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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Maiko Klieman, Management Analyst I, 707-253-4180
SUBJECT: Discussion regarding the creation of the Napa County Arts and Culture Commission

RECOMMENDATION

County Executive Officer requests the following:

1. Discussion on the creation of the Napa County Arts and Culture Commission; and
2. Direction to staff to request that the Napa County League of Governments (NCLOG) Executive Board agree to make the Commission an advisory body to NCLOG rather than the Board of Supervisors.

EXECUTIVE SUMMARY

Two years ago, former Napa City Mayor, Ed Henderson called together an ad-hoc group of arts and community leaders known as the "Round Table" to discuss the future of the arts in the valley. Through their discussions, they concluded that the most pressing need for the arts in the County was advocacy and support on a governmental level and created the concept of a Napa County Arts and Culture Commission (NCACC).

On March 16, 2004, the Board of Supervisors agreed to support the establishment of the NCACC subject to endorsement by the five other jurisdictions in the County. All five jurisdictions have since endorsed in varying degrees (from conceptual to formal approval) the proposal to create the Commission.

The structure proposed by the Round Table is for Arts Council of Napa Valley (ACNV) to provide administrative and staff support to the NCACC at no cost and work as a liaison between all the parties involved. Staff believes this proposed structure - a private non-profit agency with its own interests staffing a County advisory committee - raises certain public policy concerns. Those concerns include conflict of interest, need for impartial research and analysis, lack of congruence of staff recommendations with County staff positions and technical expertise on governmental requirements.

In light of the above, staff has identified two different options for providing administrative and staff support for the NCACC as a County advisory board. The first option is for ACNV to provide the service and the County to sign a Services Agreement with ACNV. The second option is to provide the service in-house, through the County Library

Department. A third option has also been identified that would have NCACC be advisory to the Napa County League of Governments (NCLOG) rather than the County. This would require the agreement of the NCLOG Executive Board and the cities.

The Board may direct staff to pursue any of the options mentioned above but, after analyzing the advantages and disadvantages of all options, staff is recommending the third option of requesting that NCLOG agree to make the Commission a NCLOG advisory board, since this seems to fit into the purpose of NCLOG which is to address issues of countywide concern. In addition, NCLOG's membership includes the County and all cities in the County and any recommendations from the NCACC would ultimately need the approval of the County and the cities.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	If the Board gives direction to provide staffing for the NCACC in-house, there will likely be a fiscal impact. The revenue source could potentially be from the General Fund or from all the participating jurisdictions. Staff has not been able to determine what the exact cost would be, but estimates it in the \$10,000 to \$50,000 per year range depending on the amount of staff support work that is actually required. In addition to the time that is required by the staff of the liaison department, there may be some staff time required by the County Counsel and the CEO analyst.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	If the Board's direction is to provide staffing in-house, there will likely be an increase to the General Fund depending on how much staff time is required for the administration of the NCACC. Another option is to cost share among all the participating jurisdictions.
Is the general fund affected?	Yes
Future fiscal impact:	If the Board's direction is to provide staffing in-house, the General Fund will include the necessary cost in the future budgets.
Consequences if not approved:	The creation of the NCACC may be delayed.
Additional Information:	None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378(b)(2) (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Background of the Napa County Arts and Culture Commission (NCACC)

Two years ago, former Napa City Mayor, Ed Henderson called together an ad-hoc group of arts and community leaders to discuss the future of the arts in the valley. This group, called the Mayor's Round Table for Arts and Culture, meets regularly and the Arts Council of Napa Valley (ACNV) serves as the administrative arm, with the Executive Director of ACNV serving on the Round Table's Executive Committee. Thorough Round Table discussions, the group concluded that the most pressing need for the arts in the County was advocacy and support on a governmental level. To respond to this need, the Round Table created the concept of a Napa County Arts and Culture Commission (NCACC).

ACNV is a 501(c) 3 non-profit organization that has been providing networking, support and arts programming for the Napa Valley community for 25 years. The Board of Supervisors designates ACNV every year as the County's Arts Council under the State-Local Partnership Program and authorizes the preparation of grant application if funds become available.

On March 16, 2004, the Board of Supervisors agreed to support the establishment of the NCACC subject to endorsement by the five other jurisdictions in the County. The Cities of American Canyon, Calistoga, Napa, St. Helena and the Town of Yountville to varying degrees have each endorsed the proposal to create the Commission.

Composition and Focus of the NCACC

The Commission is intended to be the connection between government and the arts in Napa County. Its primary focus will be to study, hold hearings, and provide recommendations to the Board of Supervisors and the cities regarding the creation and implementation of a countywide plan for arts and culture within the incorporated and unincorporated areas of Napa County. NCACC will provide the following advisory functions:

- | Analysis of arts and culture within Napa County;
- | Creation of a Countywide plan for arts and culture within Napa County;
- | Act in advisory function following plan adoption; and
- | Present an annual report.

The Commission will consist of eleven (11) members as follows:

- | One representative each from American Canyon, Calistoga, St. Helena, and Yountville nominated by the respective City/Town Council;
- | Two representatives nominated by the City of Napa; and
- | Five representatives appointed by the Board of Supervisors.

The commissioners and officers of the NCACC would serve without compensation or reimbursement for expenses.

The proposal from the Round Table is that ACNV would initially serve as the administrative and fiduciary arm for the NCACC. The Round Table's vision is that ACNV and the Commission would work in partnership, with ACNV running programs and connecting the arts community at no cost, and the Commission working to create public policy that supports the arts in a governmental level.

The "Staffing" Issue

The structure proposed by the Round Table is for ACNV to provide administrative and staff support to the NCACC at no cost and work as a liaison between the NCACC, Napa County Executive Office, the Board of Supervisors and

the governing councils of the Cities. The Secretary of the NCACC would be appointed by ACNV and would be an employee or volunteer of ACNV. While this was the original structure proposed by the Round Table, staff believes that this proposed structure - a private non-profit agency with its own interests staffing a County advisory committee - raises certain public policy concerns. Those concerns include:

- | Conflict of Interest or perception of conflict of interest: The NCACC will be tasked with developing and recommending a Countywide Arts and Culture Plan that could potentially benefit, or be perceived to benefit, the ACNV.
- | Need for Impartial research and analysis: It is expected that official County advisory committees or commissions will have the benefit of research and impartial analysis from their staffs. As an advocacy organization, it could be perceived that it may be difficult for ACNV to provide this impartial research and analysis.
- | Lack of Congruence of Staff Recommendations with County staff positions: In addition to providing impartial research and analysis, one role of County staff is to provide recommendations on policy issues to advisory committees. Ultimately, these recommendations should reflect Board policy and/or the official County staff position as set by the relevant department head and/or County Executive Officer. It may be difficult for ACNV to fulfill this role, in part because of lack of familiarity with Board policy and in part because of natural institutional biases.
- | Technical Expertise on governmental requirements: Advisory committee staffs are responsible for insuring the committee is in compliance with things like the Brown Act and the public records law and public sector ethics laws. This is an area of technical expertise that the ACNV, or any private non-profit- may not have.

Although it may be possible to mitigate some of these concerns, this is the reason why staff generally believes it is not a good idea to have a private non-profit organization provide staff support for an official County advisory committee.

Administration and Staff Support Options

In light of the above, staff has identified two options for providing administrative and staff support for NCACC as a County advisory board and a third option that involves changing the agency that NCACC is advisory to. Those options are:

- | Have ACNV provide the staff support and liaison to the NCACC as recommended by the Round Table. Under this option, the County could sign a Services Agreement with ACNV to provide administration and staff support services and set County's expectations for administering the NCACC. If the Board chooses to pursue this option, staff would return to the Board with a request to adopt a resolution for the creation of the NCACC and the initial bylaws along with the Services Agreement to be signed with ACNV.
- | Provide administrative and staff support in-house. Under this option, County staff would provide staff support for the NCACC, though the County might contract with ACNV or other organizations for certain specific services. If this option were chosen, staff believes that the Library Department would be the most appropriate department to administer and serve as a liaison for the NCACC since one of their mission is to provide experience of recreational and cultural enrichment to the public. The Library administers "Art in the Library Program" that seeks to bring a variety of art exhibits to the Napa Main Library. If the Board gives direction to pursue this option, staff needs to conduct a thorough analysis of the fiscal impact for administering the NCACC and determine where the funding will come from. Once that is complete, staff would return with a request to adopt a resolution creating NCACC and designating the Library Department as the staffing agency.
- | Request the Napa County League of Governments (NCLOG) to assume the function of the Commission since this is a countywide interjurisdictional issue. NCLOG may choose to provide in-house staffing or contract with ACNV for the staffing services. If the Board chooses this option, staff would pursue

discussions with NCLOG and the cities concerning this approach.

Analysis and Discussion

The Board may direct staff to pursue any of the options mentioned above and there are potential advantages and disadvantages to each option. The advantage of ACNV providing the staffing service to NCACC is their familiarity with and expertise in art and culture issues in the County and also the strong connection they have with the originators ("The Round Table") of the NCACC idea. The major disadvantages are described above, though it is possible that some of those disadvantages could be mitigated by the nature of the contract between the County and ACNV (for example requiring that ACNV obtain direction from County staff on certain issues; take training in the Brown Act, etc; not seek funding under any plan ultimately recommended by NCACC). Some of these mitigating measures seem problematic, however, and would require involvement by County staff in any case.

The second option, to provide staffing in-house, has the advantage of meeting all of the standards of County staff support described above as concerns with regard to ACNV providing staff support. In addition, the Library Department already has an interjurisdictional orientation. It provides services to a number of cities and staffs the Library Commission which is comprised of representatives of the County and a number of the cities. The main disadvantages of this option are (1) lack of a Department with specialized expertise in arts and culture issues (though the Library Department does have some expertise in this area); and (2) the potential cost, since either additional staff would need to be hired or current staff would need to be reassigned from existing duties (and even in the latter case, there could be additional General Fund costs). These issues could possibly be mitigated to some extent by the County contracting with ACNV or some other organization or consultants for specialized expertise and by the fact that staff's understanding is that the concept is that NCACC will be a working commission with commission members doing much of the work themselves.

The third option, to request that NCLOG assume the function of the commission, has an advantage in that NCLOG's purpose is to address issues of common concern across all jurisdictions and NCLOG already has representatives on its Board from all cities and the County. This seems particularly appropriate in terms of the proposed function of the NCACC, since, in terms of arts issues, the Board of Supervisors really only has authority over the County organization and the unincorporated area. Each City has independent authority over arts issues within their boundaries. Thus any Arts & Culture Plan identified by NCACC would need to be independently approved by each City Council as well as the Board of Supervisors. Having staff support and general policy direction come from NCLOG could facilitate that effort. The potential disadvantages of this option include the availability of staffing resources at NCLOG and the potential cost of that support as well as the level of arts expertise that NCLOG's staff may have. These concerns could potentially be at least partially mitigated if NCLOG were to contract with ACNV or some other agency for some or all of the relevant staff support services. Staff has discussed this issue with NCLOG staff and they are willing to recommend to the NCLOG Executive Board that NCLOG take on these responsibilities.

Taking all of this into consideration, staff is recommending the third option of requesting that NCLOG take over the Commission since this seems to be the most rational approach. NCLOG addresses issues of common concern across all jurisdictions. Arts and Culture is an appropriate issue to be addressed by NCLOG. Having NCLOG administer the Commission will ensure that all the jurisdictions are involved with the recommendations that will be made by the NCACC and the action plan adoption which will ultimately require approval by the governing bodies of all cities and the County. In the event that NCLOG is unwilling to take on this responsibility, staff recommends the second option, in-house provision of staffing and support services by the Library with costs to be shared among participating jurisdictions.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman