



CITY OF NEWPORT BEACH CITY ARTS COMMISSION AGENDA

Newport Beach City Hall (via Zoom)
100 Civic Center Drive, Newport Beach, CA 92660

Thursday, October 8, 2020 - 5:00 PM

City Arts Commission Members:

Marie Little, Chair
Arlene Greer, Vice Chair
Maureen Flanagan, Secretary
Miriam Baker, Commissioner
Wayan Kaufman, Commissioner
Ritch LeGrand, Commissioner
Leonard Simon, Commissioner

Staff Members:

Tim Hetherton, Library Services Director
Francine Jacome, Administrative Support Specialist

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows City Arts Commissioners to attend City Arts Commission meetings by electronic means. Please be advised that to minimize the spread of COVID-19, City Arts Commissioners may attend this meeting either electronically or telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the City Arts Commission telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach will conduct this meeting via Zoom. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for the City Arts Commission to consider. Please send them by email to the Library Services Department at ArtsCommission@newportbeachca.gov by Wednesday, October 7, 2020, at 4:00 p.m. to give the City Arts Commissioners time to consider your comments. All emails will be made part of the record.

1. You can connect with a computer by joining through Zoom. Click the link below to register for the meeting using a valid email address. You will receive a confirmation email allowing you to join the meeting:
https://zoom.us/webinar/register/WN_ikIFa4ARQPcky8Qk5sGPBQ.

2. Or you may connect by Phone/Audio Only by calling: 669-900-9128. The meeting ID is 976 9936 2711#

Please know that it is important for the City to allow public participation at this meeting. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

The City Arts Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the City Arts Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Board of Library Trustees. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Tim Hetherton, Library Services Director, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 717-3801 or thetherton@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Library Services Department 24 hours prior to the scheduled meeting.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. NOTICE TO THE PUBLIC

The City Arts Commission of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Arts Commission has the discretion to extend or shorten the time limit on agenda or non-agenda items.

IV. PUBLIC COMMENTS

*Public comments are invited on agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The City Arts Commission has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. Attendees must raise their hand in the Zoom module if they would like to speak. If attending by phone, press *9 to raise hand.*

V. CONSENT CALENDAR

*All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. City Arts Commissioners have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Arts Commission votes on the motion unless members of the City Arts Commission request specific items to be discussed and/or removed from the Consent Calendar for separate action. Members of the public who wish to discuss a Consent Calendar item must raise their hand in the Zoom module upon invitation by the Chair. If attending by phone, press *9 to raise hand.*

A. Approval of Minutes of the September 10, 2020, City Arts Commission Meeting

1. Draft of the 09/10/2020 Minutes

[DRAFT OF MINUTES](#)

B. Consent Calendar Items

2. Financial Report

Review of financial information.

[FINANCIAL REPORT](#)

3. Cultural Arts Activities

Monthly review of cultural arts activities from the Library Administrative Office for upcoming Library and City arts events and services.

[CULTURAL ARTS ACTIVITIES](#)

Cultural Arts Activities

Monthly review of cultural arts activities from the Library Administrative Office for upcoming Library and City arts events and services.

[CULTURAL ARTS ACTIVITIES](#)

VI. CURRENT BUSINESS

A. Items for Review and Possible Action

4. City Arts Commission Statement of Funding Priorities to the Newport Beach Arts Foundation

Chair Little and Vice Chair Greer recommend that the Arts Commission approve a list of funding priorities for submission to the Newport Beach Arts Foundation.

[STATEMENT OF FUNDING REPORT](#)

[STATEMENT OF FUNDING REPORT-ATTACHMENT A](#)

5. Fiscal Year 2020-21 Cultural Arts Grants Timeline

Staff requests that the City Arts Commission approve a timeline for the 2020-2021 Cultural Arts Grants.

[CULTURAL ARTS GRANTS REPORT](#)

[CULTURAL ARTS GRANTS REPORT-ATTACHMENT A](#)

B. Monthly Reports

6. Art in Public Spaces Ad Hoc Subcommittee

Commissioners Miriam Baker, Arlene Greer, Marie Little

VII. CITY ARTS COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the City Arts Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The City Arts Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. Attendees must raise their hand in the Zoom module if they would like to speak. If attending by phone, press *9 to raise hand.*

IX. ADJOURNMENT

**Newport Beach City Arts Commission Meeting Minutes
Thursday, September 10, 2020
Regular Meeting – 4:00 PM
Newport Beach City Hall (via Zoom)
100 Civic Center Drive
Newport Beach, CA 92660**

I. CALL MEETING TO ORDER – 4:00 P.M.

II. ROLL CALL

Commissioners Present: Marie Little, Chair
Arlene Greer, Vice Chair
Maureen Flanagan, Secretary
Miriam Baker, Commissioner
Wayan Kaufman, Commissioner
Ritch LeGrand, Commissioner
Leonard Simon, Commissioner

Staff Present: Tim Hetheron, Library Services Director
Francine Jacome, Administrative Support Specialist

III. NOTICE TO THE PUBLIC

IV. PUBLIC COMMENTS

Jim Mosher was puzzled at the unusual start time of 4:00 p.m. for the City Arts Commission meeting. The City Arts Commission should have a planned and published time for all meetings. Mr. Mosher also suggested highlighting any changes to revised agendas so the public can immediately identify revisions.

V. CONSENT CALENDAR

A. Approval of Minutes of the August 13, 2020, City Arts Commission Meeting

1. Draft of 8/13/2020 Meeting Minutes

Vice Chair Greer requested two changes to the August 13, 2020 minutes. (1) On page two, paragraph three, change of her title from Chair Greer to Vice Chair Greer. (2) Her comments made on page three, paragraph twelve, should be placed before Commissioner Kaufman's comments on paragraph seven as it happened in the meeting.

Commissioner Kaufman indicated she was not the correct Commissioner posing the question on page three, paragraph one, and was unsure whom it was.

Motion made by Vice Chair Greer, seconded by Commissioner Baker, and carried (7-0-0) to approve the August 13, 2020 City Arts Commission meeting minutes as amended.

AYES: Greer, Little, Flanagan, Baker, Kaufman, LeGrand, Simon
NOES: None
ABSTENTIONS: None

ABSENT: None

B. Consent Calendar Items

2. Financial Report – Review of financial information

Library Services Director Tim Hetherington reported expenditures in August included payments for cleaning of *Sphere 112*, \$144 for transcription costs, and the final payment of the management contract with Arts Orange County (ArtsOC). September expenditures will include payments towards Phase VI of the Sculpture Exhibition.

3. Cultural Arts Activities – Monthly review of cultural arts activities from the Library Administrative Office for upcoming Library and City arts events and services

Library Services Director Hetherington announced the deinstallation of *Metalfor* took place on August 20, 2020. The piece is undergoing restoration and when it is returned it will be stored at the Corporate Yard until a new site is selected. ArtsOC poured a new concrete pad and relocated the sculpture *Dude Ascending*.

In response to Commissioner Simon's questions, Library Services Director Hetherington indicated *Metalfor* will be wrapped in a protective tarp, placed on pallets, and set aside from other activity while it is stored at the Corporate Yard. He advised Chair Little will be appointing an ad hoc subcommittee to identify a new site for the piece.

Motion made by Vice Chair Greer, seconded by Commissioner Simon, and carried (7-0-0-0) to approve Consent Calendar.

AYES: Greer, Little, Flanagan, Baker, Kaufman, LeGrand, Simon
NOES: None
ABSTENTIONS: None
ABSENT: None

VI. CURRENT BUSINESS

A. Items for Review and Possible Action

4. Community Arts Survey - The City Arts Commission will review proposed public art survey

Library Services Director Hetherington explained the Community Arts Survey has been through various changes with a final decision to implement an online survey, which will be cost-effective and allow for extensive circulation. He added processing the data from an online survey will be easy.

In reply to Commissioner LeGrand's inquiry, Chair Little advised the subcommittee included questions about an art museum on the Community Arts Survey because Newport Beach is a wealthy community with many people who love the arts, and the City currently does not have an art museum. The subcommittee would like to know the public's thoughts on an art museum.

Commissioner Simon explained the Community Arts Survey's purpose is to gather information from the public on their general interests in art. If the residents have a great deal of interest shown in response to the questions, it creates future conversations about the potential of having an art museum in Newport Beach.

Vice Chair Greer shared she came from a community that had an art museum and a performing arts center. Having these venues pleased the community and brought the community together. The City Arts Commissioners are charged with the responsibility of having the pulse of the community. Community requests for a performing arts center and an art museum are received constantly. Adding these venues could help bring more opportunities for City events that are currently taking place within a very small window of summer months since they are held outdoors.

Jim Mosher shared Commissioner LeGrand's concern about questions four and five on the Community Arts Survey. The City Council is currently exploring a lecture hall and believes they will wonder why this suggestion of an art museum was not brought up at an earlier time. He suggested the Commissioners attend the City Council meeting on Monday, September 14, 2020, to provide input on building a performing art center or museum instead of a lecture hall.

Jim Mosher suggested altering question 13 on the Community Arts Survey to have number one the most desired and number six the least desired. Also recommends combing questions 6, 7, 8, 9, and 14 using a table-like format that would also add former venues and museums to track community knowledge and attendance.

Commissioner Simon concurred with Jim Mosher's idea regarding question number 13. Also, he would like the word "most" inserted over the number one column and the word "least" inserted over the number six column on the table to help simplify the number ranking.

Chair Little concurred with Mr. Mosher and Commissioner Simon regarding question 13.

In reply to Secretary Flanagan's question, Library Services Director Hetherington indicated the survey will be circulated with the Library and Cultural Arts mailing list, City Manger's Newsletter, and there will be a link on the City Arts Website. There will be a press release that will go to the Newport Beach Independent, The Daily Pilot, Stu News, and Spark OC'S mailing list.

Chair Little commented it was cost-prohibitive to do mailers. The budget did allow for press releases which will reach many community members.

In response to Commissioner Baker's question, Library Services Director Hetherington shared there is an online option on the website where community members can opt-in to receive communications from the Library or Cultural Arts. Library patrons are also asked if they would like to opt-in to the mailing list when applying for a library card.

Library Services Director Hetherington agreed with Chair Little's suggestion of creating a poster to display in the Library to bring awareness to Community Arts Survey.

Motion made by Commissioner Simon, seconded by Vice Chair Greer, and carried (7-0-0) to approve the Community Arts Survey with revisions.

AYES: Greer, Little, Flanagan, Baker, Kaufman, LeGrand, Simon
NOES: None
ABSTENTIONS: None
ABSENT: None

5. Fiscal Year 2020-21 Cultural Arts Grants Timeline - *Staff requests that the City Arts Commission approve a timeline for the 2020-2021 Cultural Arts Grants*

Library Services Director Hetherton summarized discussions from the June 2020 City Arts Commission meeting where a recommendation to modify the Cultural Arts Grants timeline was approved. At this same meeting, it was also approved to allow grantees to stage performances, after large gathering restrictions are lifted, using 2019-2020 funding. The proposed timeline is as follows:

01/04/21 Grants are publicized.
03/26/21 Applications are due.
04/08/21 City Arts Commission reviews applications and approves grantees.
04/27/21 Recommendations made to City Council.
06/10/21 Award letters and checks disseminated.
TBD 2019/20 Cultural Arts Grant Completion Report due.
TBD 2019/20 Grant funds must have been spent or encumbered.
TBD 2020/21 Cultural Arts Grant Completion Report due.
TBD 2020/21 Grant funds must have been spent or encumbered.

Vice Chair Greer advised it is \$30,000, not \$40,000, budgeted for Cultural Arts Grants, and requested it is amended.

In answer to Commissioner Simon's questions, Library Services Director Hetherton indicated March 26, 2021, will be a strict deadline for all applications to be filed. The timeframe for the City Arts Commission to review applications is a short period of time.

Vice Chair Greer shared it is always a very short amount of time to review applications and would support adding another week to the timeframe.

Library Services Director Hetherton asked if the Commissioners would prefer shortening the application due date by a week or moving the Commission's review/approval of applications to the May 2021 meeting to allow additional time.

Commissioner Kaufman was opposed to shorting the application due date, giving the local art organizations as much time as possible to submit applications.

Vice Chair Greer agreed with Commissioner Kaufman.

Chair Little proposed moving the review/approval of applications to the May 2021 meeting.

In response to Library Services Director Hetherton's question, Administrative Support Specialist Francine Jacome stated it would be impossible to distribute checks in June 2021 if the review/approval is not done until May. The City of Newport Beach requires a grant agreement before the issuance of any checks, which can be a long process of paperwork. She proposed modifying the disbursement of checks to July 2021.

Vice Chair Greer expressed her concerns with extending the timeline because teachers are leaving for summer vacation at that time and may not have sufficient time to plan for the following school year's activities.

Commissioner Kaufman stated it is very difficult to predict what the next school year will look like as far as reopening plans and COVID-19 restrictions. As of now, there will not be any assemblies or large gatherings at school. Teachers often do not know what their grade level assignments will be for the following school year until shortly before school starts. It would be up to the arts organizations to have their programming developed and presented to the schools.

In reply to Commissioner Simon's inquiry, Library Services Director Hetherton stated it is approximately 12 weeks for the application process. In prior years, the application process began in July with the due date being the last Friday in September.

Commissioner Simon proposed publicizing the grants earlier, in the middle of December, allowing for review/approval of applications to stay as planned in April 2021.

Vice Chair Greer suggested Staff review all comments made by Commissioners today and reevaluate the Cultural Arts Grants timeline. She recommended tabling the vote until the next meeting in October 2020.

Chair Little concurred with Vice Chair Greer's proposal.

6. Sculpture Exhibition in Civic Center Park Photography Contest - Staff requests approval for a proposal for a photography contest intended to create further interest in the Sculpture Exhibition in Civic Center Park.

Library Services Director Hetherton shared in 2018 the City Arts Commission held a photograph contest to generate public interest in the Sculpture Exhibition. With many COVID-19 restrictions, sponsoring another photography contest is a great way to create some interest in the Sculpture Exhibition.

Commissioner Simon worried that amateur photographers may be surpassed by professional photographers in the contest. He suggested separating the contest into two divisions for professional photographers and for amateur photographs to create an equal opportunity for all participating.

Vice Chair Greer shared she is satisfied with the contest as it stands.

Chair Little agreed with Vice Chair Greer and commented there were no issues with the contest in 2018.

Library Services Director Hetherton mentioned there were no professional photographer winners in the 2018 contest.

In response to Commissioner LeGrand's question, Administrative Support Specialist Jacome Commissioner stated there were 201 entries for the Sculpture Exhibition Photography Contest in 2018.

Commissioner LeGrand recommended adding additional winners to the contest. With not much spending happening due to canceled events, suggested increasing the prize money by \$50 each to increase participation.

Vice Chair Greer outlined many expenses are still occurring such as gift cards for the Community Arts Survey, gifts cards for the Newport Beach Art Exhibition, expenses for city-wide sculpture restorations and rehabilitation, along with a \$10,000 grant decrease.

In reply to Vice Chair Greer's question, Library Services Director Hetherton indicated sculpture restorations will be deducted from the small maintenance budget and professional and technical services budget. Fiscal Year 2020-2021 will include many maintenance and restoration projects; however, there are sufficient funds to increase the prize awards for the photography contest.

Vice Chair Greer commented she would like to see an increase in prize money for Newport Beach Art Exhibition winners as well. She commended Staff on their efforts in presenting the photography contest.

Motion made by Vice Chair Greer, seconded by Chair Little, and carried (7-0-0-0) to approve the Sculpture Exhibition Photography Contest with prize money revisions.

AYES: Greer, Little, Flanagan, Baker, Kaufman, LeGrand, Simon
NOES: None
ABSTENTIONS: None
ABSENT: None

Library Services Director Hetherton confirmed first prize will be \$150, second prize \$100, and four (4) third prize winners at \$25.

Commissioner LeGrand agreed with the increase of the awards.

Motion made by Vice Chair Greer, seconded by Chair Little, and carried (7-0-0-0) to approve the Sculpture Exhibition Photography Contest with clarified prize money revisions and additional third prize winners.

AYES: Greer, Little, Flanagan, Baker, Kaufman, LeGrand, Simon
NOES: None
ABSTENTIONS: None
ABSENT: None

7. **Ad Hoc Subcommittee and Liaison Appointments** - *Commission Little will re-affirm the appointment of the ad hoc subcommittees and liaisons for fiscal Year 2020-2021.*

Chair Little asked all Commissioners to read the ad hoc subcommittee and liaisons appointments report for FY2020-2021 located in their agenda packets as there were small edits made. The Art in Public Spaces Ad Hoc Subcommittee will commence immediately with their first tasks being evaluating and recommending a relocation site for *Metamor*; referring and evaluating donation of *Chairman of the Board* sculpture by Steve Rieman; review and evaluate the donation application for *Grandma's Spirit* painting by Thekla Hathaway Hammond.

Chair Little reported Newport Beach Arts Foundation President Juanita Holley has asked the City Arts Commission to submit in writing the funds being asked for FY 2020-2021. Newport Beach Arts Foundation Vice President Carol Lee is working on an advertising marketing branding campaign for the Newport Beach Arts Foundation. The Board of Directors (BOD) has appointed Howard Herzog as their seventh member, who also serves on the Newport Beach Civil Service Board. The BOD announced there will be a retreat in October 2020, with an exact date to be determined. Consulting with BOD will focus on reorganizing the foundation for more effective fundraising and donor sponsorship outreach, which will hopefully lead to better financial support for the City Arts Commission.

VII. CITY ARTS COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Chair Little requested agenda items for the three items from Arts in Public Spaces and FY 2020-2021 Cultural Arts Grants timeline recommendation.

VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher commented on the Newport Beach Library Foundation's new series Studio Chats happening online every Tuesday where local artists are interviewed. He questioned the coordination between the Library's art programming and those of the Arts Commission.

IX. ADJOURNMENT – 5:08 P.M.

Chair Little adjourned the meeting at 5:08 p.m.

Cultural Arts Division

FY 2020-21

As of September 30, 2020

ACCT NAME / #	BUDGET	DATE	VENDOR	EXPENSES	BALANCE	NOTES
Programming	60,500.00					
01060603-841004		07/24	Restoration Artechs Inc.	5,315.00	55,185.00	Marine monument restoration
		07/31	GotPrint	438.81	54,746.19	Sculpture Exhibition brochures
		07/31	Image 360	246.20	54,499.99	Sculpture placards
TOTAL					54,499.99	
Professional Services	15,954.00					
01060603-811008		07/31	Hector Dominguez	3,350.00	12,604.00	"Metalfor" restoration (deposit)
		07/31	Jose Martinez	398.75	12,205.25	"Sunset Years" bench restoration
		08/21	TAVD Visual Assistant	144.00	12,061.25	Transcription of Minutes (7/20)
		08/28	Crown Building Services	825.00	11,236.25	Sphere 112 cleaning
		09/18	TAVD Visual Assistant	281.25	10,955.00	Transcription of Minutes (8/20)
		09/25	William McClelland Ent.	600.00	10,355.00	Bronze sculpture restoration
TOTAL					10,355.00	
City Grants	30,000.00					
01060603-821006						
TOTAL					30,000.00	
Sculpture Garden (III/IV)	58,818.34					
(Contract Art Services)		07/24	Karl Unnasch	3,000.00	55,818.34	"Burnt Matchstick" honorarium (2/2)
01060603-811054						
TOTAL					55,818.34	
Sculpture Garden (Ph V)	141,436.00					
01060603-811059		07/01	Roger Heitzman	2,075.00	139,361.00	"Cosmo" honorarium (1/2)
		07/01	Dominic Panziera	3,000.00	136,361.00	"Individuality n.1" honorarium (1/2)
		07/01	Curt Brill	3,000.00	133,361.00	"Seated Diana" honorarium (1/2)
		07/01	Andra Broekelschen	1,100.00	132,261.00	"Window to the Sea" honor. (1/2)
		07/01	Nancy Mooslin	1,750.00	130,511.00	"Fractured Peace" honor. (1/2)
		07/01	Joe Sackett	3,000.00	127,511.00	"Dude Ascending" honor. (1/2)
		07/01	Patricia Vader	3,000.00	124,511.00	"Unbearable Lightn." honor. (1/2)
		07/01	Ronald Whitacre	2,250.00	122,261.00	"Marble Shooter" honorarium (1/2)
		07/01	Monica B. Wyatt	3,000.00	119,261.00	"I'm Listening" honorarium (1/2)
		07/31	Grant Irish	2,000.00	117,261.00	"Primemover" honorarium (1/2)
		08/14	Arts Orange County	38,651.00	78,610.00	Phase V mgmt (8/8) & installation
		09/04	Arts Orange County	4,350.00	74,260.00	Relocation of "Dude Ascending"
		09/25	Arts Orange County	3,000.00	71,260.00	Phase VI management (1/10)
TOTAL					71,260.00	

TO Newport Beach City Arts Commission

FROM: Library Services Department
Tim Hetheron, Library Services Director
949-717-3819, thetherton@newportbeachca.gov

PREPARED BY: Tim Hetheron

TITLE: Cultural Arts Activities for September 2020

Cultural Arts Virtual Programming Web Page

Library staff created a webpage hosting the City Arts Commission’s virtual programming at <https://www.newportbeachca.gov/government/departments/library-services/cultural-arts/virtual-programming-page-for-cultural-arts>

Virtual programming includes videos of Sculpture Exhibition phases IV and V, the Newport Beach Arts Exhibition, art lectures, Art in the Park, and an abridged version of *The Nutcracker* for children.



Community Arts Survey

The Community Art Survey went live on September 14. As of September 29, there have been 503 responses.



TO Newport Beach City Arts Commission

FROM: Library Services Department
 Tim Hetheron, Library Services Director
 949-717-3819, theheteron@newportbeachca.gov

PREPARED BY: Tim Hetheron

TITLE: City Arts Commission Statement of Funding Priorities to the Newport Beach Arts Foundation

RECOMMENDATION:

Chair Little and Vice Chair Greer recommend that the City Arts Commission approve a list of funding priorities for submission to the Newport Beach Arts Foundation.

DISCUSSION:

ARTICLE IX of the Newport Beach Arts Foundation’s Articles of Incorporation (ATTACHMENT A), “Disposition of Funds”, stipulates that the Arts Foundation Board of Directors shall request annually from the City of Newport Beach Arts Commission a statement of funding priorities. Chair Holley of the Newport Beach Arts Foundation requested this statement at the Foundation’s September 2020 meeting. In response, Chair Little and Vice Chair Greer have prepared a list of funding opportunities for the City Arts Commission to approve for the consideration of the Newport Beach Arts Foundation.

Chair Little and Vice Chair Greer respectfully request that the City Arts Commission approve a \$33,450 statement of funding priorities to submit to the Arts Foundation for the following items:

- | | |
|--|-----------------|
| <p>▪ Grand Opening Luncheon, Phases V and VI: Typically, the Newport Beach Arts Foundation funds the Grand Opening luncheon for each phase of the Sculpture Exhibition. This luncheon is attended by the artists whose work is included in the Phase, City Council, the City Arts Commission, and the Arts Foundation Board. The Grand Opening luncheon for Phase V was cancelled in 2020 due to restrictions on public gatherings due to COVID-19. Chair Little and Vice Chair Greer propose that upon the Grand Opening of Phase VI in June of 2021, the Arts Foundation host a combined luncheon honoring both Phase V and VI artists.</p> | <p>\$10,000</p> |
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| <p>▪ Newport Beach Art Exhibition: The City Arts Commission leadership requests that the Arts Foundation fund the musical performers typically hired for the Art Exhibition reception.</p> | <p>\$1,200</p> |
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- | | |
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| <p>▪ Newport Beach Art Exhibition: In previous years, the Cultural Arts division has contracted the services of an arts professional to create the exhibition layout, assist with art intake, and arrange the submitted work in order maximize space and to provide the best possible viewing experience for the attendees.</p> | <p>\$1,600</p> |
|--|----------------|

- **Newport Beach Art Exhibition:** Again, in previous years, Cultural Arts has contracted a photographer to document the event. The photos are used in both publications and marketing efforts.
 \$650

- **Sculpture Exhibition in Civic Center Park, Phase VII:** Foreign submissions for the Sculpture Exhibition in Civic Center Park are rarely included in the exhibition due to the high cost of shipping pieces overseas. A \$5,000.00 honorarium is not sufficient for many foreign artists to pay for shipping and customs, and multiple foreign submissions have been withdrawn from consideration for this reason. By increasing the amount of 2 honorariums, specifically designated for foreign submissions, from \$5,000 to \$15,000, foreign artists will be incentivized to submit, resulting in a more varied and cosmopolitan exhibition.
 \$20,000

- TOTAL**
\$33,450

If the City Arts Commission approves the funding opportunities, the list should be submitted to the Newport Beach Arts Foundation at their next scheduled meeting on Tuesday, November 17 at 6 p.m.

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Arts Commission considers the item).

ATTACHMENT A: Newport Beach Arts Foundations Articles of Incorporation and By-laws

ARTICLES OF INCORPORATION
OF
NEWPORT BEACH ARTS FOUNDATION

AUG -7 1989

MIL JONES, SECRETARY OF STATE

ARTICLE I
Name

The name of this Corporation is Newport Beach Arts Foundation.

ARTICLE II
Corporate Status

This Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

ARTICLE III
Purposes

This Corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986. The charitable purposes for which this Corporation is organized are to further the purposes and objectives of the arts programs of the City of Newport Beach, California.

ARTICLE IV
Exempt Status and Limitations on Activities

No substantial part of the activities of this Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, nor shall this Corporation participate or intervene in any political campaign (including publishing or distribution of statements) on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, this Corporation shall not carry on any other activities not permitted to be carried on (a) by a Corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986.

ARTICLE V
Initial Agent for Service of Process

The name of the initial agent of this Corporation for service of process is:

John W. Francis
2600 East Nutwood Avenue, Suite 120
Fullerton, California 92831-3106

ARTICLE VI
Members

This Corporation shall have no members other than the persons constituting its Board of Directors. The persons constituting its Board of Directors shall, for the purpose of any statutory provision or rule of law relating to nonprofit corporations otherwise, be taken to be the members of such corporation and exercise all the rights and powers of members thereof.

ARTICLE VII
Voting

Each member of the Board of Directors shall have one vote. There shall be no proxy voting permitted for the transaction of any of the business of this Corporation.

ARTICLE VIII
Irrevocable Dedication and Dissolution

The property of this Corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this Corporation shall inure to the benefit of any director or officer thereof or to the benefit of any private person. Upon dissolution or winding up of this Corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this Corporation shall be distributed to one or more nonprofit corporations organized and operated for the benefit of the City of Newport Beach, California, to be selected by the Board of Directors and approved by the City Council of said City. Such nonprofit corporation or corporations must be qualified for Federal income tax exemption under Section 501(c)(3) of the

Internal Revenue Code of 1986, and be organized and operated exclusively for charitable purposes. In no event shall any assets be distributed to any director or officer of this Corporation or to any private person.

ARTICLE IX
Disposition of Funds

The Board of Directors shall request annually from the City of Newport Beach Arts Commission a statement of funding priorities. Any funds contributed to the Corporation, less operating expenses authorized by the Board of Directors, shall be contributed to the City of Newport Beach Arts Commission within two years after the Corporation's fiscal year in which such funds are received; provided, however, that the Corporation may accumulate funds for a longer period pursuant to any plan established by the Board of Directors for disposition of such funds for the benefit of the City of Newport Beach Arts Commission. Notwithstanding the foregoing, upon resolution adopted by a majority of the Board of Directors, funds of the Corporation may be contributed to the City of Newport Beach Arts Commission or its designees as grants to fund designated projects or programs pursuant to such practices, guidelines and procedures as are established from time to time by the Board of Directors, subject to such approvals and controls as the Board of Directors and the Arts Commission determine are appropriate in the circumstances.

ARTICLE X
Amendment

The Articles of Incorporation of this Corporation shall be amended only by the vote of a majority of the total voting membership of the Board of Directors, subject to the approval of the City Council of Newport Beach, California.

IN WITNESS WHEREOF, for the purpose of forming this nonprofit corporation under the laws of the State of California, I, the undersigned, constituting the Incorporator of this Corporation, have executed these Articles of Incorporation this 5th day of June, 1998.



Howard Herzog
Incorporator

DECLARATION

I am the person whose name is subscribed below. I am the Incorporator of the Newport Beach Arts Foundation. I have executed these Articles of Incorporation. The foregoing Articles of Incorporation are my act and deed.

Executed on June 5, 1998 at Newport Beach, California.

I declare that the foregoing is true and correct.



Howard Herzog

BYLAWS
OF
NEWPORT BEACH ARTS FOUNDATION

ARTICLE I

Purpose

The specific purpose of this corporation is to engage in the solicitation, receipt, and administration of monies and other property, and from time to time to disburse such monies and/or property and the income therefrom, solely to or for the benefit of the City of Newport Beach Arts Commission, and its related activities and services.

ARTICLE II

Powers

The corporation shall have such powers as are now or may hereafter be granted by the Nonprofit Corporation Law of the State of California, except as limited by the provisions of its Articles of Incorporation or these Bylaws.

ARTICLE III

Offices

The corporation shall have and continuously maintain in the City of Newport Beach, State of California, a principal office for the transaction of the corporation's business.

ARTICLE IV

Members

Section 1. No Regular Members. In accordance with Section 5310 of the California Nonprofit Public Benefit Corporation Law, the corporation shall have no members within the meaning of Section 5056 of that law. All action which would otherwise require approval by a majority of all members or approval by members shall

require only approval of the Board of Directors. All rights which would otherwise vest in members shall vest in the Directors.

Section 2. Persons Associated With the Corporation. By resolution, the Board of Directors may create any advisory boards, councils, honorary memberships or other bodies as it deems appropriate. The Board of Directors may also, by resolution, confer upon any such class or classes of such persons some or all of the rights of a member under the California Nonprofit Public Benefit Corporation Law other than the right to vote:

- (a) for the election of a Director or Directors or an officer or officers; or
- (b) on a disposition of all or substantially all of the assets of the corporation; or
- (c) on a merger; or
- (d) on a dissolution; or
- (e) on changes to the corporation's Articles of Incorporation or Bylaws.

All such voting rights are vested exclusively in the Board of Directors.

ARTICLE V

Board of Directors

Section 1. Definition of Terms. For the purpose of these Bylaws, "Board of Directors" or "Board" refers to the Board of Directors of the corporation, unless otherwise specifically indicated.

Section 2. General Powers. All the business and affairs of the corporation shall be managed and controlled by the Board of Directors.

Section 3. Number. The number of Directors shall not be less than five (5) nor more than twenty (20), the exact number to be specified from time to time by action of the Board of Directors. All Directors shall have an affiliation with the Newport Beach community.

Section 4. Selection and Tenure. The Chair of the City of Newport Beach Arts Commission shall be an ex-officio, non-voting Director

of the corporation. Two (2) members of the Arts Commission, appointed by the Arts Commission shall be non-voting Directors and shall serve one (1) year terms. In addition, the Arts Commission shall appoint three Directors who are not members of the Arts Commission who shall serve one (1), two (2) or three (3) year initial terms as determined by the Arts Commission. All other voting Directors shall be appointed by the Board of Directors and shall serve one (1), two (2) or three (3) year initial terms as determined by the Board of Directors. All subsequent terms for appointed voting Directors shall be three (3) years. Appointed voting Directors shall have as many successive three (3) year terms as the appointing entity deems appropriate.

Section 5. Resignation and Removal. Any Director may resign from the Board at any time by giving written notice to the President or the Secretary of the corporation and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Directors may be removed from office by majority vote of the Board of Directors. A Director shall automatically be removed from office if he or she fails to attend three consecutive meetings of the Board of Directors without being excused therefrom.

Section 6. Vacancies. Any vacancy occurring on the Board of Directors of the corporation shall be filled by the Board of Directors.

Section 7. Compensation of Directors. No Director shall receive any salary or other similar compensation for any services as a Director; however, the Board of Directors may authorize the reimbursement of actual and necessary expenses incurred by individual Directors performing duties as Directors.

Section 8. Inspection by Directors. Each Director shall have the right at any reasonable time to inspect all books, records, and documents of every kind and the physical properties of the corporation for a purpose reasonably related to such person's interest as a Director, provided that such Director shall not have the right to inspect those books, records or documents made privileged or confidential by law. This inspection must be made by the Director in person, provided that the Director may be accompanied by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents. Nothing in this section shall affect the right of the Board of Directors to conduct the business of the corporation as set forth in these Bylaws.

ARTICLE VI

Meetings of the Board of Directors

Section 1. Place of Meeting. All meetings of the Board of Directors shall be held at the principal office of the corporation or at such other place as may be designated for that purpose from time to time by the Board.

Section 2. Annual Meeting. An annual meeting of the Board of Directors shall be held in June of each year prior to the meeting of the Board of Directors. Such meeting shall be held at the principal office of the corporation or at such other time and place as the Board of Directors may from time to time designate. Such meeting shall be for the purpose of electing officers of the corporation and for the transaction of such other business as may come before the meeting.

Section 3. Regular Meetings. Regular meetings of the Board of Directors shall be held upon notice in accordance with Section 5 of this Article VI.

Section 4. Special Meetings. Special meetings of Directors may be called by, or at the direction of, the President or by one-third of the voting Directors then in office, to be held at such time and place as shall be designated in the notice of meeting.

Section 5. Notice of Meeting.

(a) Notice of the time and place of any meeting of the Board of Directors other than special meetings shall be given at least ten (10) days previous thereto delivered personally or sent by mail or facsimile to each Director at his or her address or facsimile number as shown in the records of the corporation. If mailed, such notice shall be deemed to be delivered the next day during which regular mail deliveries are made after the day such notice is deposited in the United States Postal Service in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by facsimile, such notice shall be deemed delivered when the facsimile is transmitted. The business to be transacted at any regular or special meeting of the Board shall be specified in the notice of such meeting.

(b) The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 6. Open Meeting Law. All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board, in conformity with the California statutes governing the corporation, commencing with Section 54950 of the Government Code. However, the Board may hold closed sessions during any meeting to consider those matters that may lawfully be considered in such sessions.

Section 7. Validation of Meeting. The transactions of the Board of Directors at any meeting, however called or noticed, or wherever held, shall be as valid as though at a meeting duly held after call and notice if a quorum be present and if, either before or after the meeting, each Director not present signs a written waiver of notice or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting.

Section 8. Quorum and Manner of Acting. A majority of the number of Directors in office or three (3) Directors, whichever is greater, shall constitute a quorum of the Board of Directors for the transaction of business, except to adjourn as provided in Section 9 of this Article VI. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of a Director or Directors, if any action taken is approved by at least a majority of the required quorum for that meeting. Each member of the Board of Directors shall have one vote. There shall be no proxy voting permitted for the transaction of any of the business of this corporation.

Section 9. Adjourned Meetings. A quorum of the Directors may adjourn any Directors meeting to meet again at a stated day and hour; provided, however, that in the absence of a quorum, a majority of the Directors present at any Directors meeting, either regular or special, may adjourn from time to time until the time fixed by the next regular meeting of the Board of Directors. Notice of the date, time, place and the business to be transacted at such meeting shall be given to any Directors who were not present at the time of the adjournment.

Section 10. Minutes of Meetings and Conduct. Regular minutes of the proceedings of the Board of Directors shall be kept in a book provided for that purpose. The President shall preside at meetings of the Board of Directors. The Board of Directors may adopt its own rules of procedure insofar as such rules are not inconsistent with, or in conflict with, these Bylaws, the Articles of Incorporation of the corporation or with the law.

ARTICLE VII

Officers

Section 1. Officers. The Officers of the corporation shall be a President, a Vice President, a Secretary, and a Treasurer. The corporation, at the discretion of the Board of Directors, may have additional officers. All Officers shall be selected from among the Directors. One person may hold two or more offices, except that one person may not hold both the offices of President and Secretary or Treasurer.

Section 2. Election and Term of Office. Initially, the Officers of the corporation will be appointed by the Board of Directors at the organizational meeting and subsequently will be elected annually by the Board of Directors at its annual meeting. If the election of Officers shall not be held at such meeting, such election shall be held as soon thereafter as may conveniently be scheduled. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Except as provided in the case of Officers appointed under Section 4 of this Article VII herein, each Officer shall hold office for a term of one (1) year and until his or her successor shall have been elected, unless he or she shall sooner resign, be removed, or become ineligible to continue to serve in such capacity. Elected Officers may serve as many successive one (1) year terms as the Board of Directors deems appropriate.

Section 3. Removal and Resignation. Any Officer elected by the Board of Directors may be removed by the Board of Directors at which a quorum is present whenever, in their judgment, the best interests of the corporation would be served thereby. Any Officer may resign at any time by giving written notice to the President or the Secretary of the corporation and unless otherwise specified therein the acceptance of such resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the corporation under any contract to which the Officer is a party.

Section 4. Vacancies. A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. President. The President shall be elected from among the Directors of the corporation and shall be chairman of and preside at all meetings of the Board of Directors and of the Executive Committee. The President shall be an ex-officio member of all committees which may be from time to time elected or appointed and may serve as chairman of the Executive Committee.

The President may sign, with the Secretary or Treasurer or any other proper officer of the corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which have been authorized to be executed on behalf of the corporation, except in cases where the signing thereof shall be expressly delegated by the Board of Directors, or by these Bylaws, or by statute to some other officer or agent of the corporation; and, in general, he or she shall perform all duties incident to the functions of the President of the Board of a corporation and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice President. In the absence of the President the Vice President shall perform the duties of the President. The Vice President shall have such other powers and perform such other duties as may be assigned to him or her by the President or by the Board of Directors.

Section 7. Secretary. The Secretary shall keep or cause to be kept a book of minutes at the principal office or at such other place as the Board of Directors may order of all meetings of the Directors and of the Executive Committee, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Directors meetings. The Secretary shall give or cause to be given notice of all the meetings of the Board of Directors required by these Bylaws or by law to be given.

Section 8. Treasurer. The Treasurer, subject to the direction of the President, shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipt for moneys due and payable to the corporation from any source whatsoever; deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as the Board of Directors shall select, and, in general, perform all the duties incident to the office of Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her other duties in such sum and with such surety as the Board of Directors shall determine.

ARTICLE VIII

Committees

Section 1. Committees. The Board may appoint one or more committees, each consisting of two or more Directors, and delegate to such committees any of the authority of the Board except with respect to:

- (a) The filling of vacancies on the Board or on any committee;
- (b) The fixing of compensation of the Directors for serving on the Board or on any committee, should Article V, Section 7, be amended to allow such compensation;
- (c) The amendment or repeal of Bylaws or the adoption of any new Bylaws;
- (d) The amendment or repeal of any resolution of the Board which by its express terms is not so amendable or repealable;
- (e) The appointment of other committees of the Board or the members thereof; or
- (f) The approval of any self-dealing transaction, as such transactions are defined in Section 5233(a) of the California Nonprofit Public Benefit Corporation Law.

Any such committee must be created, and the members thereof appointed, by resolution adopted by a majority of the Directors then in office, provided a quorum is present. Any such committee may be designated an Executive Committee or by such other name as the Board shall specify. The Board may appoint, in the same manner, alternate members of any committee who may replace any absent member at any meeting of the committee. The Board shall have the power to prescribe the manner in which proceedings of any such committee shall be conducted. In the absence of any such prescription, such committee shall have the power to prescribe the manner in which its proceedings shall be conducted. Minutes shall be kept of each meeting of each committee.

Section 2. Committee Procedures. The Board of Directors may prescribe appropriate rules, not inconsistent with the Bylaws, by which proceedings of any committee shall be conducted.

ARTICLE IX

Indemnification of Directors, Officers, and Other Agents

Section 1. Right of Indemnity. To the fullest extent permitted by law, the corporation shall indemnify its Directors, Officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in

that Section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 2. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 3. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification under these Bylaws in defending any proceeding covered by those Sections shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 4. Insurance. The corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Officers, Directors, employees, and other agents, against any liability asserted against or incurred by any Officer, Director, employee, or agent in such capacity or arising out of the Officer's, Director's employee's or agent's status as such.

ARTICLE X

Contracts, Loans, Checks, Deposits, and Gifts

Section 1. Contracts. The Board of Directors may authorize any officer or agent of the corporation, in addition to the Officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

Section 2. Loans. The Board of Directors shall not make any loan of money or property to or guarantee the obligation of any Director or officer, unless approved by the Attorney General. The above provisions do not apply to a loan of money to or for the benefit of

an officer in circumstances where the loan is necessary, in the judgment of the Board, to provide financing for the purchase of the principal residence of the officer in order to secure the services or continued services of the officer and the loan is secured by the real property purchased with the loan.

Section 3. Borrowing. No loan shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors.

Section 4. Checks, Drafts, Etc. All checks, drafts, or other orders for payment of money, and all notes or other evidence of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as, from time to time, shall be determined by resolution of the Board of Directors.

Section 5. Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 6. Gifts. The Board of Directors may at their discretion accept on behalf of the corporation any contribution, gift, bequest, or devise for the general purposes or for any specific purpose of the corporation.

ARTICLE XI

Miscellaneous

Section 1. Fiscal Year. The fiscal year of the corporation shall begin on the first day of July and end on the last day of June in each year unless otherwise determined by resolution of the Board of Directors.

Section 2. Rules. The Board of Directors may adopt, amend, or repeal rules not inconsistent with these Bylaws for the management of the internal affairs of the corporation and the governance of its officers, agents, committees, and employees.

Section 3. Books and Records. The corporation shall keep correct and complete books and records of account and minutes of the proceedings of the Board of Directors and committees. Copies of the minutes of the Board of Directors and of the committees shall be regularly distributed to each member of the Board of Directors.

Section 4. Corporate Seal. The Board of Directors may provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation, the date of its incorporation, and the word "California."

Section 5. Waiver of Notice. Whenever any notices are required to be given under the provisions of the Nonprofit Corporation Act of the State of California, or under the provisions of the Articles of Incorporation of the corporation, or these Bylaws, a waiver thereof in-writing signed by the persons entitled to such notice, whether dated before or after the time stated herein, to the extent permitted by law, shall be deemed equivalent to the giving of such notice.

ARTICLE XII

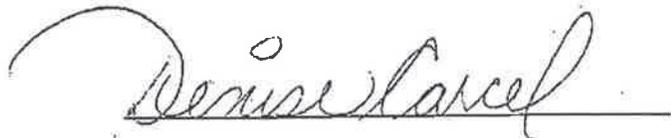
Amendment to Bylaws

Subject to the approval of the City Council of Newport Beach, these Bylaws may be amended at any regular meeting of the Board of Directors by a majority vote of the total voting membership of the Board of Directors, provided that the amendment has been submitted in writing at the previous regular meeting, or has been submitted in writing to the Directors at least thirty (30) days before such regular meeting.

SECRETARY'S CERTIFICATE

THIS IS TO CERTIFY that the foregoing Bylaws of the NEWPORT BEACH ARTS FOUNDATION were duly adopted by the Board of Directors of said corporation at a meeting of said Board held on October 5, 1998.

IN WITNESS WHEREOF, the undersigned, Secretary of said corporation, has signed this Certificate hereon this day of , 1998.



Secretary

TO Newport Beach City Arts Commission

FROM: Library Services Department
Tim Hetheron, Library Services Director
949-717-3819, thetherton@newportbeachca.gov

PREPARED BY: Tim Hetheron

TITLE: Fiscal Year 2020-21 Cultural Arts Grants Timeline

RECOMMENDATION:

Staff requests that the City Arts Commission approve a proposed timeline for the 2020-2021 Cultural Arts Grants.

BACKGROUND:

City Council Policy 1- 10, Financial Support for Culture and Arts (ATTACHMENT A), recognizes the importance of promoting culture and the arts within the City and establishes a Reserve Fund for Culture and Arts. For Fiscal Year 2020-2021, the sum of \$30,000 has been budgeted for specific cultural or artistic planning or projects as approved by the City Council. The City Arts Commission has the responsibility to review all programs and requests for support from arts groups and make recommendations for funding to the City Council for final approval.

Council Policy 1- 10 defines arts groups as those involved in visual, musical, theatre, dance, crafts, performing and literary activities. The City Arts Commission considers the following in order of preference for granting support:

1. Local arts groups located within the City of Newport Beach and offering programs to City residents;
2. Regional arts groups located in Orange County and offering programs to City residents; and
3. Arts groups located in California and performing or offering programs to City residents.

Groups not offering programs or services to residents are not eligible for support from the City.

DISCUSSION:

In concurrence with the executive order issued by the Governor of the State of California, arts organizations who present public performances cancelled all programming to help curtail the further spread of COVID-19 in the community by restricting large gatherings. Many grantees stage programs in local schools, and other grantees had events scheduled for the spring 2020, coinciding with the stay at home order. These organizations were unable to present programs and will be unable to submit the required completion report, due on September 25, 2020.

At the June 2020 meeting, the City Arts Commission agreed to allow grantees to stage performances when restrictions are lifted, using 2019-2020 grant funds. Completion reports can be submitted at that time, and 2019-2020 grantees will be allowed to seek Cultural Arts Grant funding for Fiscal Year 2020-2021.

The City Arts Commission also approved a recommendation to modify its timeline for Cultural Arts Grants. Generally, applications and completion reports are due on the last Friday in September, grantees are approved by the Arts Commission and City Council in October, and grantees receive their funding in November. Some grantees, particularly organizations who program in local schools, are hampered by this timeline, since their fiscal calendar starts July 1. Staff requested that the Commission adjust the timeline so that the grants are announced in December, with a deadline for applications by January 11, with grants approved in February, and checks disseminated in May.

The proposed timeline is as follows:

TIMELINE:

12/01/20	Grants are publicized
01/11/21	Applications are due
02/01/21	Subcommittee's recommendation is submitted to staff for inclusion in the agenda packet
02/11/21	City Arts Commission approves grantees for recommendation to City Council
02/23/21	Recommendations made to City Council
05/13/21	Award letters and checks disseminated
TBD	2019/20 Cultural Arts Grant Completion Report due.
TBD	2019/20 Grant funds must have been spent or encumbered.
TBD	2020/21 Cultural Arts Grant Completion Report due.
TBD	2020/21 Grant funds must have been spent or encumbered.

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Arts Commission considers the item).

ATTACHMENT A: Council Policy I-10, Financial Support for Culture and Arts

FINANCIAL SUPPORT FOR CULTURE AND ARTS

The City Council hereby recognizes the importance of promoting culture and the arts within the City of Newport Beach. A number of individuals and groups have been organized with the express purpose of developing and promoting culture, theatre and the arts.

The City would complement these efforts by establishing a Reserve Fund for Culture and Arts that can be used for a) developing a master plan for the promotion of culture and arts; b) acquiring land and/or the construction of facilities to promote culture and arts and; c) instituting other cultural promotion projects.

The sum of \$55,000 shall be provided each year for specific cultural or artistic planning, promotion and/or construction projects as approved by the City Council. It is the policy of the City of Newport Beach that expenditures from the reserve fund should be matched equally by the community in the form of contributions and donations.

In regard to the City's role in financially sponsoring art and cultural events, the City Arts Commission shall review all programs and requests for support from arts groups. The Commission shall forward its recommendations for funding to the City Council for final approval. Any appropriation shall not exceed 50% of the Arts Commissions' annual budget. For the purpose of this policy, arts groups shall be defined as those involved in visual, musical, theatre, dance, crafts, performing and literary activities.

The following priorities shall be considered by the Commission. The order of preference for granting support shall be as follows:

- A. Local arts groups located within the City and offering programs to City residents;
- B. Regional arts groups located in Orange County and offering programs to City residents; and
- C. Arts groups located in California and performing or offering programs to City residents.

Groups not offering programs or services to local residents shall not be eligible for support from the City.

History

Adopted F-20 - 5-11-1981 ("Reserve Fund for Culture and Arts)

Amended F-22 - 6-22-1981

Adopted I-20 - 1-24-1983 ("Co-Sponsorship for Cultural Arts")

Amended F-20 - 11-14-1983

Amended F-20 - 1-23-1984

Amended F-20 - 3-28-1988

Amended F-20 - 10-28-1991

Created I-12 - 1-24-1994 (incorporating I-20 & F-20, renaming "Financial Support
for Culture and Arts")

Amended I-12 - 5-8-2001

Amended I-12 - 4-8-2003 (changed to I-10)

Amended I-10 - 8-8-2017