

Museum and Cultural Advisory Board - Meeting Minutes

The Museum and Cultural Advisory Board met in a regular meeting followed by a retreat at the Mesa Arts Center, Mesa Contemporary Arts classroom, on October 12, 2005.

Members Present:

Kimberly Grace Daniel J. Harper
Douglas Brimhall John Hohmann
Crista Cloutier Toni-Brucato-Kobet
Peter Cook Andrea Soto
Lennee Eller Laurent Teichman
Ramona Tecumseh

Staff Present:

Gerry Fathauer Jerry Dillehay
Tom Wilson Carrie Brown
Randy Vogel Rob Schultz
Jean Kaminski

Guest Present:

Debbie Spinner

Kimberly Grace, Chair, called the meeting to order at 3:00 p.m.

Approval of Minutes

Peter Cook made a motion, Ramona Tecumseh seconded, and the September 14 minutes were unanimously approved and posted on the Web page.

Public Comments

Board member Daniel Harper announced that on November 5, he would be acting in a Barber Shop Quartet Show. Mr. Harper grew up taking part in classes and shows at the Mesa Arts Center.

Discuss and Take Action – Community Aid Grant Review Process – Rob Schultz

The Grants sub-Committee met two weeks ago to recommend to the Board a process for determining a funding formula for Community Aid Grants.

The Grants Committee emulates the Arizona Commission on the Arts process, in that a review panel rates each applicant, staff recommends the amount of the Grant to be funded, and those recommendations and the disbursement of the grant funds go to the Board for approval. Staff is proposing the following funding process and formula to determine the actual grant amounts.

- A Grants Review Panel rates the applicants. Panelists will score the applicant on a scale of zero (lowest) to four (excellent). Ratings will be compiled to provide a composite rating for the applicant.
- Staff will determine if a cutoff rating is needed and at what level the cutoff should apply. Applicants scoring below the cutoff rating may be recommended to receive no funding. Review panelists will not be told of the potential cutoff level so as not to unduly influence their rating decision during deliberations.
- Remaining applicants will be placed on a scale of "high," "medium," or "low" categories, based upon the panel ratings.
- "High" applicants will be awarded 90-100 percent (%) of their request; "medium" applicants will be awarded 70-85% of their request; and "low" applicants will be awarded 50-65% of their request.
- Staff will have the flexibility to apply these percentages as equitably as possible, based upon available funding, actual ratings, and the number of applicants in each category. Therefore, actual grant amounts to be recommended may fall slightly outside the percentages listed above.

The Museum and Cultural Advisory Board Grants Committee serves as an observer at the panel review and brings their observations to the full Board. The Museum and Cultural Advisory Board approves or disapproves the recommended distribution of the grant awards.

Daniel Harper made motion, Lennee Eller seconded, and the Board members present unanimously approved the Community Aid Grant review process and funding formula recommended to determine appropriate grant awards to applicants eligible to receive funding.

Information and Discussion – Sunshine Law and the Advocacy Role of Boards and Committees – Debbie Spinner, City Attorney

Debbie Spinner, City Attorney, explained Open Meeting Law, conflict of interest, parliamentary procedure issues, and other issues asked of the Board. Ms. Spinner offered her direct phone line to the Board for any further questions – 480-644-2325.

Open Meeting Law: The Attorney General's office is responsible for enforcing the Open Meeting Law. The Open Meeting Law is a State Statute and in the Mesa City Charter. It is specifically applicable to the Museum and Cultural Advisory Board and all Boards and Committees in the City of Mesa. It is the legal responsibility of each Board and Committee to be compliant with the Open Meeting Law. The purpose is to make sure that City of Mesa business is done in public, and citizens have an opportunity (right) to be present and listen to Board and Committee meetings to help understand the basis for decisions that are made.

Citizens do not have a legal right to speak at a Board or Committee meeting. Mesa typically encourages public participation and encourages the Boards and Committees to listen to the public on specific items. The Open Meeting Law requires that a majority of the Board cannot get together to discuss an item that is likely to come before the Board. That includes e-mails, conference calls, letters, etc. The same applies to Sub-Committees. The majority of any Sub-Committee cannot discuss any item that is likely to come before that Sub-Committee, i.e., if three members, two cannot communicate on that topic.

The Attorney General's office recently issued the opinion that Boards and Committees should not share e-mails. It is difficult to track, and you could eventually violate Open Meeting Law without knowing it depending on who forwards the e-mail to whom. The public has the right to hear Board and Committee deliberations. Boards and Committees can communicate information to staff, but not among Board members. In communication with staff, Board members cannot advocate to staff on a specific issue, i.e., give direction or ask opinions as a collective body. In general, it is best to stay away from e-mailing information that is likely to come before the Board. If information is shared between two Board members, a good rule of thumb is to note that the e-mail not be forwarded to any other Board members.

The Public Meeting Law states that anything generated in a member's capacity as a Board member, becomes public record.

The agenda for a Board meeting must be posted 24 hours prior to the meeting date/time. An item that does not appear on the agenda cannot be discussed at that meeting; however, a Board member can request that the item be added to the agenda for the next meeting.

Minutes are not legally required for Advisory Boards; however, the City of Mesa's Mayor and Council like minutes to be kept as it provides them information on the Board's discussions and how a vote outcome is reached.

Parliamentary issues: Robert's Rules of Order are used as a guide by the City of Mesa. It is stated in the Mesa City Code book that the Mayor has authority to make decisions regarding all parliamentary issues. It can be overturned by a three-quarter vote of the City Council. The Mesa City Code does not state how Boards and Committees handle parliamentary issues. Ms. Spinner advised that the Board follow the same process that the City Council follows. Therefore, the chairperson is the one who makes decisions on parliamentary issues. The chairperson is allowed to make a motion and second a motion if they choose. A second is required on a motion. If there is no second on a motion, the motion fails for lack of a second.

Other issues – the role of the Board: The duties, responsibilities, and charge of the Board are stated in the City Code book, which is posted on the City's Website. http://www.cityofmesa.org/clerk/CodeBook/pdf/Supp_139/t2all.138.pdf - see page 13, "Powers and Duties."

Question: Could the Board propose programs, in terms of the arts, such as private partnerships, etc.? Can the Board propose alternatives, or are they solely advisory for already proposed programs/issues? Ms. Spinner stated that Council sets the policy. The Board is there to advise Council on those policies. However, the Board can raise issues and make recommendations to Council. The process would be to place the item on the Board's agenda for discussion and/or action, and make a recommendation to Council. Council reads the minutes and will make a decision as to whether or not it will be put on Council's agenda for their discussion.

Question: What is the role of the Board outside of Council? Ms. Spinner replied that it is beyond the scope of the Board to seek information and/or research on a specific issue unless directed by Council to do so. As private citizens, Board members can speak to anyone, but are warned not to make the statement that they are representing the Board or the City of Mesa, unless directed by Council to do so.

Question: What is the difference between a working board, advisory board, etc.? Ms. Spinner stated that in Mesa, the charge of the Board is to advise Council. Council could give the Board an additional charge of advocating and/or promoting the arts, but as it stands, that is not a charge of the Board at this time.

Question: If the Board wanted to raise an issue with Council, what would be that process? To have an item appear on Council's agenda, it has to be listed by the Mayor, City Manager, or three Council members. Typically, the Board would bring an issue to staff. Staff would express the Board's desires and goals to the City Manager. If an issue does not come through staff, the Board needs to vote on it and get the issue into the minutes. A Board member could also go to the Mayor or three

Councilmembers and request that the issue be placed on the agenda. If that is the road taken and the Board member states that they are a member of the Museum and Cultural Advisory Board, the member needs to let the Mayor or Councilmembers know that the issue has not been addressed by the Board.

Question: If a Board member would like to speak with a state legislator regarding a specific issue that will go before Council, is that appropriate? Ms. Spinner stated, not as a Board or representative of the Board. The charge of the Board is **not to advocate** but **to advise Council**; however, you can speak and advocate as a private citizen being careful not to represent yourself as a Board member or as a representative of the City of Mesa.

Question: Does the Board have the ability to make recommendations? Ms. Spinner responded, "If it is an item that will go before Council, yes."

Question: Is the Board allowed to verbalize their support on a specific issue? Ms. Spinner replied, "Yes, if it has anything to do with the development of City museums, arts centers, cultural services, and public art programs."

As an aside, the City of Mesa is set up as a Charter City with a City Manager structure to it. The **budget process** is strictly within the Council's discretion. **How funds are appropriated** is at the discretion of the City Manager. The Charter states that not even City Council can direct the City Manager how to appropriate funds. The City Charter prohibits the Council from getting involved, or interfering with the day-to-day administration of the City once the budget is adopted, unless dealing with a policy decision, i.e., the appropriation of over \$25,000 must be approved by Council. City Council does not have to ask or use the advice and/or recommendations from a Board or Committee.

Because of the busy schedules and full agendas, Council usually does not allow Boards and Committees to come before the Council at a Study Session. If there is a direct issue to Council, i.e., wanting to understand and know Council's vision in order to carry out the duties of the Board, Council has agreed to a meeting.

Legally, the Board could re-address a decision made by Council through the appropriate process described above.

If the Board wishes to change the goals and/or direction of the Board, Council will see the discussion in the minutes from the meeting. If the Board does not hear from Council, presumably Council understands that this is the direction the Board is taking.

Question: What is relationship between the Board, staff, and Council? Ms. Spinner answered that staff facilitates, provides information from Council and management meetings, and implements the desires and goals of the City Manager, who takes direction from City Council. Staff takes direction from the City Manager and the Department Manager.

Question: Does a quorum need to be present to pass an action or does it just have to be the majority of those present? Ms. Spinner replied that you do need to have a quorum present to vote on an action item. The majority of those present would determine if a motion passes or fails.

Question: If the Board wanted to create by-laws, would they go before Council? Ms. Spinner stated that she has never seen by-laws go before Council. If the Board wants to create by-laws they would go to staff and then through the City Attorney's office.

Question: What mechanism does the Board have to learn of Council's response to an issue discussed within the Board minutes? Ms. Spencer's reply was that when Council accepts minutes, there are no comments or discussion, as it is not on the agenda for discussion, only acceptance. Anyone is welcome to attend any Study Session or Regular Council Meeting. Council's Study Session procedure is that people cannot speak on individual items unless requested by a Councilmember to do so. At the end of each Study Session, there is an agenda item for "Items from Citizens Present," where anyone is allowed to speak for three minutes regardless of whether or not it is on the agenda. If an item is on the formal agenda and Council is going to take action on the item, Council allows public input on every individual item before they vote.

Ms. Spinner also clarified an issue regarding "Public Comments" on the Board's agenda. If someone addresses the Board under the "Public Comments" item, whether the Board agrees or disagrees with their comments, the Board is legally not permitted to speak on that item. The presenter is simply to be thanked for coming. An exception would be if the person speaking were to attack a Board member's character. That individual would be allowed to respond. If the Board would like to discuss what was presented, it would need to be placed on the agenda for the next month.

If a Board member has something that they would like to be placed on the agenda, they should contact either the chairperson or a staff member.

Question: If Council makes a recommendation that the Board does not support, can the Board discuss it again to voice their concerns? Ms. Spinner replied, "Legally, yes." She continued to say that Council does read and pay attention to the minutes, but the Board needs to keep in mind that Council is looking at a broad scope that encompasses Mesa as a whole. Much of Council's vision, thoughts, and philosophy are projected through the budget process, which is done at public meetings.

RETREAT

Nancy Wolter served as the facilitator.

Gerry Fathauer Accomplishments:

- Staff was thrilled with the opening events at the Mesa Arts Center, especially with the public's response to facilities and programming. Students are pleased with the new facilities. Mesa Contemporary Arts is going well and has another opening on Friday, October 14.
- Staff never expected publicity would be as glowing and extensive as it has been. Peter Cook commented that at a Downtown Merchant's meeting, one of the merchants stated that he had been somewhat negative about the Mesa Arts Center, but stated, "I was wrong, it's a jewel."
- Opening was wonderful and successful, but within a week of the opening, staff was informed of possible cuts that would have to be made if the proposed taxes do not pass in May. Proposed cuts for the Community Services Department, which Arts and Cultural Division is a part of, includes closing the Mesa Southwest Museum and the Arizona Museum for Youth by FY07-08, eliminating visual and performing arts classes, eliminating Stageworks, and eliminating the Public Art Program.

Gerry Fathauer Goals:

- Re-integrate the Arts and Cultural Division, as Jerry Dillehay, who has been on special assignment for the past two years, needs to return to his original job.
- Look at ways to capitalize on staffing and operating efficiencies.
- Maximize revenues throughout the Division.

Board Input Needed:

- Revenue sources
- Maximizing staff resources

Laurent Teichman asked if the Museums could do something to restructure, i.e., looking at other sources of revenue. Ms. Fathauer responded by saying that Arts and Cultural Division needs to be pro-active and look at how we function.

Council feels they need to have a pre-election budget. Because the City's fiscal year begins July 1, and assuming anything is put on the ballot for May, staff needs to begin the regular budget process for July 1 in the next six – eight weeks. Staff will have to have two budgets in place in the event there is no additional revenue from taxes.

John Hohmann asked if there are sufficient opportunities or ways to create alternative funding sources that the City would accept. Ms. Fathauer replied that it would be challenging. This is a different way of looking at who we are, not just what we do. Council has made a philosophical shift in what they did this summer with Mesa Arts Center fees. In the past, the Mesa Arts Center has been about providing affordable programming to people of all ages, skill levels, and economic levels in visual and performing arts. Council is now telling the Mesa Arts Center that this is not what they want us to do.

The question was asked how the vote in May would affect the two proposed bond issues regarding the Federal Building and Mesa Grande. Jerry Dillehay responded that if the taxes do not pass, there would not be a bond election; if taxes pass, there will be a bond issue on the ballot in the fall.

Rob Schultz Accomplishments – Studios and Mesa Contemporary Arts

- Moving from old Center to new Center.
- Hired a new Volunteer Coordinator and moved the program forward substantially.
- With Laura A. Madson Brown, developed a comprehensive Customer Service Plan for the new Mesa Arts Center.
- Worked with the Mesa Arts Center Foundation in upgrading their budgeting and reporting functions.
- Began relationship between the Mesa Arts Center and the National Guild of Community Schools of the Arts, which will establish a national profile for our arts education program. The 2006 National Conference will be held in the Valley. Rob Schultz is on the conference planning committee.

Rob Schultz Goals:

- Look at arts education program philosophically. Re-evaluate arts class programs and Stageworks to adjust to the changing environment.

- Evaluate the role of the Community Aid Grants program. It is vitally important that these arts organizations succeed in Mesa so they in turn help the Mesa Arts Center succeed.
- Continue to strengthen and support the Volunteer Program.
- Focus on the National Guild of Community Schools of the Arts Conference next year and make sure the Mesa Arts Center has a high profile in that organization.
- Develop an Arts and Cultural Division Strategic Plan.

Board Input Needed:

- Explore how to continue Community Aid Grants funding.
- Communicate mission of programs/education and broad reach versus revenue driven.
- Educate core of volunteers about the consequences of the City of Mesa's funding issues.

A comment was made that in the past, each year the Mesa Arts Center has shown an increase in registration and revenue. The question was asked if Council is aware of the low numbers for this past fall session? Mr. Schultz reported that adult class fees for visual and performing arts were going before Council at their Study Session on October 20. A comprehensive report has been sent to Council from the Mesa Arts Center staff reflecting the impact that the increased fees have had on the Mesa Arts Center's visual and performing adult arts classes.

Randy Vogel Accomplishments – Theaters and Operations:

- Opened the four theaters and patrons are happy.
- The Front of House program is improving daily.
- Theater staff is growing, but has not had much time to prepare for events.
- Staff worked to develop a Customer Service plan for the Mesa Arts Center.
- Theater League (Broadway presenter) has been pleased with their sales at the Mesa Arts Center.
- Phoenix Symphony has been pleased with the Ikeda Theater as a venue.

Randy Vogel Goals:

- Improve on Customer Service in the Box Office. Box Office was not prepared to receive 1200 calls per day. Staff is working to increase phone services.
- Improve on relationship with Affiliates. If Council does cancel support to the Community Aid Grants program, what does that mean for these organizations?
- Re-evaluate staff duties and hours to prevent burnout.
- Evaluate the current programming to determine future programming.
- Strengthen relationship with concessionaire.
- Formalize policies and procedures.

Board Input Needed:

- Support Affiliate Groups and use of the theaters.
- Support programming with participation and feedback.

Carrie Brown Accomplishments – Public Art Program:

- Conducted Public Art Tour November 8, 2004.
- Dedications: "Suspended Gallery" by Erik Gonzales, November 9, 2004; "College Garden Station" April 5, 2005; Mesa Arts Center integrated works ("Light Storm" by Catherine Widgery, "Color Walk" by Beth Galston, "Fragmented Landscape" by Ned Kahn, and "Memento" (transit shelter) by Rebecca Ross, September 23, 2005.
- Implemented recommendation from the Mesa Arts Center Public Art Master Plan – temporary installation.
- Implemented recommendation of a transit shelter from the Moving Art Master Plan - Banner Baywood Medical Center.

Carrie Brown Goals:

- Continue temporary installation program; two per year – released second Call to Artists on October 7.
- Explore the possibility of getting plaques for the projects.
- Finalize maintenance for the entire collection of Mesa's Public Art.
- Re-distribute the Moving Art and Art on the Way Master Plans and make suggestions to other City staff on how they could implement the master plan suggestions into their work.
- Continue nurturing relationship with Transportation Division and Development Services.
- Investigate Art in Private Development. Ms. Brown distributed the Suggested Guidelines for Art In Private Development.
- Educate public and elected officials on the benefits of public art and the successes of the Mesa Public Art Program.

Board Input Needed:

- Educate on the role of public art and its significance.
- Explore City Council support for public art funding.

Tom Wilson Accomplishments – Mesa Southwest Museum:

- Increased diversity with exhibits such as “Chicano Art for Our Millennium” and “Arab Americans in Arizona,” as well as this year’s second annual “Day of the Dead” alters and “the Fabric of Jazz.” Worked with Native American Groups on various projects including the City of Mesa burial agreement. Collaborated with the Salt River Pima Maricopa Indian Community on the archaeology project at Riverview.
- Worked to develop strategic planning process that has led to a draft of a new mission statement: “To inspire understanding and appreciation of the natural and cultural history of the Southwest.”
- The Southwest Museum Foundation created an endowment for the Museum, adopted an endowment policy, implemented an investment strategy, and deposited approximately \$250,000 in the newly established endowment fund.
- A tiered membership program has been developed.
- Worked to get the Mesa Grande Archaeological Park and the Federal Building Educational Center on the list for bond funding.
- Created new Museum magazine, *Southwest Quest*. This magazine, to be published three – four times a year, will inform the public about all aspects of the Museum programs.
- Worked closely with universities throughout the state, Mesa Community College, federal and state agencies, and central Arizona school systems.

Tom Wilson Goals:

- Continue to increase diversity within the Museum through relevant outreach initiatives, i.e., exhibits, etc.
- The new mission statement will redirect the Museum from a general-purpose Museum to a Natural History Museum.
- Increase financial stability through an endowment, membership program, and expansion of retail operation.
- Study and consider fee increases.
- Continue to strengthen collaborations with community colleges, universities, and school systems.
- Solidify community support of future bonding issues.
- Strengthen internal collaborations within the Division.

Board Input Needed:

- Provide education and community support for bonding and tax issues.
- Help in evaluation of fee increase.

The question was asked that if the Museum were forced to close, what cost would be involved? Dr. Wilson replied that there would be a great cost to the City as well as a loss of revenue. He continued to say that in the last two years, 325,000 people have come through the Museum and they have had over \$800,000 in revenue. It was asked whether or not the Museum was accredited. Dr. Wilson replied they are not, but it is the goal to become accreditable as part of their strategic plan.

Jerry Dillehay, Reporting for Marie Raymond, Accomplishments – Arizona Museum for Youth:

- Museum operates like a small, group team and works well together.
- Hired new Museum Administrator.
- Had first birthday party event, which was a huge success.

Jerry Dillehay, Reporting for Marie Raymond, Goals:

- Survive!
- Create specialized events.
- Increase revenue.
- Look at admission costs.
- Focus on early childhood programming; continue to work with United Way, Banner Medical, and other nonprofit organizations.
- Increase visibility, importance, and uniqueness across the public and in the community.
- Collaborate with the Mesa Arts Center and the Mesa Southwest Museum to work together and spin off each other’s successes.

Board Input Needed:

- Assist in evaluating fee increases.
- Assist with community outreach.

Nancy Wolter asked the Board to break into groups of two or three and write down three things to which they, as an individual, are willing to commit as an advocate and three things that the group should do to support staff priorities.

Ms. Wolter had each group share one individual’s commitment and one item in support of staff priorities with the whole group. From those statements she will create a draft of the FY05-06 Work Program and present the draft at the next Board meeting. Ms. Wolter captured the goals in a statement: “To be an effective and viable advisory board for the Arts and Cultural Division through input, education, and support on issues affecting the City’s arts and cultural environment.” Another

statement worth mentioning was from Peter Cook who said that he would like to see the Board develop a totally compelling positioning/posture in the community for arts and culture leveraging on the Mesa Arts Center.

Lennee Eller called for a special meeting, prior to City Council's Study Session on October 20, to discuss a way to communicate with City Council regarding the Board's concerns about the impact of Council's direction to implement increased fees for the fall session on the Mesa Arts Center. A meeting date of Monday, October 18 at 4:00 p.m. was set.

There being no further business, the meeting and retreat adjourned at 6:33 p.m.

Respectfully submitted,

Gerry Fathauer, Director
Arts and Cultural Division