

CITY COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: ARTS COMMISSION ORDINANCE AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: An Ordinance of the City Council of the City of Porterville for the formation of an Arts Commission (Commission) was adopted on October 19, 2010. Following the ordinance's adoption, the Council appointed four (4) members to serve on the Commission and to initiate an effort to identify prospective commissioners for the Council's appointment to the Commission. Now that the initial one (1) year terms are up and Staff and the Commission have been reviewing the Ordinance regarding the appointment/re-appointment process, there are a few aspects of the Composition and Term of Office sections of the Ordinance that are ambiguous and are being proposed for amendment.

Section 5A-2 Composition identifies a maximum Commission size of up to 11 members with a requirement to have no less than three (3) and no more than seven (7) considered "open" seats that are appointed by the City Council at its discretion. Since the Council appoints all commissioners regardless, Staff and the Commission are proposing to simplify the criteria to eliminate the references to open seats and require all commissioners to be associated with at least one category of the arts and that the commission be varied in its composition. This should provide clarity and simplify the appointment process.

Section 5A-4 Term of Office/Removal reflects the length of the terms of the open seats as (3) three years and the terms of the open seats appointed by subcommittee as (1) one year terms. Staff is proposing to amend Section 5A-4 to reflect that all appointments shall be made by the Council for three (3) year terms with staggered terms, with the exception of the youth commissioner that would serve a one (1) year term. Attachment No. 1 identifies the proposed edits to Ordinance 1767.

It should be noted that all Commissioners are representing four areas of arts: a) theatrical/performing arts; b) visual/graphic; c) music; and d) youth.

RECOMMENDATION: That the City Council:

1. Approve the draft ordinance amending Ordinance 1767; and
2. Give first reading of the proposed ordinance and order it to print.

DD ~~BA~~ Appropriated/Funded NA CM 1

Item No. 30

ATTACHMENTS:

1. Draft Amendments to Ordinance No. 1767
2. Ordinance No. 1767
3. Amended Ordinance No. 1767

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
AMENDING CHAPTER 5A OF THE PORTERVILLE MUNICIPAL CODE  
REGARDING THE FORMATION OF AN ARTS COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS  
FOLLOWS:

**Section 1. Code Amendment.** Chapter 5A of the Porterville Municipal Code is hereby amended to read as follows:

**CHAPTER 5A  
ARTICLE I**

**Section 5A-1 Established.**

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

**Section 5A-2 Composition.**

The Arts Commission shall consist of up to 11 members. ~~No less than three (3) and no more than (7) seats shall be considered "open" seats to be appointed by the City Council at its complete discretion. The appointee for the remaining four (4) seats shall be recommended by the initially appointed members of the "open" seats via subcommittees representing four areas of art: 1) theatrical/performing arts; 2) visual/graphic; 3) music; 4) youth, with final approval by the City Council.~~ Commissioners shall be appointed by the City Council at its complete discretion. Members of the commission shall represent four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music; (4) youth, with final approval by the City Council.

**Section 5A-3 Compensation.**

Members of the Arts Commission shall serve without compensation.

**Section 5A-4 Term of Office/Removal.**

~~The term of the "open" seats shall be three (3) years with terms staggered to prevent concurrent expiration of terms. The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative.~~ No member may serve more than two (2) consecutive terms.

~~The term of the seats appointed via subcommittee recommendation shall be one (1) year. Those appointed via the subcommittees shall have no term limits.~~ The term of the student/youth commissioner shall be one (1) year.

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

**Section 5A-5 Vacancies.**

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

**Section 5A-6 Meetings and Records.**

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the "City Council at least one time per year. Members are expected to have 75% attendance based on the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

**Section 5A-7 Quorum.**

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

**Section 5A-8 General Powers and Duties of Commission.**

The Arts Commission shall:

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

**Section 2. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3. Effective Date.** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED**, this 6<sup>th</sup> day of August, 2013.

---

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ADDING CHAPTER 5A, ARTICLE I, SECTIONS 5A-1 THROUGH 5A-8 TO  
THE PORTERVILLE MUNICIPAL CODE REGARDING  
THE FORMATION OF AN ARTS COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS  
FOLLOWS:

Section 1. Code Amendment. Chapter 5A, Article I, Sections 5A-1 through 5A-8 is hereby added to the Porterville Municipal Code, to read as follows:

CHAPTER 5A  
ARTICLE I

**Section 5A-1 Established.**

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

**Section 5A-2 Composition.**

The Arts Commission shall consist of up to 11 members. No less than three (3) and no more than (7) seats shall be considered "open" seats to be appointed by the City Council at its complete discretion. The appointees for the remaining four (4) seats shall be recommended by the initially appointed members of the "open" seats, via subcommittees representing four areas of arts: 1) theatrical/ performing arts; 2) visual/graphic; 3) music; and 4) youth, with final approval by the City Council.

**Section 5A-3 Compensation.**

Members of the Arts Commission shall serve without compensation.

**Section 5A-4 Term of Office/Removal.**

The term of the "open" seats shall be three (3) years with terms staggered to prevent concurrent expiration of terms. No member appointed to an "open" seat may serve more than two (2) consecutive terms.

The term of the seats appointed via subcommittee recommendation shall be one (1) year. Those appointed via the subcommittees shall have no term limits.

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

**Section 5A-5 Vacancies.**

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

**Section 5A-6 Meetings and Records.**

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least one time per year. Members are expected to have 75% attendance based on the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

**Section 5A-7 Quorum.**

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

**Section 5A-8 General Powers and Duties of Commission.**

The Arts Commission shall:

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

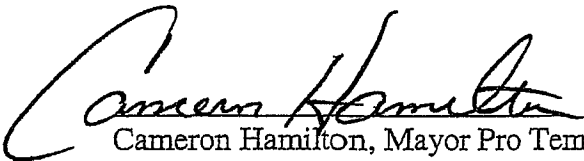
**Section 2. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall

have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3. Effective Date.** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED,** this 19<sup>th</sup> day of October, 2010.

  
Cameron Hamilton, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

  
By: Patrice Hildreth, Chief Deputy City Clerk

---



STATE OF CALIFORNIA )  
 CITY OF PORTERVILLE ) (SS)  
 COUNTY OF TULARE )

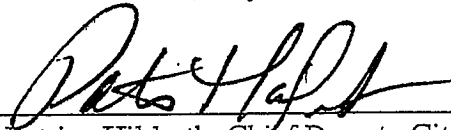
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1767, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19<sup>th</sup> day of October, 2010, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective November 18, 2010, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	McCRACKEN	IRISH	MARTINEZ	WARD	HAMILTON
AYES:	X		X	X	X
NOES:					
ABSTAIN:					
ABSENT:		X			

JOHN D. LOLLIS, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
AMENDING CHAPTER 5A OF THE PORTERVILLE MUNICIPAL CODE  
REGARDING THE FORMATION OF AN ARTS COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS  
FOLLOWS:

**Section 1. Code Amendment.** Chapter 5A of the Porterville Municipal Code is hereby amended to read as follows:

**CHAPTER 5A  
ARTICLE I**

**Section 5A-1 Established.**

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

**Section 5A-2 Composition.**

The Arts Commission shall consist of up to 11 members. Commissioners shall be appointed by the City Council at its complete discretion. Members of the commission shall represent four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music; (4) youth, with final approval by the City Council.

**Section 5A-3 Compensation.**

Members of the Arts Commission shall serve without compensation.

**Section 5A-4 Term of Office/Removal.**

The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative. No member may serve more than two (2) consecutive terms. The term of the student/youth commissioner shall be one (1) year.

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

**Section 5A-5 Vacancies.**

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or

appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

#### **Section 5A-6 Meetings and Records.**

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the "City Council at least one time per year. Members are expected to have 75% attendance based on the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

#### **Section 5A-7 Quorum.**

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

#### **Section 5A-8 General Powers and Duties of Commission.**

The Arts Commission shall:

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Work Plan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

**Section 2. Severity.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, for that end, the provisions hereof are severable.

**Section 3. Effective Date.** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED**, this 6<sup>th</sup> day of August, 2013.

---

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk