



Cultural Arts Programs

Cultural Arts & Marketing Division

CULTURAL AFFAIRS COMMISSION ITEM 11

Title: Updated Recommendation to Amend Cultural Affairs Commission Establishing Ordinance and to Forward Proposed Amendments to City Council for Approval

Submitted by: Steven Huss, Cultural Arts Programs Coordinator

Meeting Date: January 25, 2010

SUMMARY

In October, 2008, the Cultural Affairs Commission (CAC) reviewed several proposed amendments to the CAC's establishing ordinance and moved to forward the proposed amendments to Oakland City for approval. The proposed amendments had been carefully considered by Cultural Arts Programs staff and the CAC and were recommended as prudent measures to streamline the workings of the CAC and increase its effectiveness. In subsequent meetings, the CAC has rethought the recommendations based on feedback and must determine whether or not to move forward with any of them at this time.

FINANCIAL IMPACT

There would be no new financial impact from these amendments to the Cultural Affairs Commission establishing ordinance.

REVIEW OF PROPOSED AMENDMENTS TO CAC ESTABLISHING ORDINANCE

At its meeting on October 27, 2008, the CAC voted to recommend several amendments to Ordinance No. 11323 C.M.S. that established the Cultural Affairs Commission. The proposed amendments were to:

- A. Amend Section 5.a. to reduce the number of members from 15 to 11.
- B. Amend Sec. 5.b. to reduce the number of members required to make quorum from eight to six.
- C. Amend Sec. 6.d. to add the sentence "If the Commission finds that one of more causes exist for removal of a member, the Commission shall have the right to remove that member upon notice to the Office of the Mayor", to the end of the section.
- D. Amend Section 8 to grant the Commission the right to elect its own chairperson and secretary, in addition to its existing right to elect its own vice-chairperson; also to change the meeting day to Monday, the meeting address to Oakland City Hall, and the title of City Manager to "City Administrator," all per current practice.
- E. Amend the Ordinance by adding a new section, Section 11, to read as follows:
"Section 11. Advisory Committees. The Cultural Affairs Commission shall create a seven-member Funding Advisory Committee and a nine-member Public Art Advisory Committee. These committees will be responsible for overseeing the City's cultural funding program and public art program, respectively, and for advising the Commission, Mayor, and City Council on



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all matters related to these programs. The Chairperson and Vice-Chairperson of each of these advisory committees shall be seated members of the Cultural Affairs Commission and shall be appointed to the committees by vote of the Commission. The remainder of seats on the advisory committees shall be filled by citizens with relevant expertise appointed by City Council at the recommendation of the Commission.”

RATIONALE FOR PROPOSED AMENDMENTS

For years, the CAC had a chronic problem with absenteeism, which severely limited the Commission’s effectiveness and affected morale as months might go by without quorum being achieved; as a solution, the CAC proposed reducing its number of members. Other delays and confusion could be ameliorated by making the CAC a self-governing body, like similar arts commissions and councils in other cities. The election of officers should be clarified and institutionalized procedurally. Finally, altering the structure of the existing Funding Advisory Committee and Public Art Advisory Committee would clarify roles and responsibilities among the CAC and its advisory committees, more deeply engaging Commissioners in the work of the committees and vice-versa.

SUBSEQUENT DEVELOPMENTS AND REPORTING

At its meeting on December 8, 2008, the Commission withdrew proposed amendment E (to change the two advisory committees into standing committees of the Commission) in response to advice from the City Attorney that this would be a complex change to make as it would require amending other legislation, including the Public Art Ordinance. The Mayor’s Office at that time noted that it would not support proposed amendment D granting the Commission power to elect its own Chair, preferring to leave that right invested with the Mayor. At its meeting on May 18, 2009, the Commission asked for the Mayor’s rationale for this position, and also withdrew proposed amendment A (to reduce the number of seats) but reaffirmed its interest in proposed amendment B (to reduce the quorum requirement); at its meeting on June 22, 2009, staff reported that the City Attorney had advised that reducing the quorum requirement would not be possible without fewer seats on the Commission.

RECOMMENDATION

That the Cultural Affairs Commission review the above developments to determine its interest in going forward with recommending one or more of the amendments initially proposed at the meeting of October 27, 2008, and if there is interest in proceeding, to take action on the recommendation.