

Request for two items to be put on next SAC meeting agenda

Bill and Bob Clark []

Sent: Tuesday, December 25, 2012 1:34 PM**To:** Lazar, Howard; Lazar, Howard**Cc:** Licouris, Alyssa; DeCaigny, Tom

Mr. Lazar,

I am requesting that two items be put on the agenda of the next Street Artist Committee meeting to be discussed and voted on by the Committee.

The two items are:

1) A proposal to amend Article 24 Section 2401 (b) by changing the definition of "handcrafted item" from its present definition of "an item predominantly created or significantly altered in form by the street artist" to "an item made by hand or by a hand process as contrasted to machine made."

2) A proposal to change the present policy of the the Arts Commission which is codified in Article 24 Section 2408 (b) regarding the Arts Commission procedure to suspend or revoke a Street Artist Certificate because that section of Article 24 violates City Charter Article IV entitled Executive Branch-Boards, Commissions and Departments Section 4.104 (b) which states, "Unless otherwise provided by the Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter...".

Article 24 Section 2408 (b) states, "The Art Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee. The findings and recommendations of the Street Artist Program Committee shall be submitted directly to the Program Director, who shall approve or disapprove such findings and recommendations. The Program Director shall not amend such findings and recom only if: (1) the Program Director finds that a fair and public hearing has not occurred; (2) evidence critical to the street artist's case was not introduced except that a street artist shall not be relieved of his or her failure to put on evidence unless it was improperly excluded, or it constitutes new evidence which the street artist using reasonable diligence could not have obtained until after the hearing; or (3) the artist failed to appear at the hearing and has, for good cause, subsequently requested another hearing. A street artist shall have five business days following his or her hearing before the Street Artist Program Committee in which to request a rehearing, after which time the Program Director shall render his or her decision on the Program Committee's findings. The decision of the Program Director shall be made in writing, and may only be appealed in accordance with Section [2409](#). The Program Director's decision concerning the suspension or revocation of a Street Artist Certificate shall not be appealable to any level of the Art Commission."

Since the present Arts Commission policy which is codified in Article 24 Section 2408 (b) violates City Charter Article IV Section 4.104 (b), I am requesting that Article 24 Section 2408 (b) be changed to read, "The Arts Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee. The findings and recommendations of the Street Artist Program Committee to suspend or revoke a Street Artist Certificate shall be submitted directly to the full Arts Commission for its review and approval or denial. The decision of the full Arts Commission shall be made in writing, and may only be appealed in accordance with Section [2409](#)."

William J. Clark