

§24.1.405: ROLL CALL. Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary

or the Chair shall be notified before the meeting.

§24.1.410: ADDRESSING COMMISSION. Each person addressing the Commission shall give one's name in an audible tone of voice for the records. If the person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

ARTICLE 5 - VOTING

§24.1.500: MANNER OF TAKING VOTE. The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

§24.1.505: MAJORITY VOTE. All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

ARTICLE 6 - COMMITTEES

§24.1.600: REFERRAL. Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

§24.1.605: APPOINTMENT. Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

§24.1.610: MEETINGS. Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

§24.1.615: BUSINESS. Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

ARTICLE 7 - RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS

§24.1.700: INFORMATION THROUGH CHAIR. All information on action by the

Commission shall be released only by the Secretary or the Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

§24.1.705: INFORMATION THROUGH OTHER COMMISSIONER. Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

ARTICLE 8 - AMENDMENTS

§24.1.800: AMENDMENTS. The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

SECTION 3. The provisions of this resolution shall take effect when the ordinance relating to the establishment of an Arts Commission becomes effective.