

Cultural Arts Commission Meeting Agenda Announcement

On September 16, 2021, Governor Newsom signed into law Assembly Bill 361, which allows Brown Act bodies to attend meetings telephonically. Please be advised that some, Whittier Cultural Arts Commissioners may attend this meeting telephonically.

Speakers must limit their comments to three minutes. Please note, by order of the presiding officer, public comments minutes may be reduced if at their discretion a surplus of public speakers is present at the meeting.

To submit Public Comments/Questions:

- Email: gonzalezr@cityofwhittier.org
- Voicemail: (562) 567-9400
- Live Audio via Zoom: Only those members of the public who have 'raised their hand' on Zoom will be in the queue for speaking.
- In person at City Hall, 13230 Penn Street, Whittier, CA 90602, City Council Chambers

To view live meetings remotely:

- Video and audio: <https://us06web.zoom.us/j/89899453642>
Use 'Raise Hand' feature
- Audio only: Dial (720) 707-2699 (Meeting ID: 898 9945 3642)
Press *9 to 'Raise Hand' and then *6 to unmute yourself when prompted
- In person at City Hall 13230 Penn St., Whittier, CA 90602, City Council Chamber

Please submit email comments by 5:00 p.m. on the date of the meeting to ensure Cultural Arts Commissioners receive and have time to review them. All emails received by 5:00 p.m. are forwarded to the Commission. Emails received after 5:00 p.m. but before the conclusion of public comments will be entered into the record.

Americans with Disabilities Act

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Spanish interpreters are also available. For information or to request services, please contact the Parks, Recreation and Community Services Department at least 24 hours in advance of the meeting at (562) 567-9400.

**AGENDA
CITY OF WHITTIER
CULTURAL ARTS COMMISSION
COUNCIL CHAMBERS, 13230 PENN STREET
MARCH 27, 2023, 6:00 PM**

1. CALL TO ORDER

2. ROLL CALL

Susan Eiden, Commissioner
Beth Robinson, Commissioner
Christopher Rubalcaba, Vice-Chair
Pamela Korporaal, Chair

3. PLEDGE OF ALLEGIANCE

4. PRESENTATION - AQUATICS & TENNIS

5. PUBLIC COMMENTS

The public is invited to address the Cultural Arts Commission regarding any item of business, or any matter within the body's subject matter jurisdiction. Consistent with Executive Order No. N-29-20 public comments can be made via:

- Email: gonzalezr@cityofwhittier.org
- Voicemail: (562) 567-9400

Please submit email and voicemail public comments by 5:00 p.m. on the date of the meeting to ensure Commissioners receive and have time to review them. All emails and voicemails received by 5:00 p.m. are forwarded to the Commission. Emails and voicemails received after 5:00 p.m. but before the conclusion of public comments will be entered into the record.

Pursuant to State law, the Commission cannot take action or express a consensus of approval or disapproval on any communications which do not appear on the printed agenda.

6. STAFF REPORTS

6.A. Approval of Minutes

Recommendation: Approve the Minutes of the Regular Meeting of February 27, 2023, and the Minute of the Special Meeting of February 15, 2023.

2023 Visual Arts Program

Recommendation: Receive and file the 2023 Visual Arts Sub-Committee report.

7. SECRETARY COMMENTS

8. COMMISSION MEMBER COMMENTS/CONFERENCE REPORTS

9. ADJOURNMENT

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Spanish interpreters are also available. For information or to request services, please contact the Parks, Recreation and Community Services (PRCS) Department at least 24 hours in advance of the meeting at (562) 567-9400.

The agenda packet is available three days before the meeting in the PRCS Department at City Hall (13230 Penn Street), Whittier Central Library (7344 Washington Avenue) and East Whittier Branch Library (10537 Santa Gertrudes Avenue). Additionally, the agenda packet can be viewed on the City's website. Materials distributed to the Cultural Arts Commission within 72 hours of the Cultural Arts Commission meeting are available for public inspection in the PRCS Department's Office.

Los servicios relacionados con la discapacidad están disponibles para permitir que las personas con discapacidad participen en esta reunión, de conformidad con la Ley Federal de Estadounidenses con Discapacidades de 1990. También hay intérpretes en español disponibles. Para obtener información o para solicitar servicios, comuníquese con el Departamento de Recreación y Parques al Servicio a la Comunidad al menos de 24 de horas antes de la reunión al (562) 567-9400.

El paquete de la agenda está disponible tres días antes de la reunión con El Departamento de Recreación y Parques al Servicio a la Comunidad en el Ayuntamiento (13230 Penn Street), Biblioteca Central de Whittier (7344 Washington Avenue) y Biblioteca sucursal del este de Whittier (10537 Santa Gertrudes Avenue). Además, el paquete de la agenda se puede ver en el sitio web de la Ciudad. Los materiales distribuidos al Comisión de artes culturales dentro de las 72 horas de la reunión del Concejo Municipal están disponibles para inspección pública en la con el Departamento en el Recreación y Parques al Servicio a la Comunidad.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 23rd day of March 2023.

/s/ Roxanne Gonzalez

Roxanne Gonzalez, Administrative Secretary



Agenda Report

Cultural Arts Commission

Date: March 27, 2023

To: Cultural Arts Commission

From: Virginia Santana, Director of Parks, Recreation and Community Services

Subject: Approval of Minutes

RECOMMENDATION

Approve the Minutes of the Regular Meeting of February 27, 2023, and the Minute of the Special Meeting of February 15, 2023.

BACKGROUND

None.

DISCUSSION

Staff prepared draft minutes and hereby submits the Minutes for Commission approval.

FISCAL IMPACT

None.

STRATEGIC PLANNING GOAL

Goal 4: Transparent & Open Government

ATTACHMENTS

- A. Minutes of the Regular Meeting of February 27, 2023
- B. Minutes of the Special Meeting of February 15, 2023

**MINUTES
CITY OF WHITTIER
CULTURAL ARTS COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 27, 2023 – 6:00 P.M.**

1. CALL TO ORDER:

Vice-Chair Korporaal called the regular meeting of the Cultural Arts Commission to order at 6:02 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL

PRESENT: Susan Eiden, Commissioner
Beth Robinson, Commissioner
Christopher Rubalcaba, Commissioner – 6:04
Pamela Korporaal, Vice-Chair

ABSENT: None.

STAFF PRESENT:

Virginia Santana, Director of Parks, Recreation and Community Services
Erin Hamilton, Community Services Manager
Stacey Arismendez, Community Services Supervisor
Margo Diamond, Management Analyst I
Roxanne Gonzalez, Administrative Secretary

3. PLEDGE OF ALLEGIANCE

Commissioner Robinson led the Pledge of Allegiance.

4. PUBLIC COMMENTS

No public comments were received.

5. STAFF REPORTS

5.A. Approval of Minutes

It was moved by Commissioner Eiden, seconded by Commissioner Robinson, and by 4-0 vote, to approve the Minutes of the Regular Meeting of January 23, 2023.

5.B. Election of Officers

Secretary Santana stated Commissioners could discuss and determine who will be their next Chair to fill the current vacancy. Commissioner Robinson asked whether the Commission could nominate Vice-Chair Korporaal.

Secretary Santana stated no because she currently holds the position of Vice-Chair. Commissioner Robinson stated to Chair the Commission while being a new member feels too soon. Vice-Chair Korporaal asked if she were to resign as Vice-Chair then would the Commission be able to nominate her as Chair. Secretary Santana stated Vice-Chair Korporaal could resign as Vice-Chair first, then she could accept the nomination of Chair and another Commissioner would need to be elected as Vice-Chair. Vice-Chair Korporaal resigned as Vice-Chair. Commissioner Eiden nominated Commissioner Korporaal as Chair and she accepted the nomination.

It was moved by Commissioner Rubalcaba, seconded by Commissioner Eiden, and by 3-0 vote, to elect Commissioner Korporaal as Chair for the FY 2022-23. (Abstained: Commissioner Korporaal)

Commissioner Eiden nominated Commissioner Rubalcaba as Vice-Chair and he accepted the nomination.

It was moved by Commissioner Eiden, seconded by Vice-Chair Rubalcaba, and by 4-0 vote, to elect Commissioner Rubalcaba as Vice-Chair for the FY 2022-23.

5.C. Commissioner Sub-Committee Assignments

Secretary Santana listed the following sub-committees under the Cultural Arts Commission purview:

- Lobby Art Program
- Street Banner Program
- Chalktastic
- Art in Public Places Advisory Committee
- Summer Concerts
- Whittier Beatification

She continued that the Commission selected sub-committee members in July for the FY 2022-23 but members have left the Commission and vacancies need to be filled. We have vacancies in the following sub-committees that need to be filled:

- Street Banner Program (one vacancy)
- Chalktastic (one vacancy)
- Whittier Beautification Program (two vacancies)

Secretary Santana provided a brief background on the sub-committees duties. She informed the Commission that March 16, is the deadline for artist to submit their art for the Street Banner Program. Sub-committee members will select 120 finalists to showcase their artwork on the Boulevard and a reception will be held for artists at a later date. Commissioner Eiden asked when the selection process for the Street Banner Program occurs. Secretary Santana stated that once staff gathers the submissions and number the blank banners a meeting

date will be selected that works for the sub-committee members. Commissioner Robinson asked if there is a rough estimation of when sub-committee members will meet to select 120 finalists. Supervisor Arismendez stated that sub-committee members will select finalists at the end of March. She continued that selected finalists need to be notified and provided time to paint their artwork onto the canvas banners. Commissioner Eiden was selected for the Banner Program sub-committee.

Secretary Santana provided a brief history and description of the Chalktastic program. She continued that sub-committee members help determine the details of the events and judge the different artwork. Commissioner Robinson asked what date Chalktastic is held. Vice-Chair Rubalcaba added that the event is generally held around the 15th of October and that Chalktastic is a great program. Manager Hamilton added that this year Chalktastic will be held on Saturday, October 14, 2023. Chair Korporaal added that the judging is broken up by age division. She continued that we've had professional chalk artists attend to create a large piece of art and to assist the other artists as well. Secretary Santana stated that Chalktastic is held in front of City Hall with judging beginning around 11:30 a.m. and the event ends at noon. Chair Korporaal stated that she has helped with the event.

Secretary Santana stated that the Whittier Beautification sub-committee is a new committee that was created to meet one of the goals set before the Department by Council. Applications will be due March 31, 2023. The sub-committee will include two Commissioners from the Cultural Arts Commission and two members from the Parks, Recreation and Community Services Commission. Sub-Committee members will review the applications and select finalists who will be recognized by Council. She added that the next round of applications may look different as Commissioners recommend improvements. Commissioner Eiden volunteered to be on the Whittier Beautification sub-committee. Vice-Chair Rubalcaba asked if the deadline to review the applications will be in March. Secretary Santana responded that March 31st is the submission deadline so applications will be reviewed in April. Vice-Chair Rubalcaba volunteered to join the Whittier Beautification sub-committee.

It was moved by Commissioner Robinson, seconded by Vice-Chair Rubalcaba and carried by 4-0 vote, to confirm the sub-committee assignments.

6. SECRETARY'S COMMENTS

Secretary Santana updated Commissioners on events and programming. We are accepting Volunteer of the Year applications until Wednesday, March 1, 2023. The scholarship program offered by Athens and Republic trash services is now open and the deadline to submit essays is on March 17, 2023. Selected students will receive a \$500 scholarship. Our Spring Day camp is sold out. We are offering pickleball classes at Whittier College, which begin this Thursday, and patrons are able to play at Palm Park and Leffingwell Park. Banner artwork for the Street Banner Program is due March 16, 2023. Council will discuss and determine if Zoom will be an available option for future Commission, Committee and Board meetings. Secretary Santana thanked

Commissioners for coming to the Brown Act training and added that if they need to refresh their memory, staff can send them Attorney Collins PowerPoint.

7. COMMISSIONERS' COMMENTS

Commissioner Robinson thanked staff for all their hard work and asked if she needs to refrain from commenting on anything a Commissioner posts. Secretary Santana and Manger Hamilton confirmed that Commissioners should not comment on posts if possible. Commissioner Eiden asked for updates on the Whittier Theatre and when we plan to reopen the theatre. Secretary Santana stated that we are waiting for the final piece to arrive which should be shipped today and arrive in a few days. She added that construction is scheduled to begin March 1, 2023, and we hope to reopen the theatre in May. She continued that we may not be able to hold large productions because stage craft is being used to store the Senior Center furniture while it undergoes renovations. However, she added that we will find a way to work around this. Commissioner Eiden asked when sub-committees members were selected. Secretary Santana stated that sub-committee members are selected at the beginning of the fiscal year in July. Commissioner Eiden stated that it would be great to add more performing art sub-committees. Secretary Santana added that we plan to ask for funds from the budget to replace and install the air conditioning unit by the dressing room area. Commissioner Eiden stated that she went to see a lovely Valentine Day concert where Eric Nelson read poetry and monologues. She gave a shout out to the children chorus which is a hidden gem in our community and who hosted a mini concert.

Chair Korporaal agreed wholeheartedly with Commissioner Robinson. She stated that the Brown Act training brought into focus parts she was not clear on and began to think about different circumstances when the Brown act would come into play. She continued that she has a group she runs and often posts events. She is not endorsing events, but rather spreading awareness. She added that she has considered it may pose a problem under the Brown Act, she will refrain from posting. Secretary Santana stated we will check to see if sharing events on social media is a violation of the Brown Act. Manager Hamilton added that Attorney Collins stated that so long as Commissioners do not engage with social media posts in relation to their duties as Commissioners then they are not in violation of the Brown Act, and to remedy a matter where they are in violation is to rescind the action by taking down the post. Chair Korporaal stated that she saw the Whittier Historical Museum post about Founders' Day. Secretary Santana is waiting to receive the special event permit to move the program forward. Chair Korporaal stated that Founders Day will be held Saturday, May 13, from 9:00 a.m. – 11:00 a.m.

8. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Approved and adopted by the Cultural Arts Commission on _____.

Virginia Santana, Secretary

**MINUTES
CITY OF WHITTIER
CULTURAL ARTS COMMISSION
SPECIAL MEETING JOINT SESSION WITH
LIBRARY BOARD OF TRUSTEES
PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION
SOCIAL SERVICES COMMISSION
ART IN PUBLIC PLACES ADVISORY COMMITTEE
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 15, 2023 – 6:00 P.M.**

1. CALL TO ORDER:

The special meeting joint session of the Cultural Arts Commission was called to order at 6:05 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL

PRESENT: Kathleen McDonnell, Commissioner
Carlos Illingworth, Commissioner
Jose Luevano, Vice-Chair
Irene Muro, Chair

Chair Antonio Granado
Board Member Laurie Baccus
Board Member Kathy Marin
Board Member John Greg Gomez
Board Member Joseph Dzidrums

Susan Eiden, Commissioner
Beth Robinson, Commissioner
Christopher Rubalcaba, Commissioner
Pamela Korporaal, Vice-Chair

Elizabeth Apodaca, Commissioner
Tiffany Givens, Commissioner
Delia Morales, Commissioner
Robert Sera, Commissioner
Joseph Westrup, Commissioner
Don Mrla, Vice-Chair
Kevin Kennedy, Chair

Pamela Korporaal, Member
Eric Martinez, Member
Wes Murray, Member
Beth Robinson, Member
Peggy Rowe, Vice Chair
Marilyn McCarty, Chair

ABSENT: Sandra Hahn, Member

STAFF PRESENT:

Virginia Santana, Director of Parks, Recreation and Community Services
Erin Hamilton, Community Services Manager
Alyssa Rico, Community Services Supervisor
Amanda Krause, Community Services Coordinator
Margo Diamond, Management Analyst I
Roxanne Gonzalez, Administrative Secretary

Paymaneh Maghsoudi, Director of Library Services
Ivonne Arreola, Library Services Manager
Julie Perez, Management Assistant
Molly Noh, Management Assistant

Keith Collins, Assistant City Attorney

3. PLEDGE OF ALLEGIANCE

Chair Kennedy from the Parks, Recreation and Community Services Commission led the pledge of allegiance.

4. PRESENTATION – SENIOR SERVICES DIVISION

Community Services Supervisor Rico from the Senior Services Division introduced herself and Community Services Coordinator Krause. Supervisor Rico stated that seniors can access the senior newsletter online, in person at Parnell Park, and by mail. Coordinator Krause stated that we have two senior centers. The main senior center is currently closed for renovations and is tentatively set to reopen in September 2023. We currently have been running programming out of Parnell Park. Supervisor Rico stated that we offer a variety of drop in and pre-register classes. The schedule above shows the drop-in classes offered and the classes below are our pre-register classes.

Coordinator Krause stated that we offer a variety of senior trips such as the Angel v. Dodger games and the avocado Festival. We take suggestion from our seniors to see where they would like to go for future trips. Supervisor Rico stated that we offer information and referral services which is operated by our Information and Referral Specialist Janet Rivera. We share information pertaining to legal assistance or home repairs. Our team hosts an information and referral fair every three months to bring information to our seniors pertaining to transportation, health, and housing. Coordinator Krause shared the variety of special events organized by the senior services team.

Supervisor Rico shared the ongoing programs offered such as movies, senior hikes, and the clubs and groups we host at our facilities. Coordinator Krause shared information on our Dial-A-Ride services which allows seniors to schedule rides for doctor's appointments and to move around Whittier. Supervisor Rico shared the new programming they have begun to offer. She stated that we now have a senior softball team, and we will be organizing a trip for Mother's Day this year.

5. PUBLIC COMMENTS

No public comments were received.

6. STAFF REPORTS

6.A. Brown Act Training for Boards, Commissions and Committees

Secretary Santana introduced Keith Collins to the Boards, Commissions and Committee present at the meeting. Assistant City Attorney Collins began by discussing the three focus points. He stated that he would review the powers and duties, discuss the best practices, and review applicable laws.

Attorney Collins stated that powers and duties for the Social Services Commission are set forth in the Whittier Municipal Code 2.36 which states the purpose of the Social Services Commission is to advise City Council on social elements to the General Plan, assess social changes and community needs, define social goals of the community, review social programs offered by all organizations within the City, suggest priorities regarding unmet social needs, and provide a forum for planning and debate on these issues. They also advise City Council on social conditions within the City, assess and report to council on social needs, work with staff on policies and programs to meet social needs, make recommendations to Council, and perform other duties as directed by Council. The Social Services Commission does not have authority to bind Council and can only contact other staff with the City Manager's approval which means that a Commissioner cannot contact staff as a Commissioner for purpose of directing their work or assigning them projects.

Attorney Collins stated that the powers and duties for the Parks, Recreation and Community Services Commission are set forth in the Charter Section 711 which states the Commission may advise City Council on parks, recreation, parkways, and street trees, consider or recommend budget matters to City Council and the City Manager relating the related items, assist in planning programs, stimulate public interest, cooperate with schools or other entities, and other duties as directed by City Council.

Attorney Collins discussed the purpose and powers and duties of the Art in Public Places Advisory Committee which are set forth in the Whittier Municipal Code 2.38 and 12.52. The purpose of the Committee is to provide variety of nationally recognized artwork throughout the City of highest quality, and review applications, examine proposals, consider safety, weather resistance, public response, artists training, etcetera. The powers and duties of the Committee allow them to require developers to install public art as part of development. The Committee reviews the art component of the development application based on standards set forth in WMC 12.52, and they make recommendations to the Cultural Arts Commission who then makes recommendation to the City Council.

Attorney Collins discussed the powers and duties of the Cultural Arts Commission set forth in the Whittier Municipal Code chapter 2.06. The Cultural Arts Commission purpose is to advise City Council regarding programs to enhance art for Whittier residents, prioritize recommendations regarding improvement of art activities, raise art awareness, and provide a forum for these discussions. The Commission also advises City Council on cultural arts, assess and report cultural needs, work with City staff to meet needs and recommend steps to Council. Furthermore, the Commission perform other duties assigned by the Council like make recommendation to Council on development application decisions received from the Art in Public place Advisory Committee. However, the Commission does not have the authority to obligate the City, and City Manage approval is required before a Commissioner may contact staff other than designated staff.

Attorney Collins stated that the powers and duties of the Board of Library Trusts is set forth in the Charter section 710. The Board has the power and duty to advise City Council on matters pertaining to the city libraries, designate its own officer and procedures, consider, and make recommendations regarding the library budget, recommend policies regarding acquisitions, solicit cooperation of schools and other entities, and other duties designated by the City Council.

Attorney Collins opened the floor for discussions on the best practices. Vice-Chair Luevano for the Social Services Commission asked how a Commissioner can put an item on the agenda. Attorney Collins stated there are several ways to put an item on the agenda. The first option would be to individually contact a council member regarding the item they wish to have added to the agenda. This is the preferred method. The second option would be to have the Board, Commission or Committee request staff to prepare an agenda item on the subject matter. However, staff is applicant driven and will prepare an agenda item on pending matters. If the Commissioner cannot get a majority vote from their fellow Commissioners to add an item to the agenda, then he recommends falling back on the first option which is to individually contact a council member.

Member Murray from the Art in Public places Advisory Committee asked when there is an application originating from the City to place a piece of art in the City does it implicate any of the conflict-of-interest provisions as enforced by the Fair and Political Practice Commission. Attorney Collins responded that yes, if a city site is proposed to place an art piece and the recommendation goes before Council and a Commissioner, Council member, Board member, or Committee member is within certain number of feet and the art piece has the potential to affect the property value then it would raise a conflict of interest concern.

Attorney Collins discussed the best practices. He stated that the role of the Commission, Committee and Boards is advisory to the City Council on matters brought before it by City staff. All recommendation must be based on the factual record and authorized by a provision of the municipal code. He added that questions for staff that require a detailed answer are best asked outside the context of a public meeting. When making recommendations its essential that

recommendations are grounded in the actual information presented before them in the context of a public meeting. Once we get away from those type of decisions we delve in the world of back door deals, outside the purview of public scrutiny. So, when making decisions on any matter brought before you it is required by the law to only base decisions on evidence, testimony, and information brought before you in public meeting setting because it allows other parties to respond. He added that decision should not be made on what other have said outside of the meeting but on the information presented at the meeting. Furthermore, if there are questions for staff that required a detailed response then it is best to ask prior to the meeting to allot staff time to respond.

He continued that Commissioners, Board and Committee Members may have a place on the agenda where they can make comments and request (nut not direct) items to be agendaized for future discussions. He stated that the Commission does not have authority to direct the workflow of staff. The Whittier Municipal Code and the Charted state the roles and scope of duties of every Commission, Board and Committee.

Chair Kennedy from the PRCS Commission asked if an agenda item is always a recommendation. Attorney Collins recommended to avoid overreaching scope of authority. If a Commissioner, Board or Committee Member feels compelled to advocate strong about one decision over another, see if you can ground that desire in one of the powers and duties contained for your Commissions. If cannot then it is best practice to not advocate too strongly about something your Commission is not allowed to do. Power and duties allotted is to interpret, recommends, advise on vary narrow subsets of the broader policy set by Council. Avoid trying to direct staff to do work of prepare agenda items for future discussions. Best practice is to reach out to your Council Member to direct staff to bring the item before you at a meeting. Certain groups will receive applicants before them seeking approval and there is a temptation to get the best deal for the city from the dais during the meeting and negotiating with the applicant during a public meeting is not a good idea. Those discussions are not part of the granted authority. Rather staff works with developer to bring something before you, and you may interpret and advise.

Attorney Collins discussed the laws and ethics Council, Commissions, Committees, and Board members are subject to. Can divide laws and ethics into a few different categories. The law l s the minimum standard for what we must do. Ethics are a higher stander because they tell us what we ought to do. Ethics goes above and beyond the legal requirements and just because it is legal does not mean it is ethical, or public will perceive it to be so. Attorney Collins asked, "where do you want to set your sights as a public servant?" He continued that there are three groups of ethics laws: personal financial gain, government transparency laws, and fair processes. The general principle for personal financial gain is that public servants should not benefit financially from their positions. For example, if as a public servant you find yourself in a position to approve an art project that may increase or decrease the value of your property then you should recuse yourself from the decision-making process. Therefore, public servants should not participate in decisions that may affect

their finances/property. There is a list of financial interests and the form that can take and as a public servant you must determine whether your impact will affect your interests. Another principle is if you have a financial interest in an official decision, you should recuse yourself. Refrain from discussing or influencing the official decision. State your recusal, reason for recusal and leave the room.

The general principle for transparency laws is the public trusts a process it can see. The meeting must be open to the public and the body can only act on items on the agenda published in advanced. A meeting is a congregation of a majority of members to discuss official business. So, if you're on five-member commission and all get together to play baseball then that is not a meeting, but if in the dugout and discuss a pending application then you have a majority of members discussing official business and that is technically a meeting which was not agendaized or made public. Also, a meeting can occur on social media with only two members commenting, selecting reply-all to a staff email, via group texts and serial meetings. If two Commissioners are liking, commenting, posting emojis on the same post which relates their official authority and subject matter then it will be considered a meeting under the updated Brown Act.

Commissioner Robinson from the Cultural Arts Commission asked if you have three members of the body outside the context of a regular meeting within speaking distance of one another and someone snaps a photo and alleges it was a meeting what is the best way to respond. Attorney Collins stated that if you are alleged to have committed a brown act allegation then politely educate the public that the congregation of majority must also take the step of deliberating, hearing, or considering official business and make clear that did not occur.

Commissioner Givens from the PRCS Commission asked if members are not deliberating or discussing city business then it would not establish a Brown Act Violation and whether two Commissioners should avoid liking the same post. Attorney Collins stated the language of the statute states a meeting occurs when a majority of members of the same body gather to consider, hear, or deliberate a matter within their jurisdiction. He continued that Commissioners could gather and sit in the back to listen to the same presentation and it may be considered as a Brown Act violation. However, most attorneys would not go that far so long as there is no discussion or deliberation. He suggested to members to avoid liking the same post. He added that the remedy for a Brown Act violation would be to rescind the action. For example, a park decision has been approved and there is a post of the grand opening. If two Commissioners like the post, then what is the legal remedy for approving of an item that has already been approved. Although the risk of violation is low, he recommends avoiding liking the post.

Attorney Collins provided information on the public records act under the transparency laws. The Public has general access to all records relation to city business. It is a good idea to treat any writing between you and another Commissioner or with City staff as subject to public disclosure. Some

categories of sensitive records are exempt from public disclosure. There is a long list of categories under the public records act of records we do not need to discuss but very narrow and carefully defined and best practice to treat everything in writing as open to the public. He continued to provide information on the fair process law. The principle of the fair process law states that as a decision maker, the public expects you to be impartial and to avoid favoritism. Grounded in the due process clause under the U.S. Constitution. Due process requires an impartial decision maker. Person interest in outcome requires recusal. Its okay to have strong opinions but cannot prejudice the matter.

Attorney Collins stated that law sets a minimum standard for ethical behavior. Ethic laws carry stiff penalties. Commissioner Eiden from the Cultural Arts Commission asked if your interest in a matter is not financial can you still have a conflict of interest. Attorney Collins stated yes. Commissioner Givens from the PRCS Commission asked to what extent could our social media comm and personal comm could be used to as evidence that we are impartial or not. Attorney Collins stated that all those communications that relate to official business are public records. They need not be a city email or on city documents. Vice-Chair Mrla from the PRCS Commission asked if a Commissioner can make a comment as a member of the public. Attorney Collins stated no because when you are in your meeting you cannot take off that hat and then be a member of the public then resume that seat because it blurs that line of decision maker role and advocacy role. You can be a member of the public with Council but not to your own body.

7. SECRETARY'S COMMENTS

Secretary Santana and Director of Library Services Paymaneh thanked everyone for attending the training and thanked Attorney Collins for leading the training.

8. COMMISSIONERS' COMMENTS

None.

9. ADJOURNMENT

The meeting was adjourned at 7:01 p.m.

Approved and adopted by the Parks, Recreation and Community Service Commission on _____.

Virginia Santana, Secretary



Agenda Report

Cultural Arts Commission

Date: March 27, 2023

To: Cultural Arts Commission

From: Virginia Santana, Director of Parks, Recreation and Community Services

Subject: 2023 Visual Arts Program

RECOMMENDATION

Receive and file the 2023 Visual Arts Sub-Committee report.

BACKGROUND

This is a year-round program that exhibits local artists within the lobbies of City Hall and Parnell Park Community & Senior Center. Each exhibit lasts six weeks, and all artwork has been 2D allowing Staff to display the art on the City’s hanging system. A Call to Artists was put out to the community in January to recruit artists and received 11 submissions.

DISCUSSION

Lobby Art Program

The Visual Arts subcommittee met in February to select the 2023 slate of artists. The Lobby Art Program is scheduled to return this year with a full schedule at both lobbies continuing into 2024. The art scheduled to be displayed this year will include photography, sketches, paintings, and beadwork. The works of the Street Banner Program will also be displayed within the year. Dennis McGonagle’s art will kick-off the program in the City Hall Lobby from April 10, through May 19, 2023, and Deanna Woirhaye photography will kick-off the program at Parnell Park Community & Senior Center from April 17, through May 26, 2023. A new Call to Artists will go out to the community in October for the 2024 slate.

	City Hall		Parnell Park
4/10/23-5/19/23	Dennis McGonagle	4/17/23-5/26/23	Deanna Woirhaye
5/30/23-7/7/23	Street Banner Program	6/5/23-7/14/23	Jocelyn Gasca
7/17/23-8/25/23	Daniel Velazquez	7/24/23-9/1/23	Brian Ibarra & Sebastian Aparacio
9/5/23-10/13/23	Cherine Mendoza	9/11/23-10/20/23	Sam Herrera
10/16/23-11/22/23	Henry Rey	10/30/23-11/8/23	Tanya Arellano
1/8/24-2/16/24	Vance Thompson		

Agenda Item No. 6.B.

FISCAL IMPACT

There is no fiscal impact associated with this report.

STRATEGIC PLANNING GOAL

Goal 4: Transparent & Open Government

ATTACHMENTS

None