

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council  
**FROM:** Steven Kueny, City Manager   
**DATE:** January 8, 2013 (CC Meeting of 1/16/13)  
**SUBJECT:** Consider Options for the Moorpark Arts Commission

**BACKGROUND/DISCUSSION**

At the City Council meeting of December 19, 2012, it was the consensus of the Council, upon the request of Mayor Parvin, for staff to agendize an item for Council discussion on options for the Moorpark Arts Commission, which might include:

1. Combining the Moorpark Arts Commission with the Parks and Recreation Commission; or
2. Changing the Moorpark Arts Commission to a committee such as the Public Art Advisory Committee, which was dissolved in 2006; or
3. Explore other options to enhance the Moorpark Arts Commission to entice more applicants.

The Public Arts Advisory Committee first appointed in 2001 consisted of two Councilmembers, one Parks and Recreation Commissioner, two public members appointed by the Council, and the Community Services Director. The members of the Public Arts Committee met as needed to review and make recommendations to the City Council on public art projects.

In November of 2006, the City Council dissolved the Public Arts Advisory Committee and replaced it with the Moorpark Arts Commission. The Moorpark Arts Commission was established to act in an advisory capacity to the City Council on the operation and programming of the High Street Arts Center (HSAC); and in reviewing the conceptual design and location of artwork in the City (Moorpark Municipal Code Chapter 2.38 is attached).

After the dissolution of the Redevelopment Agency of the City of Moorpark and pending future State actions, the ownership of the HSAC was transferred to the City of Moorpark. In July 2012, the City leased the HSAC to the Moorpark Foundation for the Arts, which assumed the operating responsibility. The City provides a \$25,000.00 contribution for the HSAC operations and maintains some responsibility for building maintenance.

Due to limited development taking place in the City as a result of the down turn in the economy, there have been few development projects with the potential for public art design for the Moorpark Arts Commission to review. Although regular meetings of the Commission are to be held quarterly, all but one meeting in 2012, and the joint meeting with the City Council, were cancelled due to a lack of items for discussion. The recent recruitment to fill five vacancies on the Commission took three recruitments in order to receive the minimum number of applications. At the current level of City staffing and based on City Council priorities, staff support on public art matters should be limited to, and focused on, matters related to art in public places and specifically the following three Objectives:

- VI.A.21. By March 31, 2013, present a policy to the City Council that new facilities and buildings which are City funded include public art in the same manner as private projects.
- VII.A.2. Develop policies and program guidelines for use of Art in Public Places and Tree and Landscape fees by June 30, 2013.
- VII.A.8. Consider items of public art for Police Services Center, Arroyo Vista Recreation Center, High Street Post Office, and Train Station by December 31, 2013.

The Parks and Recreation Commission has met 10 times since January 2011. This includes the bi-annual park tours and joint meeting with the City Council. In Fiscal Year 2012/13 the approved budget of \$4,000.00 for Commission Honorariums would fund up to eight meetings.

As the City has matured and fewer development related projects have been proposed, the number of items to be considered by the Parks and Recreation Commission has declined. Some members of the Parks and Recreation Commission have expressed concern over the frequency of meetings as staff has cancelled meetings unless there is an action item to be considered. During the next two years, in addition to annual review of proposed budget and recreation programs, bi-annual park tours, and periodic review of reports on completed recreation events, the Parks and Recreation Commission will likely consider portions of the draft Open Space, Conservation and Recreation (OSCAR) Element of the General Plan; the initial Parks and Facilities Capital Improvement Program; periodic projects to refurbish/replace playground equipment; conceptual design of the Second Street park and park naming; matters related to a possible public park in Specific Plan No. 1 (Hitch Ranch); potential options for use of the City's 80 acres in the Tierra Rejada Greenbelt; review of feasibility study for second access to Arroyo Vista Community Park; and options and funding for a possible facility for either or both free style and BMX bike use.

Possible options include:

- A. Status quo with or without modifying the Moorpark Arts Commission's role on matters pertaining to the HSAC.
- B. Add the Moorpark Arts Commission duties and responsibilities to the Parks and Recreation Commission. A variation of this would be to have a separate Arts Commission, but have the Parks and Recreation Commission serve as the Arts Commission plus two or four other members to allow representation from the business community and residents within the City's Area of Interest/Moorpark Unified School District boundaries.
- C. Modify the Moorpark Arts Commission to be a committee, which would meet to address specific assignments from the City Council. Such a committee could consist of one member of the Planning Commission and one member of the Parks and Recreation Commission in addition to three or five other members, which could include representation from the business community and residents of the City's Area of Interest/Moorpark Unified School District boundaries.

The potential benefit of combining the Moorpark Arts Commission with the Parks and Recreation Commission or modifying the Moorpark Arts Commission to committee status would be some savings on honorariums and reduced staff time. The primary disadvantage of combining the two commissions would be potentially fewer citizens involved in the public process of reviewing options for public art.

### **FISCAL IMPACT**

Moorpark Arts Commissioners are currently compensated \$50.00 per meeting that they attend; with compensation not to exceed \$300 per fiscal year. If the focus were on art in public places, the funding of the Moorpark Arts Commission honorarium could be funded from the Art in Public Places Fund instead of the General Fund. City staff time attributed to this function could also be funded in the same manner.

### **STAFF RECOMMENDATION**

Direct staff as deemed appropriate.

Attachment: MMC Chapter 2.38 - Moorpark Arts Commission

**Moorpark Municipal Code**

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Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 2.38 MOORPARK ARTS COMMISSION**

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**2.38.010 Created.**

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A Moorpark arts commission for the city is established with membership and duties as provided in this chapter. (Ord. 344 § 3 (part), 2006)

**2.38.020 Membership—Term of office.**

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A. The arts commission shall consist of five (5) members to be appointed by the city council through an advertisement and recruitment process as established by council policy and/or resolution. Pursuant to that policy, the mayor shall solicit suggested nominees from members of the council; prior to making a motion for appointment, the mayor shall announce the names of all persons he or she intends to nominate, and in the order to be nominated; the mayor shall then make a motion putting forth each individual name to be approved for appointment; a second shall be required; and the council shall vote on each appointment individually. The term of the arts commissioner shall be for a period of two (2) years. All appointments shall occur during the second regularly scheduled city council meeting held in December every even-numbered year, or as soon as possible thereafter. The existing term shall be extended until such new appointments occur. If a vacancy occurs otherwise than by expiration of a term, it shall be filled for the unexpired portion of the term of office by the same nomination process described herein for a new term of office.

B. Nothing in this chapter is intended to preclude the reappointment of any arts commissioner upon the expiration of his or her term. (Ord. 379 § 5, 2009; Ord. 344 § 3 (part), 2006)

**2.38.030 Qualifications.**

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A. The members of the arts commission shall be registered voters and shall reside in the city's area of interest or the Moorpark Unified School District boundaries, or own a business within the city of Moorpark. When a person serving on the commission ceases to reside in the city's area of interest or the Moorpark Unified School District boundaries, or ceases to own a business within the city of Moorpark, the mayor shall declare vacant such person's position on the commission, and the city council shall appoint another eligible person to the unexpired term of such former member pursuant to Section 2.38.020(A) of this chapter.

B. No member of the commission shall receive any compensation from the city or otherwise have any interest in any city contract. For purposes of this section, an interest in a city contract shall be measured as though the arts commission were the approving body for such contract, utilizing then relevant provisions of the California conflict of interest laws and regulations. The foregoing exclusions shall not apply to any stipend received by the commissioner for service on the commission, or any reimbursement for necessary expenses, to the extent such reimbursement is permitted by city policies. The foregoing exclusions shall also not apply to any contracts in existence as of the date the commissioner assumes office to the extent such continuing contract would not be precluded by state conflict of interest laws if the commissioner were a city councilmember. (Ord. 379 § 6, 2009; Ord. 344 § 3 (part), 2006)

**2.38.040 Removal of members.**

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Any member of the arts commission may be removed by either of the following:

- A. A majority vote of the city council; or
- B. Absence from three (3) consecutive regular meetings without formal consent of the commission shall be deemed to constitute the resignation of the commissioner and the position declared vacant. (Ord. 344 § 3 (part), 2006)

#### **2.38.050 Absence from meetings.**

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A. If a member of the arts commission is absent from three (3) successive regular meetings of the commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the secretary of the commission shall immediately inform the city clerk and city council of such termination.

B. An absence due to illness or an unavoidable absence from the city and written notice thereof to the secretary of the commission on or before the day of any regular meeting of the commission shall be deemed absence for cause. (Ord. 344 § 3 (part), 2006)

#### **2.38.060 Resignation.**

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Any member of the arts commission may resign at any time. The resignation of the commissioner shall be in writing and shall be deemed effective immediately upon receipt by the city clerk regardless of the date specified in the resignation. The city clerk shall immediately inform the city council of any such vacancy by causing a copy of the resignation to be sent to each councilmember. (Ord. 344 § 3 (part), 2006)

#### **2.38.070 Organization.**

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A. At the first (1st) regular meeting in January of each year, the arts commission shall elect its chair from among the appointed members for the term of one (1) year; and, subject to other provisions of law, may create and fill such other offices as it may determine.

B. The commission shall hold regular quarterly meetings as determined by the commission at its first (1st) meeting in January of each year, such determination to include the dates, time and place of such meetings.

C. The commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Government Code.

D. If any regular meeting falls on a holiday, it shall be held on the next scheduled business day and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling on a holiday shall be held at the meeting of the next business day without the necessity of any other or further notice. (Ord. 344 § 3 (part), 2006)

#### **2.38.080 Duties and responsibilities.**

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The duties and responsibilities of the arts commission are as follows:

A. Act in an advisory capacity to the city council in all matters pertaining to the High Street Arts Center's programming activities, administration and development of the annual theatrical season, promotion of the arts center's programs and services to stimulate interest therein, and review of a long-range capital improvement plan.

B. In accordance with Chapter 17.50 of this code, act in an advisory capacity and review the conceptual design and placement of artwork, solicit public comment, and provide a recommendation to the city council on the design and location.

C. Perform such other duties as may be requested from time to time by the city council. (Ord. 344 § 3 (part), 2006)

**2.38.090 Compensation.**

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Members of the arts commission shall receive compensation for their attendance at each meeting of the commission as approved by resolution of the city council. (Ord. 344 § 3 (part), 2006)