



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution repealing and reenacting Resolution No. 89-121 relating to the Lodi Arts Commission, thereby deleting reference to the number of consecutive terms members may serve.

MEETING DATE: August 19, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of the attached resolution removing the term limitation for members of the Lodi Arts Commission.

BACKGROUND: In 1989, the Council adopted Resolution 89-121, a portion of which placed a two term limitation on members of the Lodi Arts Commission. For the reasons enumerated in the letter of June 24, 1992 from the Arts Commission (attached), it has been requested that the term limitations be removed.

This would be consistent with all other Boards and Commissions of the City which are not subject to term limitation provisions.

FUNDING: None required

Respectfully submitted,

Bob McVatt
City Attorney

BM/vc

attachment

cc: Lodi Arts Commission
Community Center Director

APPROVED: _____

ARTS2CC/TXTA.01V

THOMAS A. PETERSON
City Manager



recycled paper



LODI ARTS COMMISSION

JUL 27 1992

City Attorney's Office

June 24, 1992

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ALICE R. FERRER
CITY CLERK
CITY OF LODI

Honorable Mayor James Rinkerton
Lodi City Hall
221 West Pine Street
Lodi, CA. 95240

RE: Lodi Arts Commission Appointment Terms

The Lodi Arts Commission has unanimously approved a motion requesting the Lodi City Council consider repealing paragraph #4 under MEMBERSHIP, of Resolution No. 89-121, "A Resolution of the Lodi City Council Repealing and Reenacting Resolution No. 82-30 Relating to the Lodi Arts Commission", which reads;

No member shall serve more than two (2) consecutive terms. This provision shall apply to any persons appointed to fill vacancies within the membership.

The substantiating reasons for this request are as follows:

- 1.) The Lodi Arts Commission membership has developed an effective team with a good working relationships and repore among the membership;
- 2.) The commission has established a five-year plan outlining goals and projects for the promotion and cultivate programs of the arts in Lodi;
- 3.) Each commission member has an interest and direct responsibility in relationship to these goals and projects;
- 4.) Eight of the eleven commissioners will be mandated to retire from the commission prior to completion of the five-year plan and the production of planned projects;
- 5.) The elimination of mandatory retirement from the commission would allow planned projects continuity of leaderships and consistency in direction and purpose;
- 6.) And it is noted, other advisory commissions to the City Council do not have a limit on terms that may be served; some members have served the City for more than 20 years.

The Lodi Arts Commission submits this request with confidence that the elimination of limits or terms served by members will be to the benefit of the arts in the city of Lodi.

RESOLUTION NO. 92-146

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A RESOLUTION OF THE LODI CITY COUNCIL
REPEALING AND REENACTING RESOLUTION NO. 89-121
RELATING TO THE WDI ARTS COMMISSION,
THEREBY DELETING REFERENCE TO THE NUMBER OF
CONSECUTIVE TERMS MEMBERS MAY SERVE.

WHEREAS, the Lodi Arts Commission has unanimously approved a motion requesting the Lodi City Council consider repealing Paragraph 4 of Resolution No. 89-121 which reads:

"No member shall serve more than two (2) consecutive terms. This provision shall apply to any persons appointed to fill vacancies within the membership; and

WHEREAS, the Lodi Arts Commission submits their request to repeal Paragraph 4 with confidence that the elimination of limits on terms served by members will be to the benefit of the arts in the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 89-121 is hereby repealed in its entirety and all previously adopted resolutions relating to the establishment and operation of the Lodi Arts Commission are hereby rescinded, and Resolution No. 89-121 is reenacted to read in full as follows:

WHEREAS, the stature of a community is not measured by size alone but in the way its physical and cultural needs are met; and

WHEREAS, with this in mind as being most important and with the establishment of the Lodi Community Center which adheres to the above statement, along with the constant and concrete evidence of an expanding interest in the arts, both nationally and locally, it is most advisable that a Lodi Arts Commission be established to assist local arts groups to become more reflective of the wide range of contributive talents existing within the community; and

WHEREAS, such a Commission, parallel to and balancing the existing Recreation Commission, will provide strong support within the administration of the Lodi Community Center and will prove a valuable assist to the City in procuring such monies from regional, state, and national sources as may be available in support of the arts and their furtherance; and

WHEREAS, to such end, the following design for the establishment of a Lodi Arts Commission is hereby submitted.

FINDINGS:

The City Council hereby finds and declares:

- a) That the growth and flourishing of art and culture depend upon freedom, imagination and individual initiative;
- b) That the encouragement and support of art and culture, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the City of Lodi;
- c) That this City's prestige and general welfare will be promoted by providing recognition that art and culture, and the creative spirit which motivates them and which they personify, are valued as an essential part of the City's resources;
- d) That it is in the best interest of the City of Lodi to maintain, develop and disseminate the City's artistic and cultural resources;
- e) That the continued growth of the Arts can no longer be sustained by traditional resources; and
- f) That in order to implement these findings it is desirable to establish the Lodi Arts Commission to provide such recognition and assistance as will encourage and promote the City's artistic and cultural progress.

ARTS COMMISSION ESTABLISHED:

NOW, THEREFORE BE IT RESOLVED that there is established a Lodi Arts Commission to promote and encourage programs to further the development and public awareness of and interest in the fine and performing arts and to act in an advisory capacity to the Lodi City Council in connection with the artistic and cultural development of the City.

MEMBERSHIP

- a) The Commission shall be eleven (11) members appointed by the Mayor from a list of nominees, with the approval of the City Council.
- b) Each member of the Commission shall hold office for a term of three (3) years, except that:
 - 1) The terms of office for all members of the Arts Commission shall be deemed to run from July 1 of each year. Commencing on July 1, 1990, the Mayor, with the approval of the City Council, shall appoint four (4) new members of the Commission. On July 1, 1991, the Mayor, with the approval of the City Council, shall appoint four (4) members, and on July 1, 1992, the Mayor, with the approval of the City Council, shall appoint three (3) members.

- 2) As terms expire after the first, second and third years following the adoption of this Resolution, succeeding appointees shall serve for three (3) year terms; and
 - 3) Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.
- c) In addition to the Mayor, the City Manager, and the City Attorney, such other persons as may be designated as ex officio members without vote by the Mayor with advice from the City Council shall be selected from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Arts Commission.

CHAIRPERSON:

- a) The Chairperson shall be elected by a majority vote of the Commission at a meeting held in July of each year, and shall take office immediately following such vote. The Chairperson's term shall be for one (1) year.
- b) If a vacancy occurs in the office of Chairperson, a replacement shall be selected by majority vote of the Commission to fill out the unexpired current term.
- c) The Chairperson shall serve at the pleasure of the City Council, but not in excess of two (2) consecutive terms, and the provisions of this subsection shall apply to any person appointed to fill the vacancy in the office of Chairperson.

SECRETARY OF THE COMMISSION:

The Secretary of the Commission shall be the Community Center Director, who shall act as liaison between the Commission and the City Council.

VACANCIES:

If a member of the Arts Commission shall be absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, such office shall become vacant and shall be so declared by the Mayor. The Secretary of the Commission shall notify the Mayor of any vacancy whenever such occurs.

ORGANIZATION:

The Commission shall organize and adopt administrative rules and procedures consistent with this Part to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

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POWERS AND DUTIES:

The powers and duties of the Commission shall be as follows:

- a) All of the Commission shall meet at the call of the Chairperson or a majority of the Commission, but not less than once every three months. A majority of the members of the Commission shall constitute a Quorum. The affirmative votes of six (6) members of the Commission are required to take any action. The Commission shall keep an accurate record of its proceedings and transactions;
- b) Recommend ways to maintain and increase the artistic and cultural resource⁶ of the City of Lodi;
- c) Propose methods to encourage private initiative in the fields of art and culture;
- d) Solicit private, state and federal funding available for the fine and performing arts;
- e) Develop methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts both locally and outside of the City to promote the best interests of the City;
- f) Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, programs to further the development and public awareness of and interest in the fine and performing arts;
- g) Advise and consult with public and private groups, school, the City, and State or Federal Cultural and Art Commission interested in, or having knowledge or experience in, the fields of art and culture of the City;
- h) Advise the City concerning the receipt of or purchase of and display of works of art to be placed on municipal property, except for acquisition by museums and art galleries;
- i) Improve access to the arts through various programs so that the arts are within the reach of persons of all cultural backgrounds and levels of income. The Commission shall especially be concerned for segments of the community in which the arts are lacking and needed;
- j) Conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts and culture may be encouraged and promoted in the best interest of the City's artistic and cultural progress and a greater appreciation and enjoyment of the arts and culture by the citizens of the City of Lodi and how such can be encouraged and developed;

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- k) Provide preliminary screening of annual requests for allocation of Community Promotion funds for cultural and art activities and recommend a list of priorities with regard to those requests to the City Council. *The Commission recommendation shall:*
- 1) Be listed by priority ranking to reflect the Commission's recommendations based on thorough consideration and evaluation of information and data to be submitted by applicant organizations to justify requested funding.
 - 2) Be submitted in accordance with due dates to be specified by the City Manager to insure the City Annual Budget review schedules are met.
 - 3) Be advisory only and not binding upon the City Council; all final determinations shall be made by the City Council.
- 1) To perform such other related duties and functions as the City Council may from time to time direct. or otherwise appoint, the Commission to administer or coordinate on behalf of the City.

ANNUAL REPORT:

The Commission shall prepare and submit to the City Council, not later than sixty (60) days after the end of each calendar year, an annual report setting forth its activities.

ANNUAL BUDGET:

The Commission shall prepare and submit to the City Manager an annual budget for review and approval of the City Council. Said budget shall reflect all actual and anticipated revenues and expenditures.

COMPENSATION:

Members of the Commission, the Chairperson and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for travel and subsistence expenses incurred in the performance of their duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi but only to the extent that appropriations for such travel allowance have been provided in the Commission's budget and approved by the City Council.

CLERICAL ASSISTANCE:

- a) Within the ability of his present staff, the City Manager shall provide for a stenographer, space, equipment and supplies to perform clerical and typing duties of the Commission.

- b) The City Council may authorize, subject to the Commission's budget as approved by the City Council, the appointment by the Chairperson of such secretarial and clerical and other staff assistants and the acquisition of such equipment and supplies as are necessary to enable the Chairperson and the Commission to carry out their functions and duties.
- c) The City Council shall designate the space and shall make its facilities generally available to the Commission to perform the functions related to the purposes of the Commission.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates and statistics for the purposes of carrying out the provisions of this Part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager, is authorized and directed to furnish such information, suggestions, estimates and statistics to the Commission upon request made by the Chairperson of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS: LOCATIONS:

The Commission, or on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Part, sit and act in each time or place within the City of Lodi as deemed necessary to the conduct of its affairs. The deliberations of this Commission shall be held in public session, but this shall not constitute the sessions as public hearings as a matter of right open to participation by members of the general public at large, except at the will of the majority of the Commission.

MUNICIPAL ARTS FUND:

- a) There is hereby established in the Department of Finance a special account designated "Municipal Arts Fund."
- b) The City Council may make appropriations of funds to the Municipal Arts Fund for works of art or other art forms to be selected and implemented by the Commission as set forth in subsection (d) herein.
- c) Private, state and federal funds acquired by the City or Commission may be deposited in the Municipal Arts Fund and shall be used exclusively for the purposes and functions for which appropriated or donated as set forth in subsection (d) herein.

- d) Each disbursement from the Municipal Arts Fund shall be authorized by the Commission, shall be expressly designated as to payee and to purpose, and the City Finance Department shall authorize payment from such fund upon approval of the City Manager.
- e) "Works of Art", as used in this Part shall include all paintings, mural decorations, inscriptions, stained glass, statues, reliefs or other sculptures, monuments, fountains, arches, or other structures, intended for ornament or commemoration.

AUTHORITY NONEXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission or officer of the City of any power, duty or function which such Council, board, commission or officer may now have or be hereafter granted. It being the intention that the powers and functions hereinabove provided to be exercised by the Lodi Arts Commission be nonexclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission or officer, to refer or submit to the Lodi Arts Commission, or to receive from such, any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission or officer of any power, duty or privilege which it now may have or may hereafter be granted.

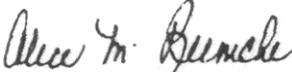
Dated: August 19, 1992

I hereby certify that Resolution No. 92-146 was passed and adopted by the Lodi City Council in a regular meeting held August 19, 1992 by the following vote:

Ayes: Council Members - Hinchman, Pennino, Sieglock, Snider and Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Members - None


 Alice M. Reimche
 City Clerk

92-146



LODI ARTS COMMISSION

June 24, 1992

Honorable Mayor James Pinkerton
Lodi City Hall
221 West Pine Street
Lodi, CA, 95240

RECEIVED
JUN 25 1992

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