

## March 10, 2016, City Arts Commission Comments

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### ***IV. PUBLIC COMMENTS (on agenda)***

In view of the recently renewed attention in this City to public funding for the arts and how it is managed, the absence of the normal standing agenda item providing the Commission with a **Financial Report** is extremely disturbing.

Among key questions:

1. Did the Commission's programming budget have a balance in it prior to the recent infusion of \$25,000 into it?
2. Whether or not it did, what is the current balance in it?
3. What are the balances in the other funds? And how much of that is available for what purposes?

It might be noted that the odd timing of Council approval of Cultural Awards Grants within the fiscal years to which they are said to apply makes the above even more confusing than it might otherwise be.

### ***Item 2. Correspondence and Press***

Having become an erratic attendee of City Arts Commission meetings, I am mystified by this flood of correspondence which seems to have been precipitated by an announcement that the Commission had dropped, or is considering dropping, Shakespeare by the Sea.

When was such a decision made or announced?

To the best of my knowledge, SBTS is a popular and signature summer event funded out of the Commission's programming budget, the last allotment to which was \$25,000 approved by the City Council as [Item 13](#) on their October 27, 2015, agenda.

While it is true that the similar request from the previous year ([Item 13](#) on October 28, 2014) explicitly mentioned SBTS as a use for the funds, while the most recent one mentions *Murals under the Stars* and the annual Newport Beach Art Exhibition, instead, I was not aware this was intended, or taken by the Council, as an exclusive list. I am not even sure the Commission even reviewed the language presented to Council, let alone consciously made a change.

On the contrary, was *Murals under the Stars* was [presented](#) at the [August 13, 2015, CAC meeting](#) as a kind of \$5,000 extra, with, I assumed, the implication that it fit within the Commission's programming budget. And the City [website](#) currently mentions the August 18, 2015, performance of *The Tempest* and tells the public "2016 Shakespeare dates to be announced."

Admittedly, there appears to be a serious budgetary problem because Item 3 on the present agenda says three *Concerts on the Green* will expend \$19,000 of the \$25,000 budget, leaving, apparently just \$5,000 for *Murals under the Stars*, \$1,000 for the annual Newport Beach Art Exhibition, and nothing more.

I believe this is indicative of a systemic problem that arises from the Commission conducting its business largely through a series of undocumented, non-public meetings of “ad hoc” committees.

Page 2 of the [official minutes](#) of the CAC’s October 8, 2015, meeting say that regarding the grants (Item B.1 on that agenda), “*Chair Greer provided a brief background on the matter and reported meeting with the Ad Hoc Committee, recently, where it was discussed that it is necessary to grant the City Arts Commission, \$25,000 for cultural programming, this year and listed programs to be funded next year.*” Apparently by accepting that recommendation without discussion of it, the remainder of the Commission tacitly approved whatever list the Committee had developed for events that could be programmed within the \$25,000. But what might be on that oral list of directly City-hosted programming (which seems considerably more important than the other grants) does not seem to be memorialized anywhere. And the audio recording of the meeting (which will be destroyed this coming October) is accessible only through a time-consuming and staff-intensive Public Records Act request.

### ***Item 3. Performing Arts for Summer 2016***

See preceding comments.

Prior to approving this item, I believe the Commission needs to know how many programming dollars it has available, and whether this is how it wants to allocate them.

It seems possible that the Concert budget could be scaled back to allow for other programming, or (with Council approval?) money added in from other sources under control of the Commission.

### ***Item VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS***

I am unable to find anything agendized for a follow-up to the full Commission’s discussion, at its March 2, 2016, Special Meeting, regarding the plan and funding for Phase III of the Sculpture Garden exhibit.

Regarding that topic, I would like to add these thoughts:

1. Although I was pleased that the Commission rejected staff’s alternative funding proposal, I thought staff’s proposal to increase public participation in the selection process was an excellent one, and hope the Commission will agendize adding that to any recommendation they make to the Council regarding Phase III.
2. As to the funding:

- a. I do not believe the Commission should take advice or rejection from the City Manager as direction from the Council. He has no authority to guess what they might be thinking.
- b. I do not believe the Commission should discount the possibility of the Council approving **full** public funding of Phase III if properly asked (as they did for Phases I and II):
  - i. The idea of a rotating sculpture exhibit, and supporting it with public funding, was Council member Selich's, and he is still on the Council through December.
  - ii. Council members Curry and Petros have previously voted for public funding, and I do not recall them making any statements to suggest their positions have changed.
  - iii. Although Mayor Dixon has recently advanced a goal of moving towards "partial" private funding of future art installations, I cannot imagine her voting against supporting the arts if properly approached, especially if the alternative would be to shut down what the Commission could argue is a signature activity of the City.
  - iv. To me, that is the required four votes.
- c. If the Council requires a private funding component this year, beyond that offered by the Arts Foundation, I believe it could be reasonably argued that the "Visit Newport Beach" money is private. Despite the offer having been made by Gary Sherwin, the CEO of VNB, the money involved is **not** the general public Transient Occupancy Tax. He was making the offer in a separate capacity he has, under contract with the City, as administrator for the [Tourism Business Improvement District](#). With the City's permission, the member hotels of the TBID assess a separate surcharge on their guests which they use for private sales activities. The \$150,000 per year that Mr. Sherwin promised is a voluntary "gift" to the City from that essentially private money.
- d. As I pointed out to the Council at their meeting on Tuesday, the Sculpture Garden has a peculiar status in the City budget in that many would view it as a past capital improvement and the obligation to periodically replace the sculptures as a continuing capital expenditure obligation – yet it is not in the City's [Capital Improvement Program](#) budget, even though such an un-capital-improvement-like thing as funding for developing the Arts Master Plan is. Given the fuzzy definition of what constitutes "operations," and what does not, it seems possible to me that something like the Lenahan Endowment could be used to fund at least some portion of the Phase III costs.