

MEMO

Date: July 9, 2016

To: John Nachbar, City Manager

From: Jim B. Clarke, Mayor

Subj: CULTURAL AFFAIRS FOUNDATION

I would appreciate if you would forward this memo regarding re-organizing the structure of the Cultural Affairs Foundation to my colleagues as I wish to request "three nodding heads" on Monday evening to agendaize a discussion for a future Council meeting.

Background

The Cultural Affairs Foundation was established on June 26, 2006 with approval of bylaws by the Culver City Council. The bylaws were amended by the Foundation board and approved by the City Council on January 24, 2011.

The purpose of the Foundation is to "promote and support the historic preservation, public art and cultural programming services in Culver City by coordinating and actively pursuing outside funding sources for those programs." The Foundation is a tax-exempt charitable corporation under IRS Code 501(c) (3).

Discussion

Because the Foundation is organized under the direction of the City Council, it is considered a "Brown Act" organization which imposes certain restrictions on the ability of Foundation members to communicate or collaborate outside of Foundation scheduled meetings or to discuss items that have not been previously agendaized at meetings. It is my belief that such restrictions have had a chilling effect on the ability of the Foundation to carry out its mission.

I proposed that the charter and bylaws of the Foundation be changed to allow the Foundation to operate as a separate 501(c) (3) (not subject to the Brown Act), similar to the CCUSD Educational Foundation or the Culver City Centennial Celebration Committee and that the reconstituted Foundation enter into a Memorandum of Understanding (MOU) with the Cultural Affairs Commission and City which outlines the role and responsibilities of the Foundation. Such MOU could specify development and presentation of an annual work plan and budget.

By creating a separate 501 (c) (3), the Foundation will have the flexibility to come up with creative ways to raise funds. As an example, the Centennial Celebration Committee has been most fortunate to have raised over \$200K from outside sources. It is my opinion that this amount of funding could not have been raised had the Centennial Celebration Committee been a City Council created committee.

I have discussed this proposal with the Cultural Affairs Commission and they are interested in pursuing and working with the City staff on reconstituting the Cultural Affairs Foundation.