

Law and Legislation Committee Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00847

June 18, 2019

Discussion Item 04

Title: An Ordinance Deleting Chapter 2.84 of the Sacramento City Code Relating to the Sacramento Metropolitan Arts Commission, and Adding Chapter 2.84 of the Sacramento City Code Relating to the Sacramento Creative Economy Commission

Location: Citywide

Recommendation: 1) Review an Ordinance adding Chapter 2.84 to the Sacramento City Code relating to the establishment of the Sacramento Creative Economy Commission; and 2) pass a Motion forwarding the ordinance to City Council for consideration.

Contact: Rebecca Bitter, Administrative Analyst, (916) 808-8052; Jody Ulich, Director, (916) 808-5105, Department of Convention and Cultural Services

Presenter: Jody Ulich, Director, (916) 808-5105, Department of Convention and Cultural Services

Attachments:

1-Description/Analysis

2-Chapter 2.84 (Redline)

3-Chapter 2.84 (Clean)

Description/Analysis

Issue Detail: In August 2018, City Council accepted the Sacramento Arts, Culture and Creative Economy Plan (“Creative Edge Plan”) which recommended the dissolution of the joint City/County Metropolitan Arts Commission and the adoption of a City-only arts commission. The proposed ordinance would delegate the former powers and duties, with some additions described below, of the Metropolitan Arts Commission to the Sacramento Creative Economy Commission.

Staff recommends that the Law & Legislation Committee pass a Motion forwarding the ordinance to City Council for consideration and review.

Policy Considerations: The proposed action is consistent with the General Plan Arts and Culture Goal 4.1 and associated policies regarding the provision of diverse arts and cultural facilities and programs to enhance quality of life and enrich community culture.

Economic Impacts: Not Applicable

Environmental Considerations: The report concerns administrative activities that will not have a significant effect on the environment and is exempt from CEQA review [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)].

Sustainability: Not Applicable

Commission/Committee Action: None

Rationale for Recommendation: The current ordinance Chapter 2.84 of the City Code regarding the Sacramento Metropolitan Arts Commission (Metro Arts) was enacted in 1977 as a joint City-County commission with the intent of supporting public art, arts grantmaking, and arts education throughout the City of Sacramento and the unincorporated parts of Sacramento County. The Creative Edge Plan evaluated the current status of the arts community in Sacramento. Four major themes emerged from the community engagement process via interviews, discussion groups, City Council District Forums, surveys, and other data:

- Sacramento’s story is rich with history, innovation, and creativity (93% of respondents)
- Cultural equity is a priority for the community and residents want to celebrate and infuse their diverse cultures in all neighborhoods (77% of respondents)
- Common ground is found in prioritizing arts education (89% of respondents)
- Sacramento residents want to see investment in the arts, artists, and creatives (73% of respondents)

The Cultural Edge Plan identified six goals to fulfill the community's vision of the arts, cultural, and creative future:

- Goal 1 - Provide arts education to all Sacramento's children and youth
- Goal 2 - Advance cultural equity for all Sacramento's diverse populations
- Goal 3 - Build upon and expand Sacramento's unique creative economy
- Goal 4 - Enable Sacramento artists and creatives to thrive in their work and to provide creative leadership in the community
- Goal 5 - Celebrate and infuse all Sacramento neighborhoods and districts with arts and culture
- Goal 6 - Expand and solidify Sacramento's investment in arts and culture

The Creative Edge Plan calls for the City to promote investment in the growth of the creative economy and recommends that the City move to a City-only arts commission to ensure the successful implementation of the plan. As a City-only arts commission the Sacramento Creative Economy Commission would continue to serve as a citywide advisory body supported by staff in the Convention and Cultural Services Department. The County would then have the option to continue or expand its existing programmatic relationships with the City through contracts for service, or the County could choose to establish its own County-only arts agency.

The Sacramento Creative Economy Commission would have 11 members, with 8 recommended by Councilmembers and three recommended by the Mayor, appointed by the Mayor and subject to a concurrence of a majority of City Council. Commission members must be residents of the City with a history of community involvement and possess experience in the arts.

The Sacramento Creative Economy Commission powers and duties would include:

- Foster the value, development, participation, and support of the arts.
- Provide recommendations and advice to the council, city manager, and Department of Convention and Cultural Services on all matters concerning the arts, including the cultural arts awards grant program, cultural economy grant program, art in public places program, film program, and the city's cultural amenities.
- Provide recommendations and advice to the council, city manager, and the Department of Convention and Cultural Services 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.
- Develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to the city.
- Except for artwork given to or purchased by museums, to review and make recommendations upon all artwork to be acquired by the city either by purchase or gift.

- Seek state, federal, or private funds in support of the arts on behalf of the city.
- Act as a liaison between the city, local artists, cultural groups, and the community at large.
- Develop an awareness of the needs of artists and the community, and regularly update and evaluate progress against Creative Edge: Arts, Culture, and Creative Economy Plan, dated June 2018, or as subsequently amended, for the growth of the arts in Sacramento. The commission would be required to submit an annual written report to council about such progress.
- Explore the future of the aesthetic quality of life in the community, with vision and imagination, and periodically report and give recommendations to the council.
- Advise on the fair distribution of arts in each council district and throughout the city's neighborhoods.
- Provide input to the council regarding policies, programs, and services to further the purposes of the commission.
- Advise on the policies and processes where artwork is included in capital improvement programs and ensure that artists are involved as early as possible in the pre-design or design phases for each eligible construction project.
- Advise on the guidelines and procedures for the arts in public places program, cultural economy grant program, cultural arts awards grant program, or other programs relating to the coordination, sponsorship, or support of art programs or the nature, selection, and placement of artwork.
- Provide recognition and increased opportunities for artists through art in public places projects.
- Advise on the quality, quantity, scope, and style of art in public places.
- Provide input and advice on maintenance and curating standards for exhibits or artwork.
- Advise and assist the city in other activities as may be referred to it by the council.

The proposed ordinance modifies the two percent for public art requirement by setting a threshold for Council approval of the public art budget. For eligible construction projects with total costs in an amount of \$200,000,000 or more, the amount to be expended for public art shall be approved by the Council. Projects of this scale are uncommon; however, without this change, the City does not have the authority to approve a public art budget in an amount other than two percent.

Financial Considerations: Adoption of the proposed ordinance does not directly change the City's budget. However, the Fiscal Year (FY) 2019/20 Proposed Budget includes an increase of \$1,637,000 to the Metro Arts operating budget of \$723,758 for a total of \$2,360,758. This includes approximately \$157,000 and one full-time equivalent position for the City's Film Office, and \$1,480,000 of one-time funding for expanded implementation of the following

elements of the Creative Edge Plan: arts education; cultural equity and creative economy grant programs; and neighborhood and district art projects.

In addition, becoming a City-only commission may affect the funding the City has historically received from the County should the County not continue to partner with the City. In FY2018/19, the County's payment to the City for the Cultural Arts Awards program was \$336,000 and \$100,000 for administrative support for a total of \$436,000 (the City's contribution to the program was \$164,000). The Cultural Arts Awards program is implemented in 3-year cycles. FY2019/20 is the third year of the current cycle, and the County is proposing to complete the third year of funding (\$336,000 + \$100,000). Future County funding of the Cultural Arts Awards program is uncertain.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE DELETING CHAPTER 2.84 OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO METROPOLITIAN ARTS COMMISSION, AND ADDING CHAPTER 2.84 OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO CREATIVE ECONOMY COMMISSION

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

SECTION 1.

Chapter 2.84 of the Sacramento City Code is deleted.

SECTION 2.

Chapter 2.84 of the Sacramento City Code is added to read as follows:

Chapter 2.84 SACRAMENTO CREATIVE ECONOMY COMMISSION

2.84.010 Established.

The City of Sacramento Creative Economy Commission is established.

2.84.020 Purpose of commission.

The purpose of the commission is to provide advice and recommendations for promoting, encouraging, and fostering the arts, innovation, and tourism, in the city.

2.84.030 Definitions.

“Artwork” means a form of the visual arts in any medium and material.

“Capital improvement program” means the annual program for city financed public improvement projects.

“Commission” means the Sacramento Creative Economy Commission.

“Eligible construction project” means a capital project paid for, wholly or in part, by the city to construct or remodel a building, decorative or commemorative structure, parking facility, recreational facility, or any portion thereof, located on city property.

“Member” means a member of the commission.

“Public art” means an original artwork accessible to the public and approved as public art by the commission.

2.84.040 Powers and duties.

The Commission has the power and duty to do the following:

- A. Foster the value, development, participation, and support of the arts.
- B. Provide recommendations and advice to the council, ~~the~~ Department of Convention and Cultural Services, ~~and the City Manager~~ on all matters concerning the arts, including the cultural arts awards grant program, cultural economy grant program, art in public places program, film program, and the city’s cultural amenities.
- C. Provide recommendations and advice to the council, ~~and~~ the Department of Convention and Cultural Services, ~~and the City Manager~~ 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. Develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to the city.
- E. Except for artwork given to or purchased by museums, to review and make recommendations upon all artwork to be acquired by the city either by purchase or gift.
- F. Seek state, federal, or private funds in support of the arts on behalf of the city.
- G. Act as a liaison between the city, local artists, cultural groups, and the community at large.
- H. Develop an awareness of the needs of artists and the community, and regularly update and evaluate progress against Creative Edge: Arts, Culture, and Creative Economy Plan, dated June 2018, or as subsequently amended, for the growth of the arts in Sacramento. The commission shall submit an annual written report to council about such progress.

I. Explore the future of the aesthetic quality of life in the community, with vision and imagination, and periodically report and give recommendations to the council.

J. Advise on the fair distribution of arts in each council district and throughout the city's neighborhoods.

K. Provide input to the council regarding policies, programs, and services to further the purposes of the commission.

L. Advise on the policies and processes where artwork is included in capital improvement programs and ensure that artists are involved as early as possible in the pre-design or design phases for each eligible construction project.

M. Advise on the guidelines and procedures for the arts in public places program, cultural economy grant program, cultural arts awards grant program, or other programs relating to the coordination, sponsorship, or support of art programs or the nature, selection, and placement of artwork.

N. Provide recognition and increased opportunities for artists through art in public places projects.

O. Advise on the quality, quantity, scope, and style of art in public places.

P. Provide input and advice on maintenance and curating standards for exhibits or artwork.

Q. Advise and assist the city in other activities as may be referred to it by the council.

2.84.050 Appointment of members and qualifications.

A. The commission consists of 11 members who shall be appointed as follows:

1. Each councilmember shall recommend one member who shall be appointed by the mayor subject to a concurrence of a majority of the city council.

2. The mayor shall recommend three members who shall be appointed by the mayor subject to a concurrence of a majority of the city council.

B. Qualifications:

1. Members shall live in the City of Sacramento.
2. Members shall possess a basic understanding of the commission's activities.
3. Members shall have a demonstrated history of community involvement or interest in fostering of the arts, innovation, or tourism of the city.
4. Members shall have past or current experience as an educator, supporter, advocate, administrator, curator, historian, or critic of the arts.
5. No current elected officer or employee of the city shall be appointed to the commission.

2.84.060 Compensation.

Pursuant to section 29 of the charter, the compensation commission shall establish the compensation that members of the commission receive for attending commission meetings.

2.84.070 Term of office; vacancy.

- A. Members shall serve a term of four years, except as provided below.
- B. Terms shall be staggered. The terms of the initial members recommended for appointment by councilmembers in odd-numbered council districts shall expire on December 31, 2022. The terms of the initial members recommended for appointment by councilmembers in even-numbered districts and the members recommended for appointment by the mayor shall expire on December 31, 2024. Thereafter, all members shall serve four-year terms.
- C. The position of any member who fails to attend three regular meetings in any 12-month period without the approval of the majority of the members shall automatically become vacant.
- D. If a vacancy occurs during the term of any member, the official who appointed that member shall appoint a successor to serve the unexpired term in accordance with the requirements set forth in section 2.84.050.

2.84.080 Chairperson and organization of the commission.

At its first meeting, and annually thereafter, the commission shall elect a commission chairperson and a vice chairperson from among its members. The chairperson and vice chairperson shall hold office at the pleasure of the commission. When there is a vacancy in the office of chairperson or vice chairperson, the commission shall fill that office from among its members. The commission may adopt rules and procedures for

the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more subcommittees. Staff support to the commission shall be provided by one or more city employees designated by the city manager or designee.

2.84.090 Commission meetings.

The commission shall establish a time and place for regular meetings to be held at least once each month. Each meeting shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). The commission shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

2.84.100 Quorum; voting.

A. The quorum required for the commission to conduct business is six members.

B. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.

2.84.110 Public art program-purpose; allocation and expenditure of funds for artwork.

A. The purpose of this section is to establish the procedure for the allocation and expenditure of funds for artworks and projects capable of exhibiting the arts. The city desires to expand public experience with visual arts. A policy is therefore established to direct the inclusion of artwork in public works of the city.

B. For eligible construction projects with a total cost of less than \$200,000,000, at least 2% of the total cost shall be expended for public art. The city shall specify the amount expended for public art in the annual capital improvement program budget or through subsequent capital improvement appropriations. Expenditures for public art may include an amount for the administrative costs incurred in the process of selection and installation of public art by the Department of Convention and Cultural Services, and for costs incurred to maintain or repair public art commissioned by the city pursuant to this chapter.

C. For eligible construction projects with total costs in an amount of \$200,000,000 or more, the amount to be expended for public art shall be approved by council.

D. If the source of funding or other applicable law or regulation with respect to any particular project prohibits or restricts the use of funds for public art, the amount of funds so prohibited or restricted shall be excluded from the total project cost.

E. All funds for historic restoration, properties located in the Old Sacramento Historic District as defined in section 15.152.020, construction of single detached housing as part of a planned unit development, or publicly assisted rehabilitation of private property, shall be excluded as expenditures for public art under this section.

F. The commission shall provide for the nature, selection, and placement of public art under this section. Artwork may be placed as an integral part of the construction or exhibited in, on, or about public facilities. Artwork may be attached or detached, within or about such property, and may be either temporary or permanent, in order to ensure that the commission will be able to select the most appropriate and beneficial artwork for the site, people, and community for which the artwork is intended.

SECTION 3.

This Ordinance takes effect on _____, 2019

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- B. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.

2.84.110 Public art program-purpose; allocation and expenditure of funds for artwork.

- A. The purpose of this section is to establish the procedure for the allocation and expenditure of funds for artworks and projects capable of exhibiting the arts. The city desires to expand public experience with visual arts. A policy is therefore established to direct the inclusion of artwork in public works of the city.
- B. For eligible construction projects with a total cost of less than \$200,000,000, at least 2% of the total cost shall be expended for public art. The city shall specify the amount expended for public art in the annual capital improvement program budget or through subsequent capital improvement appropriations. Expenditures for public art may include an amount for the administrative costs incurred in the process of selection and installation of public art by the Department of Convention and Cultural Services, and for costs incurred to maintain or repair public art commissioned by the city pursuant to this chapter.
- C. For eligible construction projects with total costs in an amount of \$200,000,000 or more, the amount to be expended for public art shall be approved by council.
- D. If the source of funding or other applicable law or regulation with respect to any particular project prohibits or restricts the use of funds for public art, the amount of funds so prohibited or restricted shall be excluded from the total project cost.

E. All funds for historic restoration, properties located in the Old Sacramento Historic District as defined in section 15.152.020, construction of single detached housing as part of a planned unit development, or publicly assisted rehabilitation of private property, shall be excluded as expenditures for public art under this section.

F. The commission shall provide for the nature, selection, and placement of public art under this section. Artwork may be placed as an integral part of the construction or exhibited in, on, or about public facilities. Artwork may be attached or detached, within or about such property, and may be either temporary or permanent, in order to ensure that the commission will be able to select the most appropriate and beneficial artwork for the site, people, and community for which the artwork is intended.

SECTION 3.

This Ordinance takes effect on _____, 2019