

## November 12, 2015, City Arts Commission Comments

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### ***Item 2. Minutes of the October 8, 2015, City Arts Commission Meeting***

Suggested corrections to the following *italicized* passages from the draft minutes are indicated in ***strikeout underline*** format:

Page 2, Item B, first line: “*Chair Greer announced that Arts Commissioner Charles Ware has ***decide decided*** to resign from the Commission ...*”

Page 2, Item B, sentence 1 after motion: “*Library Services Director Hetherton suggested the process for reviewing grant applications and the award and amount of grants to each ***recipients recipient.****”

Page 2, following sentence (with regard to the Cultural Arts Grants for 2015/16): “*He recommended that any Commissioner with ties to any of the proposed recipients, recuse themselves from consideration of same.*”

Comment: For the Commission’s future information it might be noted that although the FPPC rules implementing California’s Political Reform Act require government officials to recuse themselves from participating in matters in which they have a financial interest, recusal is not always sufficient. The City’s arts grants and contracts, and I believe California Government Code Section 1090 (which is not under the purview of the FPPC) prohibits legislative bodies from awarding contracts in which a member of the body has a financial interest, whether or not that member recuses themselves from the discussion and vote. I do not know, for example, if Commissioner Selich stands to benefit financially from the grant to KOCI radio (for a program which I believe she co-hosts and produces), or if any of the other Commissioners have direct or indirect financial interests in any of the other grants, but if so even if they recused themselves it may have been inappropriate for the remainder of the Commission to have recommended awarding them.

Also, even where recusal is sufficient, the recusal process requires not only stating the financial interest with enough particularity that the public understands it, but physically leaving the room during the discussion, which I don’t believe happened.

Page 2, paragraph 2 from end: “*Commissioner Goldberg commented on the Balboa Island Improvement Association and stated that while she was impressed with the programs they are proposing, they are involved with commerce and not necessarily in support of the arts.*”

Comment: I believe Commissioner Goldberg may have been confusing the Balboa Island Improvement Association with the former City-created Marine Avenue Business Improvement District, which at one time had a Council-appointed governing board. I am no expert on the BIIA, but I believe they are a private property owner’s association

formed in the 1920's (?) for the betterment and physical improvement of the island, noted in recent years primarily for putting on community events such as the Balboa Island Parade. Since most of the properties on Balboa Island are residential, I would assume most of the members are residential property owners, and not merchants hoping to promote their businesses through the grant.

Page 2, remainder of paragraph 2 from end: “*She spoke in opposition to **grant granting** them funds, for that reason. She recommended no funds be **allocate allocated** to them.*”

Page 3, paragraph 2: “*Commissioner Goldberg suggested reducing the amount granted to South Coast Repertory from \$500 to \$425.*”

Comment: this is statement is inconsistent with the tally that follows, indicating the final amount granted to South Coast Repertory was \$650 (*not* \$425). It is also inconsistent with previous discussion, which indicated there was one suggestion of \$2,000, three suggestions of \$500 and one suggestion of \$0. Before any last minute correction, those would have averaged to  $\$3,500/5 = \$700$  (*not* \$500). It looks like South Coast Repertory was reduced by \$50 and KOCI (for which the original suggestion was  $\$5,500/4 = \$1,375$ ) by \$75 – but that adds to \$125, which is inconsistent with the statement that the total correction needed was \$150. Is there some error in the math?

Page 6, Item C.1: “*Chair Greer reported meeting with Secretary Logan and they invited artist Eva **Mahotra Malhotra**, from the Consulado de Mexico, to the City to exhibit her work ...*”  
[spelling based on Item 5 on current agenda]

Page 7, line 1: “*A kinetic **pieces piece** of sculpture is scheduled for placement in January, 2016.*”

Page 7, Item 7, sentence 1: “*Commissioner Smith announced **an the** upcoming Newport Beach Arts Foundation **XXX** event on Saturday, October 10, from 8:00 a.m. to 4:00 p.m., on the Civic Green.*” [to assist future readers it would seem helpful to identify (by name) the event that was being announced]

Page 9, Item XVIII.1, paragraph 3, last sentence: “*He suggested developing a baseline of what the people want and that each **Commission Commissioner** present their individual visions.*”

Page 9, Item XVIII.1, paragraph 6: “***Speaker, A speaker** commented on artists not liking forms and suggested the concept of pop-up events.*”

Page 9, Item XVIII.1, paragraph 8: “***Speaker, A speaker** referenced point 7 in the plan and commented on ...*”

Page 9, last paragraph, sentence 2: “*He **state stated** that arts should be independent of other considerations and is for the community.*”

### ***Item 3 Financial Report***

On page 1, two of the larger items under “Programming” are listed simply as “Display” (9/24). This is probably a reference to Mr. Dave Aepli’s art installation firm (see Item 7 on the present agenda), but the cryptic name makes it very unclear to the public (and possibly the Commission) what these payments are for or to whom they were paid.

On page 2, the “Total” shown on line 7 differs by \$40 from what is presumably the same total shown three lines above. It is also unclear exactly what this Total/Balance in the “Professional Services/ Sculpture Garden” account represents (see Item 7, below). Was the Sculpture Garden project completed under budget? Or is this balance somehow “encumbered” – that is, already committed to paying anticipated future expenses?

The report appears to continue to *not* apprise the public and Commission of the unspent amounts accumulated in the accounts dedicated to the Arts that have been created by the Council in recent years, including the Developer Fees contributions and the \$150,000 (?) annually promised by the Tourism Business Improvement District.

### ***Item 6. Cultural Arts Website***

It would have been helpful to indicate in advance of the meeting what kind of input, if any, is desired.

### ***Item 7. Sphere 112 Replacement***

This agenda’s Financial Report (Item 3, above) appears to indicate an unspent balance in the City’s “Professional Services/ Sculpture Garden” account of \$37,929. With all but one of the sculptures installed, if the Sculpture Garden project was indeed brought in under budget by that amount to date, it would seem those unspent monies should be spent before dipping into the Lenahan Trust.