REGULAR MEETING, FEBRUARY 14, 2006
CULTURAL AFFAIRS COMMISSION

PRESIDING: CHAIR JAYNE

Call to Order 7:03 p.m. The Chair called the meeting to order at 7:03 p.m.

Roll Call Present: Susan Deen; Gayle Smashey; Luther L. Henderson, III; and, Ronnie Jayne.

Clement Hanami joined the meeting at 7:15 p.m.

Pledge of Allegiance Ms. Mim Shapiro led the Pledge of Allegiance to the Flag of the United States.

Staff Present Christine Byers, Public Art & Historic Preservation Coordinator; Susan Obrow, Special Events Producer and Theatre Coordinator; Alicia Weintraub, Senior Management Analyst; and, Shannon McWinney, from Kane, Ballmer & Berkman.

Item #C-1. **Agenda Posting.**

It was moved by Vice-Chair Deen, seconded by Commissioner Henderson and unanimously carried, to receive and file the Secretary's Report regarding the agenda posting for this meeting.

Item #C-2. **Approval of Minutes.**

It was moved by Commissioner Henderson, seconded by Commissioner Smashey and unanimously carried, to approve the minutes of the December 13, 2005 Regular Meeting.

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Item #A-1. 7:07 p.m. **Consideration of Culver City Cultural Affairs Foundation (501(c)(3)).**

Ms. Obrow presented the staff report.

Chair Jayne opened the floor to Commissioners' comments and questions.

Chair Jayne advised that she is very excited about the way things are finally taking shape after having served on the subcommittee for the past two years. She noted that the basic function of the foundation will be to serve as a mechanism for obtaining grants; that she is quite pleased with the concept of several prestigious individuals being able to lend their names to the advisory committee as a means to further enhance cultural development in Culver City; and, that two members of the Cultural Affairs Commission will have oversight to make sure the vision and the work program are advanced.

She indicated that her primary concern is that the foundation will follow a path similar to that of the California State Lottery, wherein money from the lottery was promised to supplement funding for education. Then the budget for education was slashed and the incredible gains everyone believed would take place never occurred. She expressed hope that City funding of the Cultural Affairs Division will remain strong and that the 501(c)(3) will serve to augment that funding and provide the additional resources necessary to realize some incredible arts and cultural programs in Culver City.

Commissioner Henderson noted that the 501(c)(3) is essentially a tool that will allow the Cultural Affairs Division to aggressively pursue grants that it otherwise would not be entitled to and, as such, will assist in achieving the goals as outlined in the Community Cultural Plan.

He remarked that Culver City is well on its way to becoming the cultural mecca of the Westside, saying he is pleased with the concept of the foundation being under the auspices of the CAC and the City yet being flexible enough to have an Advisory Committee comprised of distinguished individuals with a passion for advancing the arts in Culver City. He stated that one of his greatest fears was the possibility of creating a maverick foundation with its own agenda, saying he is comfortable that will not occur because the new entity will be under the control of a Board of Directors comprised of seven individuals, two of whom will be the sitting Chair and Vice-Chair of the CAC and two others who will be appointed by the CAC thus ensuring that their focus will be dedicated to implementing the vision of the Community Cultural Plan. He concluded by indicating that he believes a number of very important issues have been addressed that will make this 501(c)(3) foundation a viable and effective tool for Culver City in its future cultural endeavors.

Vice-Chair Deen noted that she is quite pleased that things have gotten this far. She recommended a few language changes be made specifically in Item E on Page 3 of the By-laws, explaining that a certified audit is not required for a 501(c)(3), that it entails a great deal of work and that it is very expensive. She suggested indicating instead that an "annual compilation review" or certified audit will be arranged at the discretion of the board at the close of the fiscal year to be performed by an independent certified public accountant selected by the board and that the "financial statement" rather than the "annual audit" shall be submitted to the City Council for review within three months following the close of the fiscal year.

Vice-Chair Deen further recommended including language that the CPA performing the annual compilation or audit will also prepare any necessary tax returns, saying even though it is a nonprofit organization and does not pay taxes, if revenues exceed $25,000 a year, a Form 990 is required and there may also be an additional filing required by the State of California for amounts under $20,000. She advised that some organizations set term limits for their CPAs to maintain a degree of independence, saying this might be something to be decided by the Board of Directors at their first or second meeting. She noted that consideration should be given to using a firm other than the one currently hired to audit the books of the City and/or the Redevelopment Agency in order to further preserve independence.

Ms. Weintraub reported that she conferred with legal counsel and both of Vice-Chair Deen's suggested amendments to the language in the By-laws would be fine and, that the recommendations regarding the selection of an independent financial auditor would be appropriate to leave to the discretion of the Board of Directors.

Vice-Chair Deen questioned the language on Section 3 of Page 5 of the By-laws which indicates that disbursements not exceeding $10,000 shall be made with the signature of the Community Development Director. Vice-Chair Deen said that although the 501(c)(3) is legally working to raise money under the auspices of the City, it is still an independent entity so she is confused as to why the Community Development Director rather than the treasurer of the 501(c)(3) would be signatory on those checks.

Ms. Weintraub explained that the rationale behind that was to expedite the processing of smaller amounts since the budget for the foundation will be adopted by the City Council as part of the Community Development Department budget and work program of the Cultural Affairs Division.

Vice-Chair Deen remarked that she would be more comfortable if the signatory were a member of the Board of Directors.

Ms. Obrow advised that the language was specifically worded this way to ensure that the Board of Directors would not be given more power than the Commission or the City.

Commissioner Smashey voiced concern about the biannual meetings being scheduled for July and January, saying July is when the Chair and Vice-Chair are seated so the July meeting will have to be coordinated so it includes the newly seated members.

Chair Jayne suggested changing the language to reflect that during every calendar year a biannual meeting of the board shall be held during the month of July following the CAC meeting for that month with the second meeting to be held in January.

Ms. Byers suggested that the term "semi-annual" be substituted for "bi-annual" to clarify that the meetings are to take place twice a year.

Chair Jayne agreed, noting that should be included as another friendly amendment to the final motion.

Commissioner Smashey stated it is imperative that someone who is adept at grant writing be appointed to the board since one of the main functions of the foundation will be to write grants.

Ms. Obrow advised that staff would like to entertain suggestions for possible board members at the March meeting, saying Commissioners should come prepared with some names so the matter can be discussed at that time.

Commissioner Henderson queried if the money received by the foundation will be restricted exclusively for cultural affairs.

Ms. Weintraub indicated that a separate fund will be established and the money will be restricted for Cultural Affairs Commission purposes only.

MOVED BY VICE-CHAIR DEEN, SECONDED BY COMMISSIONER HENDERSON AND UNANIMOUSLY CARRIED, THAT THE CULVER CITY CULTURAL AFFAIRS COMMISSION RECOMMEND THE DEVELOPMENT OF A 501(c)(3) ENTITY TO SUPPORT THE CULTURAL AFFAIRS WORK PROGRAM WITHIN THE CITY OF CULVER CITY AND DIRECT STAFF TO BRING THE ITEM TO THE CITY COUNCIL FOR APPROVAL AND IMPLEMENTATION WITH THE FRIENDLY AMENDMENTS AS JUST DISCUSSED.

Item #A-2.
7:42 p.m.

Consideration of Request for Qualifications/Request for Proposal for Public Art Concept on West Washington Boulevard.

Ms. Byers presented the staff report.

Chair Jayne entertained Commissioners' comments.

Commissioner Smashey remarked that the parenthetical statement in the first and second lines in the last paragraph on Page 2 needs to removed and suggested that the language at the end of the last page regarding the City's right of refusal be more specific by indicating that "the City reserves the right to cancel, postpone or not select a project."

Vice-Chair Deen thanked members of the public who took the time to participate at the January 24th meeting, saying some wonderful comments were received.

Commissioner Henderson requested clarification that the installation could be part of a multiphase temporary installation.

Ms. Byers explained that staff purposely left the language of the RFQ/RFP very open-ended to make it clear to participants from the outset that this is an evolving process and that no promises are being made to keep artwork up for any specified periods of time. She noted that in three years a different type of installation with a longer life span might be put in place or perhaps in five years a more permanent art work might be installed, saying this phase is being implemented to make certain that Culver City's residents and members of the public driving down Washington Boulevard know that changes are taking place and things are happening in that area.

Commissioner Henderson commented that he wants to make certain that the City's residents do not misinterpret this and presume that a very large sum of money is going to be spent on something that is only temporary.

Ms. Byers advised that the word "temporary" is not intended to indicate that artwork will be put there and then everything will be taken down after a relatively short amount of time but rather that something will be installed, hopefully, by the end of the year which will most likely evolve into another phase of art work. She stated there is a definite commitment to place art in this area of Culver City but there are currently no plans delineating exactly how that will evolve over time.

Vice-Chair Deen indicated she realizes that $100,000 for a temporary piece of art sounds like a tremendous amount of money, saying one of the concepts discussed by the Public Art sub-committee would cost considerably less, in which case, the money not spent would remain in the fund to be earmarked for future projects on the west side of Culver City.

Commissioner Hanami suggested removing the reference to the total budget of $85,000, saying that might dispose artists to design their projects to fit the number. He recommended it might be better to leave the actual budget of the project to the discretion of the CAC or whatever other entity ultimately decides which project will receive funding.

Ms. Byers agreed that when you advertise an upper limit there may be proposals submitted for that amount, saying the problem with not providing that information is that one runs the risk of receiving wonderful proposals that exceed the amount budgeted. She advised that language has been included which specifically indicates that finalists will be selected in part based on the project concept as well as its proposed cost.

Commissioner Smashey stated that budgetary parameters should be included if projects are being judged in part on their cost, saying if that information is not included there will most certainly be inquiries about it.

Chair Jayne concurred that the artists need to be aware of the budget so they have an idea what cost limitations to work within.

Commissioner Hanami suggested changing the 18-month time frame to perhaps three years; and clarify the language that indicates that finalists will be paid a $10,000 design fee to take into account that there might be a team of artists; and, suggested that the term "illustrator" is too specific and should be changed to something broader, such as "designers residing in California" so that submissions could be accepted from architectural firms, landscape designers, and others who do not necessarily consider themselves artists.

Ms. Byers proposed using the term "up to three years" as an appropriate compromise for the 18-month time frame. She indicated the word "finalists" was intentionally used to accommodate the possibility of two great proposals being submitted that combined fit into the $85,000 budget, saying in that event two finalists were selected, they might be installed in succession.

In response to the remark that the term "illustrator" is too specific, Commissioner Smashey suggested using the term "all professional artists" instead.

MOVED BY COMMISSIONER HENDERSON, SECONDED BY COMMISSIONER SMASHEY AND UNANIMOUSLY CARRIED, THAT THE CULVER CITY CULTURAL AFFAIRS COMMISSION APPROVE THE *CALL TO ARTISTS* AS AMENDED FOR AN ART PROJECT FOR WEST WASHINGTON BOULEVARD AND DIRECT STAFF TO BRING THE ITEM TO THE CITY COUNCIL FOR CONSIDERATION.

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Public Comment.

None.

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Receipt of Correspondence.

None.

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8:12 p.m. **Items From Staff.**

Ms. Obrow announced the beginning of the Music in the Chambers series and thanked Commissioner Henderson for his guidance in selecting the artists, saying there will be a wonderful array of performers. She also reported that a celebration will be held on March 26th at 2:00 p.m. for the long-awaited unveiling of the Harry Culver sculpture in Town Plaza.

Ms. Byers reported that staff contacted Andrew Campbell regarding the possibility of Culver City's hosting the next Los Angeles County Arts Commission Commissioner Forum. She advised the Commissioners of their upcoming meeting schedule and tentative agenda items.

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8:18 p.m. **Items from Commissioners.**

Commissioner Henderson invited everyone to attend the Music in the Chambers series, saying he is extremely proud to be able to present some world-class performers in Culver City at no charge to the public. He indicated he is extremely gratified to see the 501(c)(3) moving forward, noting that with Council's approval, it will place the City in a very positive stance for years to come with respect to enhancing cultural activities and will be a major strategic move in the implementation of the Community Cultural Plan.

Chair Jayne echoed Commissioner Henderson's sentiments about the 501(c)(3).

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8:24 p.m. **Adjournment.**

With no further business for the Commission to consider, the Chair entertained a motion for adjournment.

MOVED BY VICE-CHAIR DEEN, SECONDED BY COMMISSIONER SMASHEY AND UNANIMOUSLY CARRIED, TO ADJOURN THE MEETING AT 8:24 P.M. TO THE NEXT REGULAR MEETING ON TUESDAY, MARCH 14, 2006 AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS, CITY HALL.

Respectfully submitted,

Ronald Jayne

Ronnie Jayne, Chair

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Debra Presutti, Minutes Reporter