



## Legislation Details (With Text)

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**Title:** Introduction and First Reading of an Ordinance and Public Hearing to Merge the Arts Commission and Library Historical Commission, Create a Newly Formed Arts, Culture & Library Commission, and Transfer Jurisdiction for Any Action Pertaining to an Existing or Proposed City Landmark, Merit Resource, or Historic Resource to the Planning Commission/Board of Zoning Adjustments

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Date	Ver.	Action By	Action	Result
11/21/2022	1	City Council	Approved	Pass

Introduction and First Reading of an Ordinance and Public Hearing to Merge the Arts Commission and Library Historical Commission, Create a Newly Formed Arts, Culture & Library Commission, and Transfer Jurisdiction for Any Action Pertaining to an Existing or Proposed City Landmark, Merit Resource, or Historic Resource to the Planning Commission/Board of Zoning Adjustments

### SUMMARY AND RECOMMENDATIONS

Consistent with the City Council Rules Committee’s recommendation, staff presents for the City Council’s review and adoption the attached ordinance that would effectuate the necessary legal and procedural actions for a merger of the existing Arts Commission and Library-Historical Commission, thereby creating a newly formed Arts, Culture & Library Commission. This action would also transfer the jurisdiction for any action pertaining to an existing or proposed City landmark, merit resource or historic district contributor or other related elements currently administered by the Library-Historical Commission to the Planning Commission/Board of Zoning Adjustments (PC/BZA).

Adoption of the proposed ordinance would not only result in measurable efficiency and cost-savings but would also significantly expand the level of resources and funding opportunities dedicated to expanding the arts in the San Leandro community.

### BACKGROUND

According to its codified mission, the Library-Historical Commission’s purpose is to: make recommendations to the City Council regarding policies for the use and improvement of City libraries, recommend policies and programs for preservation and restoration of important historical sites and items within the City, and serve as the liaison between the City Council, citizens, and organizations with an interest in the City’s library and historical activities. The Commission is comprised of 1 member representing each district and 1 at large member; in addition, there is 1 Youth Member.

According to its codified mission, the Arts Commission's purpose is to: make recommendations to the City Council regarding policies related to the development, promotion and placement of visual and performing arts that is of the highest quality, visually stimulating, of enduring value and will culturally enrich the San Leandro community; work cooperatively with public and private agencies to increase opportunity and awareness of and procure space for public art; and make recommendations to the City Council on the acceptance of donations and submission of art and other matters of arts and culture in the community. The Commission is comprised of 1 member representing each district and 3 at large members.

### **Analysis**

Since its formation in 2015, the City of San Leandro Arts Commission has completed significant work. Examples of its work include:

- Development of a Public Arts Master Plan (presented to City Council in 2017)
- Commissioning of the "Curiosity" Sculpture by Mildred Howard (authorized by City Council in 2020 and installed at Main Library in 2021)
- Installation of rotating temporary sculptures at the Hesperian Triangle
- Issuance of 2 rounds of public arts grants with over \$50,000 distributed out to over a dozen local artists and arts-serving local non-profits organizations that serve San Leandro
- Facilitated installation of various murals, public art installations, mosaic tiles, speakers, & live events, including two productions of the *Comedy in the Plaza* event at the Main Library
- Development of new street banners for Bancroft Ave & Wicks Blvd

Similarly, the Library-Historical commission has completed significant work. Examples of its work include:

- Advocated for robust artistic, cultural, educational, and community-oriented programming.
- Reviewed and recommended equity and inclusion actions taken by City Council in 2021 that eliminated overdue fines, which removed barriers to service for low-income individuals and families.
- Reviewed and recommended equity and inclusion actions taken by City Council in 2021 that eliminated Non-Resident Fee Cards, which removed barriers to service for students and allowed the Library to acquire additional state grant funding, join BALIS and the LINK+ regional library cooperatives, and connect to the statewide CENIC broadband network.
- Advocated for funding the replacement of the Mulford-Marina Branch Library facility; in October 2022 sufficient funding was acquired to commence the project.

In spite of all the important work that both commissions have diligently guided, both commissions continue to face a number of challenges. Examples include:

- Significant quorum, attendance, and appointment issues
- Lack of agenda items
- Commission staffing capacity issues
- Expertise Gaps:
  - Library-Historical Commissioners and Library staff do not have the expertise to conduct

- landmark and architectural historical preservation review for permitting
- The Arts Commission Secretary assignment (currently staffed by the City Manager's Office) was meant to be temporary and lacks arts expertise
- Inefficient use of resources:
  - The Library Department has more FTEs to dedicate staff to the Commission, and experience with art issues and projects.
  - The Community Development Department has more access to expertise in historic preservation, and architecture.
  - Community Development staff work with architecture, buildings, developers, designers, and the California Environmental Quality Act (CEQA); however, the architectural historic preservation duty is presently codified within the Library-Historical Commission's mission, rather than with the Planning Commission/Board of Zoning Adjustments
  - The Library and Museum conduct arts programming, work with artists, and collect, preserve, tell, and celebrate the historical and cultural stories in visual, audio, and written formats.

In addition, the Arts Commission continues to face various unique impediments to achieving its mission, including:

- Constrained ongoing annual funding dedicated to the arts (currently set at \$75,000 per year)
- Lack of a development project funding requirement for public art (envisioned in the Arts Master Plan to be 1% of project cost for development applications)
- Finding viable sites on which to install public art
- Lack of a nonprofit fundraising partner analogous to the *Friends of the Library*
- Lack of bandwidth to support seeking grant funding
- Lack of established maintenance practices to ensure the public art collection remains in good condition

Given these challenges and impediments, coupled with the inherently constrained staffing and budgetary resources that are available to the City, earlier this year, City staff embarked on an effort to analyze whether there could be ways to ensure the important work that both commissions are providing to the community is delivered in a more efficient manner. This analysis also dovetailed with a City Council referral that directed staff to explore possible changes to the membership composition of the existing Library-Historical Commission. It is through this lens that the proposed action that is the subject of this staff report was developed.

### **Proposed Merger of the Two Commissions to form a unified Arts, Culture & Library Commission**

Following the completion of staff's analysis, which included outreach to the public and to each of the members of both Commissions, as well as review and recommendation for approval by the City Council Rules Committee, staff presents for the Council's consideration the attached ordinance. If adopted, it would:

- Merge the Arts Commission and the Library-Historical Commission into an Arts, Culture, & Library Commission.
- Transfer the duties of landmark designation and architectural historic preservation in the Municipal Code to the PC/BZA.

If adopted, staff also intends to transfer the staff secretary duties of the newly merged commission to the Library Department. Such a merger and reorganization would also enable the Commission and staff to explore Municipal Code changes that would generate a dedicated ongoing funding stream for the arts, based on City Council direction.

The proposed merger would further help to achieve numerous broad-based efficiencies. Examples of such efficiencies include:

- Multifaceted solution for multifaceted issues
  - Multiple Commissions and Departments are experiencing challenges, misalignments, inefficiencies, and impediments to better outcomes; therefore, the proposed solution addresses more than one area.
- Maximizes community engagement opportunities
  - A merged commission provides more frequent, meaningful, substantive agendas and action items.
- Promotes Commission meeting attendance
  - Reduces cause for meeting cancellations
- Facilitates filling Commissioner seats
- Addresses staffing capacity issues:
  - 
  - Library Department has more line staff to dedicate to arts initiatives
- Aligns expertise:
  - Library hosts authors, actors, musicians, dancers, sculptors, painters, chefs, etc.
  - Community Development assists PC/BZA with historical preservation and landmark designations

In addition to the above efficiencies, the proposed merger would also help to facilitate an expansion of resources and benefits specifically related to the arts. Such benefits include:

- Facilitates the best possible environment to expand, amplify, and drive the actions needed to achieve the vision, goals, and potential expressed in the Public Art Master Plan
- Alignment with Library expertise with arts programming
- Increases staff bandwidth
- Supports the vision of the Library as the “Soul of the Community” as a place that expresses and celebrates the cultural diversity of the community
- Aligns with the Arts Master Plan recommendation to “recognize cultural diversity, language, and access as integral features of all programs and activities to broaden participation in the arts.”
- Leverages the Library’s role as a place where people come to share, learn, experience, express, and celebrate together
- Dovetails with existing art-related programs (painting, sculpture, writing, culinary, music, dance, etc.) that are already performed and taught at the Library to express and celebrate community cultures
- Leverages the positive reputation of the San Leandro Public Library to further develop artist, business, & resident relationships with the arts
- Leverages existing robust library communication channels to drive community involvement

- Provides a more robust structure for arts and culture to be “distributed throughout all neighborhoods of the City,” (via the existing branch libraries), consistent with the Arts Master Plan
- Expands outreach opportunities into all corners of the community

### **Terms Ending**

The present timing for a merger of the two Commissions is also optimal. At the end of December 2022, four members from each commission will complete their terms (i.e. eight commissioners in total). Additionally, the Arts Commission presently has four unfilled vacancies. As a result, nearly all presently-serving members of both existing Commissions with an interest in serving on the newly formed Commission would likely have an opportunity to continue their service if they were to apply and were nominated by either the Mayor or a member of the City Council that is seated beginning in January 2023.

Lastly, the proposal to transfer historic preservation functions to the Planning Commission/Board of Zoning Adjustments (PC/BZA) would generate the following benefits:

- PC/BZA that is already involved with permitting could provide more informed direction regarding landmark and architectural historic preservation with guidance from the Community Development Department
- Owners of Mills Act eligible properties will have a more direct route to pursue Mills Act opportunities and have a direct connection to the Community Development Department to guide and evaluate their efforts due to their staff expertise related to architecture, buildings, developers, design, and the California Environmental Quality Act (CEQA)
- In instances where PC/BZA needs further assistance with historic preservation, Community Development staff can more easily identify relevant consultants

### **Bolstering Funding Opportunities for the Arts**

In addition to the above described benefits, it is also important to note that the proposed merger would result in the ongoing transfer of the remaining balance of the Arts Commission’s existing \$75,000 annual budget to the newly formed Arts, Culture and Library Commission. Based on community feedback derived from conversations with relevant stakeholders the past few months, it is staff’s intention to transfer this annual budgetary allocation to the newly formed Commission, along with a commitment that those funds would be exclusively earmarked for arts-related initiatives, similar to how those funds have been used by the Arts Commission in past years. Furthermore, the newly formed Commission would be prohibited from diverting those funds to other non-arts related programming or activities.

In addition to the above annual budget allocation that is already dedicated to the arts, staff has also identified an additional source of one-time funds that could be leveraged to further expand arts-related programming or installations throughout the community. More specifically, on December 6, 2021, the City Council appropriated \$170,000 to support programming and activities associated with the City’s sesquicentennial celebrations. Thanks to prudent use of those funds coupled with generous donations from the community coordinated by District 1 City Council Member Deborah Cox, staff has verified that approximately \$75,000 in excess General Fund appropriations remain available in that account. If the City Council were to authorize the merger of the Commissions, it would facilitate

additional staff capacity from the Library department who could assist the newly formed Commission in utilizing these funds exclusively to augment arts-related efforts.

Lastly, as noted above, consistent with goals identified in the Public Arts Master Plan, a merger of the proposed Commissions would facilitate additional staff capacity to support the Commission in any efforts to explore and advance potential Municipal Code changes that would generate additional dedicated funding streams for the arts, including the possible requirement that new development proposals exceeding a certain monetary valuation would be subject to a mandatory 1% of project cost contribution either towards art on site, or to be deposited into a new dedicated fund that could be administered by the newly formed Commission and exclusively dedicated to the arts. This previously adopted goal is one that hasn't yet been able to move forward due to the staffing constraints associated with the current Commission model.

### **Conclusion**

As outlined above, the proposed merger of the Arts Commission and Library-Historical Commission would not only generate a wide range of practical and cost-saving benefits but would also markedly expand the resources and funding opportunities that could be made available to expand the artistic and cultural life of the community. For these reasons, Staff recommends that the City Council pass the ordinance.

### **Committee Review and Actions**

The City Council Rules Committee considered the merits of a potential merger of the two Commissions at its April 27, 2022 meeting. All Committee members in attendance were supportive of the concept of a merger and recommended that the corresponding actions be brought forward for consideration to the full City Council.

### **Legal Analysis**

The ordinance was drafted by the City Attorney. This staff report was also approved as to form by the City Attorney.

### **Fiscal Impacts**

A merger of the two Commissions would result in substantial efficiency improvements and cost savings to the City due to the reduced number of meetings, public notices, and staff time involved. Assigning staff support for the merged Commission to the Library Department would also significantly increase staff capacity to seek out grant funding to bolster the arts.

### **ATTACHMENT**

Att A: Proposed Ordinance

### **PREPARED BY:**

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