

CULTURAL ARTS COMMISSION

Minutes

March 27, 2012

Police/Fire Conference Room

420 15th Street

Manhattan Beach, CA 90266

I. CALL TO ORDER

The meeting called to order at 6:09 p.m.

II. ROLL CALL

Present: Commissioner Peter De Maria, Commissioner Russ Samuels, Commissioner Nancy Humbarger, and Commissioner Susannah Rosenthal.

Absent: None.

Others Present: Parks & Recreation Director Richard Gill, City Attorney Roxanne Diaz, Recreation Manager Gina Allen, and Acting Cultural Arts Manager Megumi S. Moisen

III. APPROVAL MINUTES

The minutes of the January 10 and 17, 2011 Cultural Arts Commission Meetings approved as written.

IV. AUDIENCE PARTICIPATION

None.

V. GENERAL BUSINESS

12/0327-1 New Library Art Project Update

Director Gill reported that during the February 21 meeting, the City Council approved a \$150,000 allocation from the Public Art Trust Fund for additional artwork in the new County Library in Manhattan Beach. He also reminded the Commission to select a representative for the Los Angeles County Civic Art Selection Committee for the new library replacing Commissioner Sweeny who resigned in February.

12/0327-2 Clarification from the City Attorney for the Cultural Arts Commission's Role Related to Expending Funds from the Public Art Trust

City Attorney Roxanne Diaz distributed a memo regarding the expenditure of funds from the Public Art Trust Funds. The City Attorney answered the first question whether the Cultural Arts Commission must first designate the use of Public Art Trust Funds prior to their expenditure by the City Council. Related to the recent City Council's decision to use \$150,000 of the Public Art Trust Fund for artwork in the new County Library, the second question was whether the City (through City Council) is violating the Manhattan Beach Municipal Code Section 10.90.060, aka. Public Art Trust Ordinance, if City Council

intends to extend monies in an amount that differs from that recommended by the Cultural Arts Commission.

The Public Art Trust Ordinance states “Projects to be funded from the proceeds of fees collected hereunder shall consist of works of art placed in public places or incorporated into public buildings, art education programs or art display programs designated by the Cultural Arts Commission and approved or accepted by the City Council.”

Commissioner De Maria and Samuels took a stand for the Commission’s uniquely prominent position because of the Public Art Trust Fund. They introduced the City’s Public Art Master Plan stating, “The Cultural Arts Commission alone shall be vested with the power to forward requests to the City Council.” They also referred to the Public Art Trust Ordinance indicating that the Cultural Arts Commission “designates” the use of the Fund to specific projects.

City Attorney Diaz clarified that the City Council’s power to expend funds for the Library Art Project was a legislative function granted by the state and the California constitution. She reminded the Cultural Arts Commissioners that they are an advisory body to the Council. The Ordinance cannot be read or interpreted in a manner that would prohibit the City Council from exercising their legislative function and power to spend City funds. Commissioner Humbarger questioned the nature of the Public Art Trust Fund. City Attorney Diaz explained that the Trust is a restricted fund for the Art in Public Places Program, and it is still the City’s fund, not the Commission’s money. The expenditure of funds lies solely with the City Council.

Commissioner De Maria asked Sharon Greco, Manhattan Beach resident and a former Cultural Arts Commissioner, to explain how the Public Art Master Plan and the Public Art Trust Ordinance were created. Ms. Greco recounted that the Master Plan was drafted with consultation with other cities’ similar plans. Although the Commission intended to revisit the Master Plan to update it after the ordinance was passed, it never happened. Both the Cultural Arts Commission and the City Attorney agreed that those two documents contained contradicting and confusing parts, which should be reviewed and revised accordingly.

Commissioner De Maria expressed that he needed time to digest the information received from the City Attorney before moving forward with any projects. Commissioner Rosenthal also wanted to stop discussion at that point and come back to the next Cultural Arts Commission meeting to talk over implications of the restated Cultural Arts Commission’s authority over the Public Art Trust Fund.

12/0327-3 The Centennial Art Project – Process and Budget Staff Report Attached

The Commissioners will review the staff report and sample RFQ and discuss the selection process and budget for the Centennial Art Project in the next meeting.

12/0327-4 Cultural Arts Commissioner Resignation

Commission Chair De Maria reported Commissioner Sweeny’s resignation in February with his appreciation of her service on the Cultural Arts Commission. Ms. Sweeny stated that she was proud of the achievement of the Commission and enjoyed working with her fellow commissioners.

VI. REPORTS AND OTHER BUSINESS

Commissioner Humbarger questioned what happened to the Cultural Arts Manager position, which had been vacant for more than six months. Director Gill explained, based on the City wide class comp study's recommendation, the manager's position will be eliminated and replaced by a Public Art Consultant. For activities other than public art, Recreation Manager Gina Allen will work with the Commission as staff liaison for the next fiscal year.

The application deadline to be considered for new memberships in the City's Commissions/boards is April 20, 2012. The vacancy of the Cultural Arts Commission will likely be filled by June 1.

VII. ADJOURNMENT

The meeting adjourned at 8:13 p.m.