



Cultural Arts Programs

Cultural Arts & Marketing Division

CULTURAL AFFAIRS COMMISSION ITEM 7.

Title: 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: December 8, 2008

SUMMARY

Cultural Arts Programs staff and the Acting Chair of the Cultural Affairs Commission (CAC) recommend that the CAC review and approve proposed language amending the CAC's establishing ordinance, and that the CAC forward the proposed amendment to Oakland City Council for approval. The amended language has been carefully considered by Cultural Arts Programs staff and members of the CAC and is recommended to Council as a prudent measure to streamline the workings of the CAC and increase its effectiveness.

On October 27, 2008, this item was presented to the CAC, which unfortunately could not vote due to a lack of quorum. However, the current report incorporates a change to the draft proposed by the CAC at that time.

FINANCIAL IMPACT

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

PROPOSED AMENDMENTS TO CAC ESTABLISHING ORDINANCE

In the amendments below, struck-out text indicates proposed deletions and bold text indicates proposed additions.

Section 5 of Ordinance No. 11323 C.M.S. shall be amended to read as follows:

“Section 5. Membership.

- a. The Commission shall consist of ~~fifteen (15)~~ **eleven (11)** members, pursuant to Section 601 of the Charter, who shall serve without compensation. The Mayor shall appoint, with Council approval, the ~~15~~ **11** representatives.
- b. ~~Eight (8)~~ **Six (6)** members shall constitute a quorum, and any decision by the Commission shall require a majority of those members present.
- c. To the extent practicable, appointments to the Cultural Affairs Commission shall be made in accordance with the City's affirmative action policies.
- d. To the extent practicable, appointments to the Cultural Affairs Commission shall reflect the geographical diversity of the City.



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- e. In making appointments to the Cultural Affairs Commission, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term."

Section 6.d. of Ordinance No. 11323 C.M.S. shall be amended to read as follows:

Section 6. Appointment.

"... d. Removal. To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or one absent from the City by permission of the Commission, shall constitute cause for removal. **If the Commission finds that one or 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.**" On October 27, 2008, the CAC asked that the last sentence in this paragraph be replaced by the following: "If a member is absent for three consecutive regular meetings without having been granted a leave of absence, that member shall be removed by the Mayor's Office upon notice from the Commission."

Section 8 of Ordinance No. 11323 C.M.S. shall be amended to read as follows:

"Section 8. Officers and Meetings. ~~The Mayor shall appoint the chairperson of the Commission.~~ At the first regular meeting of each year the members shall elect a **chairperson, vice-chairperson and secretary**. The Cultural Affairs Commission shall meet each third ~~Thursday~~ **Monday** of the month at ~~475—14th Street, 9th Floor, Oakland City Hall, 1 Frank Ogawa Plaza,~~ or at any other location as the Commission may from time to time designate, and at an established time suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City ~~Manager~~ **Administrator** and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of a special meeting shall be provided to the members, the Council, the public press at least twenty-four (24) hours before the meeting is scheduled to convene."

A new section, Section 11, shall be added to Ordinance No. 11323 C.M.S., 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 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



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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 has had a chronic problem with absenteeism, which has severely limited the Commission’s effectiveness and affected morale, as months may go by without quorum being achieved; as a solution, the CAC proposes reducing its number of members. Other delays and confusion can 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 will clarify roles and responsibilities among the CAC and its advisory committees, more deeply engaging Commissioners in the work of the committees and vice-versa.

RECOMMENDATION

That the Cultural Affairs Commission approves the proposed amendment to the CAC’s establishing ordinance and forward the proposed amendment to Oakland City Council for approval.