



City of Palo Alto

City Council Staff Report

(ID # 11424)

Report Type: Consent Calendar

Meeting Date: 6/22/2020

Summary Title: Ordinance to Reduce to the Number of Human Relations Commission and Public Art

Title: Adoption of an Ordinance to Reduce the Number of Human Relations Commission and Public Art Commission Members From Seven to Five

From: City Manager

Lead Department: Community Services

Recommendation

Staff recommends that the City Council approve the attached ordinance to reduce the number of Human Relations Commission and Public Art Commission members from seven to five.

Background

Public Art Commission

The Public Art Commission (PAC) is currently a seven-member body appointed by the City Council. Commissioner terms are three years in length. Members of the PAC either shall be members of the architectural review board or shall be professional visual artists, professional visual arts educators, professional visual arts scholars, or visual arts collectors whose authorities and skills are known and respected in the community and, whenever feasible, who have demonstrated an interest in, and have participated in, the arts program of the city ([Municipal Code Section 2.18.020](#)). The Commission meets once per month.

The duties of PAC are described in [Section 2.26.030](#) of the Palo Alto Municipal Code and are primarily related to art in public places, including advising the city on the quality, quantity, scope, and style of art in public places, funding, and maintenance of public art works.

Human Relations Commission

The Human Relations Commission (HRC) is currently a seven-member body appointed by the City Council. Commissioner terms are three years in length. The Commission meets once per month.

The HRC has jurisdiction over any human relations matter when the commission finds that any person or group does not benefit fully from public or private opportunities or resources in the community or is unfairly or differently treated due to factors of concern to the commission. Factors of concern to the commission include, but are not limited to, socioeconomic class or status, physical condition or handicap, married or unmarried state, emotional condition, intellectual ability, age, sex, sexual preference, gender identity, race, cultural characteristics, ethnic background, ancestry, citizenship, and religious, conscientious or philosophical belief ([Municipal Code 2.22.050](#)). The HRC makes recommendations on funding to partner organizations through the Human Services Resource Allocation Process (HSRAP), emerging needs grants, and Community Development Block Grant (CDBG) program.

Both commissions have members whose terms expired on May 31, 2020. The City Clerk's Office conducted an open recruitment for these positions. Both the PAC and the HRC had low applicant response rates. Five applications were received for four of seven PAC members who have terms that expire on May 31, 2020. Two of seven HRC members have terms that expire on May 31, 2020. One position has been vacant since December 2019 due to a resignation of a Commissioner prior to their term ending. The most recent recruitment resulted in one applicant for the three vacancies.

Discussion

At the April 20, 2020 City Council meeting, the Council discussed Spring 2020 Commission recruitment for the Public Art Commission, Human Relations Commission, and Utilities Advisory Commission by way of a [Special Order](#) discussion. City Council directed staff to return, as soon as possible, with options for reducing the number of members on the Public Art Commission and Human Relations Commission, and then reopen recruiting for the Public Art Commission and Human Resources Commission. Staff was directed to continue with interviews for the Utilities Advisory Commission.

Staff returned to City Council on May 11, 2020 with a recommendation to reduce the number of HRC and PRC members from seven to five ([Staff Report #11299](#)). The City Council passed a motion for staff to return to Council with an ordinance that would amend the Municipal Code, reducing the number of Commissioners on both the HRC and PAC from seven to five members. The ordinance is included as Attachment A.

The attached ordinance reduces the number of HRC and PRC members to five members each. As the number of members is being reduced, the number of members needed to call special meetings is correspondingly reduced to three members on each commission. Terms remain three years, and terms on each commission remain staggered so that only some of the members change each year. Current members will retain their existing seats and length of terms, while new members will be placed in open seats to fill out the remaining term of that seat.

Policy Implications

Approval of this action will amend Municipal Code Sections 2.18.010 and 2.18.040 for the Public Art Commission, and Sections 2.22.010 and 2.22.030 for the Human Relations Commission.

Stakeholder Engagement

Staff liaisons to the Public Art Commission and Human Relations Commission were consulted to identify any issues that may result from this change. Staff liaisons to the two Commissions discussed the pros and cons of reducing Commission size. In general, staff have an interest in ensuring that well-established practices of both commissions will be reviewed and revised, if necessary, to ensure compliance with the Brown Act and City policies. Specific staff concerns related to a less diverse representation of the community on the commissions; fewer number of commissioners required to make a quorum resulting in fewer number needed to approve or reject a motion; and ensuring that there is consistent attendance at meetings so a quorum is present.

Environmental Review

This action is not considered a Project as defined by the California Environmental Quality Act (CEQA).

Attachments:

- Attachment A – Ordinance Amending Chapters 2.18 and 2.22 to Reduce PAC and HRC from 7 to 5 Members.

Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto to Amend Chapter 2.18 (Public Art Commission) and Chapter 2.22 (Human Relations Commission) to Reduce Each Commission to Five Members

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Chapter 2.18 (Public Art Commission) of the Palo Alto Municipal Code is hereby amended and restated as follows (deleted text is in ~~strike through~~, new text is underlined):

2.18.010 Membership.

There is created a public art commission composed of ~~seven~~five members who are not council members, officers, or employees of the city, and who shall be appointed by the city council.

2.18.020 Qualifications of members.

Members of the public art commission either shall be members of the architectural review board or shall be professional visual artists, professional visual arts educators, professional visual arts scholars, or visual arts collectors whose authorities and skills are known and respected in the community and, whenever feasible, who have demonstrated an interest in, and have participated in, the arts program of the city.

2.18.040 Term of office.

Terms of office on the Public Art Commission shall be three years. Commission appointments shall be staggered so that three (3) members are appointed in 2018 and every three years thereafter, one (1) member is appointed in 2019 and every three years thereafter, and one (1) member is appointed in 2020 and every three years thereafter. Terms of office shall commence on the first day of June and end on the last day of May.~~and four (4) members are appointed in 2017 and every three years thereafter Effective January 1, 2016, terms of office due to expire on April 30 of each year shall be extended to expire on May 31 of the same year, and thereafter terms of office shall commence on the first day of June.~~ If a successor is unavailable, a member may remain in office until his or her successor is appointed.

2.18.050 Officers, meetings, and procedures.

(a) Chairperson. The public art commission shall select one of its members as chairperson, who shall hold office for one year or until a successor is elected, unless the chairperson's term as a member of the public art commission expires sooner.

(b) Meetings. The public art commission shall establish a regular time and place of meeting and shall hold at least one regular meeting a month. Special meetings may be called by the chairperson or by any three members of the public art commission upon personal notice being

given to all members or by written notice being mailed to each member twenty-four hours prior to such meeting unless such notice requirement is waived in writing.

(c) Procedures. The public art commission shall prescribe bylaws, forms, applications, rules, and regulations for the conduct of its business. All meetings of the public art commission shall be open to the public and are subject to Title 5, Division 2, Part 1, Chapter 9 of the California Government Code or successor legislation. The decisions of the public art commission shall be transmitted to the director of arts and culture and to such other body or bodies which have jurisdiction to review the project under consideration.

2.18.070 Jurisdiction.

(a) Art in Public Places. The public art commission shall perform the duties and shall have the responsibilities specified in Chapter 2.26 of this title.

(b) Additional Duties. The public art commission shall perform such other duties and undertake such other responsibilities as the city council may direct from time to time.

(c) Interaction with Other City Bodies. If the functions of the public art commission overlap the functions of another city committee, commission, board, task force, or the like, the director of arts and culture, in cooperation with the public art commission and such other city body, shall devise a procedure for coordinating such functions to avoid duplication of efforts, to maximize cooperation between the city bodies, and to utilize the expertise of the various city bodies in a manner most compatible with the public welfare.

(d) Interaction with City Departments. The chief building official shall determine whether a proposed work of art is a mural or a sign under Section 16.20.011(a)(10) of this code prior to review by the public art commission.

SECTION 2. Chapter 2.22 (Human Relations Commission) of the Palo Alto Municipal Code is hereby amended and restated as follows (deleted text is in ~~strike through~~, new text is underlined):

2.22.010 Membership.

There is created a Human Relations Commission composed of ~~seven~~five members who are not council members, officers or employees of the city, who are residents of the city, and who shall be appointed by the city council.

2.22.020 Term of office.

Terms of office on the Human Relations Commission shall be three years. Commission appointments shall be staggered so that two (2) members are appointed in 2018 and every three years thereafter, two (2) members are appointed in 2019 and every three years thereafter, and one (1) member is appointed in 2020 and every three years thereafter. Terms of office shall commence on the first day of June and end on the last day of May. Effective January 1, 2016, terms of office due to expire on April 30 of each year shall be extended to expire on May 31 of

~~the same year, and thereafter terms of office shall commence on the first day of June. If a successor is unavailable, a member may remain in office until his or her a successor is appointed.~~

2.22.030 Officers, meetings and procedures.

(a) The commission shall elect one of its members chairperson who shall hold office for one year and until ~~his or her a~~ successor is elected unless ~~his or her~~ the chairperson's term as a member of the commission sooner expires.

(b) The Human Relations Commission shall establish a regular time, date and place of meeting and shall ordinarily hold meetings monthly~~The commission shall establish a regular time and place of meeting and shall hold at least one regular meeting a month.~~ Special meetings may be called by the chairperson or by any ~~four~~ three members of the commission upon personal notice being given to all members or by written notice being mailed to each member twenty-four hours prior to such meeting unless such notice requirement is waived in writing.

(c) ~~Four~~ Three of the ~~seven~~ five members shall constitute a quorum and the affirmative votes of ~~four~~ a majority of members present are required to take any action.

(d) The commission may establish ~~task forces~~ ad hoc committees of two commission members for advisory and investigative purposes. The commission shall, by majority vote, appoint members of ~~task forces~~ ad hoc committees, ~~such task force members to be approved by the mayor. Members of the commission may be appointed as members of a task force.~~

2.22.050 Jurisdiction.

(a) The human relations commission has the discretion to act with respect to any human relations matter when the commission finds that any person or group does not benefit fully from public or private opportunities or resources in the community, or is unfairly or differently treated due to factors of concern to the commission.

(1) Public or private opportunities or resources in the community include, but are not limited to, those associated with ownership and rental of housing, employment, education and governmental services and benefits.

(2) Factors of concern to the commission include, but are not limited to, socioeconomic class or status, physical condition or handicap, married or unmarried state, emotional condition, intellectual ability, age, sex, sexual preference, gender identity, race, cultural characteristics, ethnic background, ancestry, citizenship, and religious, conscientious or philosophical belief.

(b) The commission shall conduct such studies and undertake such responsibilities as the council may direct.

2.22.060 Authority.

Upon making a finding pursuant to Section 2.22.050(a), the commission may act as follows:

(a) To foster public awareness and understanding of human relations problems by any means of disseminating information including, but not limited to, educational programs and printed and electronic media;

(b) To facilitate resolution of problems or improvement of conditions within the jurisdiction of the commission by encouragement, persuasion and mediation and by pointing out private or public agencies which might provide assistance;

(c) To make such studies which, in the judgment of the commission, might aid in affecting matters within the jurisdiction of the commission;

(d) To recommend local legislation or other action to the council and to encourage the council to support or oppose state or federal legislation or regulation relating to matters within the jurisdiction of the commission;

(e) To coordinate programs of the commission with similar programs by private and public agencies and organizations; and

(f) To recommend or oppose legislation other than that of the city, provided that the city council has not taken an official position with respect to such legislation, and provided further that any communication, whether oral or written, from the commission concerning such legislation clearly indicates that such recommendation or opposition is that of the commission and is not necessarily that of the city council.

2.22.070 Liberal construction.

The provisions of this chapter shall be liberally construed to effectuate the public purpose of fostering human relations.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

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Not Yet Approved

SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Director of Community Services
Department~~Division~~