



CITY OF GILROY ARTS AND CULTURE COMMISSION REGULAR MEETING AGENDA



TUESDAY, NOVEMBER 14, 2023 | 6:30 PM

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA 95020

Chair: Melanie Reynisson

Vice Chair: Ruben Dario Villa

Commissioners: Camille McCormack, Adilene Moreno, Alexandra Perdew, & Sandra Ramirez

Staff Liaison: Bryce Atkins, Assistant to the City Administrator



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Materials related to an item on this agenda submitted to the City of Gilroy Arts and Culture Commission after distribution of the agenda packet are available with the agenda packet on the City website at www.cityofgilroy.org subject to Staff's ability to post the documents before the meeting

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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PUBLIC COMMENT GUIDELINES:

During the **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** portion of the meeting, each person wishing to speak should prepare a presentation of not more than three (3) minutes. Persons wishing to address the Commission are requested, but not required, to complete a Speaker's Card located at the entrances. Completion of this speaker's card is voluntary. All persons may attend this meeting and speak, regardless if a card is completed or not. Speaker's slips should be submitted to the Secretary **BEFORE** this portion of the meeting begins. Anyone wishing to address the Commission on any other item on this **AGENDA** is requested, but not required, to fill out a speaker's slip as well and submit it to the Secretary **BEFORE** the Commission takes action on the item.

The agenda for this regular meeting is as follows:

1. CALL TO ORDER

2. **ROLL CALL**
3. **SECRETARY'S REPORT**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES**
 - 5.1. **Minutes of the October 10, 2023 Regular Meeting of the Arts and Culture Commission**
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
7. **FUTURE AGENDA ITEMS**
8. **OLD BUSINESS**
 - 8.1. **Commission Work Plan Update**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commissioners and sub-committees update the Commission on plans and progress of work plan items.
 - 8.2. **Donation and Fundraising Policy**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commission approve a recommendation regarding the policy to the City Council.
9. **NEW BUSINESS**
 - 9.1. **Fundraising Strategy and Vision**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commission discussion.
 - 9.2. **Using Tools and Communications for a Community Events Calendar**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commission discussion.
 - 9.3. **Potential Cancellation of the December 12, 2023 Regular Meeting**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Cancellation of the December 12, 2023 regular meeting.

10. COMMISSION COMMENTS

11. STAFF COMMENTS

12. ADJOURNMENT

FUTURE MEETING DATES

December 12, 2023 – 6:30 PM – City Council Chambers¹

January 9, 2024 – 6:30 PM – City Council Chambers

February 13, 2024 – 6:30 PM – City Council Chambers

March 12, 2024 – 6:30 PM – City Council Chambers

¹ Dependent upon agenda item no. 9.3 being heard at this meeting.

City of Gilroy
Arts and Culture Regular Meeting Minutes
Tuesday, October 10, 2023 | 6:30 PM

1. CALL TO ORDER

The meeting was called to order at 6:34 PM.

2. ROLL CALL

Attendance

Attendee Name

Melanie Reynisson, Chair

Ruben Dario Villa, Vice Chair (arrived 6:35 PM; departed 7:38 PM)

Camille McCormack, Commissioner

Adilene Moreno, Commissioner

Sandra Ramirez, Commissioner

Absent

Alexandra Perdew, Commissioner

3. SECRETARY'S REPORT

The agenda was posted on the bulletin board and online on October 6, 2023 at 3:51 PM.

4. APPROVAL OF AGENDA

A motion was made to approve the agenda by Vice Chair Villa, seconded by Commissioner Moreno; unanimously approved.

5. APPROVAL OF MINUTES

5.1. Minutes of the September 12, 2023 regular meeting of the Arts and Culture Commission

A motion was made to approve the minutes by Vice Chair Villa, seconded by Commissioner McCormack; unanimously approved.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Guillermina Castaneda came before the Commission to introduce herself, discussed her dance studio, and mentioned that she was planning on applying to be a commissioner on the Arts and Culture Commission

Peter Mandel from the Limelight Theatre/South Valley Civic Theatre came before the Commission, introduced himself, and discussed community benefits and programming that the theatre has hosted, and will host in the near future.

7. FUTURE AGENDA ITEMS

Vice Chair Villa requested two items to be brought before the Commission at the next meeting: 1) Fundraising Strategy and Vision; and 2) Using Tools and Communications for a Community Events Calendar. The Commission agreed to hear the items.

8. OLD BUSINESS

8.1. Commission Work Plan Update

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment

3. Possible Action:

Commissioners and sub-committees update the Commission on plans and progress of work plan items.

The commissioners provided updates for the work plan items they are leading.

9. NEW BUSINESS

9.1. Potential Donation and Fundraising Policy

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Commission discussion and recommendations regarding the draft policy.

Atkins introduced the draft policy, discussed a broad summary, and there was some discussion held. The Commissioners were invited to provide feedback via e-mail as well if they had specific edits or questions. It was discussed that the final proposed version would come before the Commission at the November 2023 meeting.

10. COMMISSION COMMENTS

Commissioner McCormack presented information about the Veteran's Art Program.

11. STAFF COMMENTS

11.1. Commissioner E-mail Access Instructions

Atkins gave a brief update, and provided information that an e-mail would be sent to Commissioners' personal e-mails with information on how to access their City-issued e-mails.

12. ADJOURNMENT

With no more business before the Commission, the meeting was adjourned at 7:42 PM.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Gilroy Arts and Culture Commission.

/s/ Bryce Atkins
Recording Secretary to the Arts and Culture Commission



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Commission Work Plan Update
Meeting Date:	November 14, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commissioners and sub-committees update the Commission on plans and progress of work plan items.

BACKGROUND

The Commission assigned a Lead Commissioner and Sub-Committee Members at the June 13, 2023 regular meeting. The work plan table is attached to this staff report which has the assignments. This is a recurring agenda item to discuss the projects and tasks on the work plan among the Commissioners.

Attachments:

1. ACC FY24 & FY25 Work Plan.

2024 and 2025 Arts and Culture Commission Work Plan

Project Name	Work	Lead Commissioner	Sub-Committee Members	City Council Priority	Status
Community Outreach	Have a booth present and participate in at least two community events.	Villa	McCormack; Moreno	Neighborhood Equity	The Commission will identify community events to make a presence as an outreach effort into the community. Activities will include establishing booth equipment and materials, and identification of community events in which to participate.
Elementary and Middle School Art Program Support	Collaborate with GUSD on a potential pilot program to get art into the middle and elementary schools.	Perdew	Ramirez; Moreno	Neighborhood Equity	This item will involve collaboration with GUSD to see how the Commission can support the development and implementation of a pilot program of arts education in middle and elementary schools.
Cultural Event	Host or facilitate a community cultural event.	Reynisson	Villa; Perdew	Promote Economic Development Activities; Neighborhood Equity	The Commission will explore the feasibility and process to host or facilitate a community cultural event. Details will be explored as part of this effort.
Fundraising	Develop and implement a fundraising program.	McCormack	Reynisson; Villa	Financial Resilience; Neighborhood Equity,	The Arts and Culture Commission is working to develop a list of fundraising goals and targeted projects to present to Council for authorization to begin raising funds. Training will also be a component. This will be in addition to the bench plaque program.

Updated May, 2023



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Donation and Fundraising Policy
Meeting Date:	November 14, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commission approve a recommendation regarding the policy to the City Council.

BACKGROUND

At the October 10, 2023 regular meeting of the Gilroy Arts and Culture Commission (ACC), City staff introduced a draft policy for donations and fundraising. A brief verbal report going over the major topics of the policy and subsequent questions were discussed by the Commission. The agenda item for adopting a recommendation to the City Council regarding the proposed policy was scheduled for the November 14, 2023 meeting of the ACC.

ANALYSIS

Since the presentation of the draft policy to the ACC, staff has not received any questions or comments on the policy from the ACC, nor the Parks and Recreation Commission (PRC) to whom the City also presented the draft policy. Staff did receive feedback and edit recommendations from the City Attorney's Office and the City's Finance Department, which have been incorporated into the attached version for ACC's final review and recommendation.

These changes include:

- The removal of the definitions section.
- Streamlining of the procedures, specifically converting the report requirements and instead have the donations recorded through a standardized form for all donations.
- Removed the net benefit analysis requirement, as there may be variances in the way any such analysis, if needed, would be performed and/or documented.
- Included reference to the Purchasing Policy in the Sponsorship Agreement section.
- Legal modifications to the Real Property and Works of Art donation language.

- Other minor edits throughout the draft policy document.

The attached version of the draft policy is ready for a formal recommendation from the ACC, which would be shared in the City Council agenda report when the item is presented to the City Council. The report is now anticipated to go before the City Council in the early part of the first quarter of 2024, but is subject to change.

PUBLIC OUTREACH

The policy was discussed at the October 10, 2023 public meeting of the ACC, as well as the October 17, 2023 PRC meeting. The item was included on the publicly posted agenda for tonight's meeting.

Attachments:

1. Draft Donation and Fundraising Policy.

DRAFT Donation and Fundraising Policy

PURPOSE

The purpose of this policy is to provide direction to City officials, appointees, and employees regarding the acceptance of donations by the City from donors, as well as the development and implementation of fundraising efforts. This policy is meant to formalize the process of receiving donations, and how to fundraise as may be commenced by the City or one of its commissions, committees, or boards.

POLICY

Unsolicited Donations

1. Requirements for accepting donations.
 - a. The donation must have a purpose consistent with City goals and objectives.
 - b. The City may decline any donation without comment or cause.
 - c. The donation will not be in conflict with any provision of law.
 - d. Any non-cash donation will be aesthetically and functionally acceptable to the City.
 - e. The donation will not add to the City's workload unless it provides a net benefit to the City.
 - f. The donation will not bring hidden costs such as starting a program the City would be unwilling to fund when the donation is exhausted.
 - g. The donation places no restriction on the City, unless agreed to by the City Administrator or Council.
 - h. The donation shall become property of the City.
 - i. All donations will receive recognition appropriate to the level and nature of the donation, as determined by the City. For those of a capital nature, that may be in the form of signage, marking, naming, or any other means the City may deem appropriate. Any naming of parks and recreation facilities shall be consistent with any City policy on the naming of such facilities. Regardless of the recognition strategy selected, the intent is to appropriately honor the donor for their contribution to the community. The appearance of traditional commercial advertising shall be avoided.
 - j. Donations exceeding \$5,000 shall be accepted through a written agreement consistent with the procedures herein. In-kind capital donations

will be subject to normal City review, permitting, inspection, and insurance requirements.

- k. All information and documentation regarding a donor or donors and their respective donation may be public information subject to disclosure pursuant to the California Public Records Act.

2. Procedures for Accepting Donations.

a. Procedures for all Donations.

1. A Donation Acceptance Form must be prepared on all donations accepted, which shall be provided to the Finance Department if under \$5,000 in value and submitted to the City Council if the value is greater. The Donation Acceptance Form shall be updated from time-to-time to collect pertinent information for legal and procedural compliance.
- ii. An inappropriate donation is one that meets one of the criteria below, and is to be rejected:
 1. Any donation that would violate the requirements of Section 1 of this policy.
 2. Any donation that may be of offensive or morally questionable material.
 3. Any donation that is connected with a restriction that entails special consideration or favors beyond any other resident, donating or non-donating, as it pertains to activities or functions undertaken by the City in the provision of services or goods.
 4. Any other concern, real or perceived, that may result in a loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the donation.

b. Donations under \$5,000.

- i. The City Administrator must approve of receiving the donation before it can be accepted.
- ii. If the donation is appropriate and to be received, the City Administrator or their designee must complete the report to be given to the Finance Department as described above.
- iii. The City Administrator or designee shall determine the appropriate recognition, if the donation is accepted, for the donor(s).

c. Donations of \$5,000 or more.

- i. If the City Administrator determines that the donation is appropriate to be received, the City Administrator or designee shall prepare the report as described above to be given to the City Council at a public Council Meeting.
- ii. The City Council shall decide in its sole and absolute discretion whether or not to accept the donation, and appropriate the expenditure of any accepted monetary donation.
- iii. The City Council shall determine the appropriate recognition for the donor(s) if the donation is accepted.

Donation, Sponsorship, and/or Fundraising Programs

Fundraising may only:

1. Happen after a fundraising campaign is designed and established through a donation, sponsorship, and/or fundraising program approved by either the City Administrator or City Council, depending upon the nature of the program.
2. Be for official fundraising campaigns. The City does not accept fundraising for anything other than what is authorized in an approved program.
3. Be conducted in the manner as outlined in an approved program.

While fundraising may be conducted by other boards, commissions, committees or City staff, all donations shall be tendered to the Finance Department. The Finance Department will defer to the City Administrator or City Council's acceptance of each donation regarding its acceptable status.

Fundraising process

1. Boards, commissions, committees, and individual departments shall develop their donation, sponsorship, and/or fundraising programs in consultation with the City Administrator's Office and the Finance Department. In its simplest form, a proposed program may consist of a memorandum to the City Administrator indicating the following:
 - a. Goal of the sponsorship, donation, and/or fundraising activities.
 - b. Timeframe for the program.
 - c. Target audience and method of outreach.
 - d. Procedure for acceptance and reporting of activities, ensuring internal controls.
 - e. The types of donor or sponsor recognition that is available for specified value of donorship or sponsorship, subject to City Council approval if the

value of recognition is beyond the contract authority of the City Administrator or greater than the authority provided under this policy.

- f. The sponsorship level or range of sponsorship levels for the naming of the City property if permitted. Sponsorship naming for parks or recreation facilities must also comply with the City of Gilroy Parks or Recreation Facilities Naming, Community and Memorial Contribution, and Gift and Sponsorship Policy, or otherwise be approved by the City Council.
 - g. Specified or maximum sizes and identification of location(s) of any signage in recognition of the donation or sponsorship and any restrictions on the text of the recognition signage.
2. The department staff designated to oversee the department's donation, sponsorship and/or fundraising activities will ensure that the proposed donation, sponsorship and/or fundraising program does not conflict with existing City Code provisions, City policy or existing City sponsorships. Department staff shall also ensure that the City property involved is not subject to restrictions that would limit or prohibit the proposed donation or sponsorship.
3. The department staff accepting items donated to the City will ensure that the items are safe and durable, and meet any applicable City design or quality specifications, standards, and policies.
4. Where applicable, the department's donation, sponsorship and/or fundraising program shall set forth the conditions for acceptance of funds. Conditions shall be fair, impartial and shall not discriminate on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, or political views of the proposed donor.
5. Any department considering acceptance of a donation or sponsorship that may impact or affect other departments shall consult with those departments prior to acceptance of the proposed donation or sponsorship.
6. It shall be the goal of any departmental donation, sponsorship and/or fundraising program to find donors or sponsors providing the highest net benefit to the City, along with consideration of the quality of product or service to be received by the City.
7. All donations in cash shall be deposited and recorded with the Finance Department and deposited in a manner as stated within current policies.
8. Unaccepted Donations will be returned to the Donor.

Sponsorship Agreements

After the selection of a sponsor by the City Council, City Administrator or a department head, as appropriate, the terms of the sponsorship, including any expectation of a

significant return or recognition, shall be set forth in a written sponsorship agreement approved as to form by the City Attorney.

The City Administrator may include renewals of a sponsorship agreement at the City's option, provided that the aggregate of all the renewals is within the City Administrator's contract authority under the City Code and City Purchasing Policy. Any renewal shall be subject to annual appropriation by the City Council if City funding is involved.

Sponsorship agreements for parks or recreation facilities shall be subject to additional requirements as outlined in the City of Gilroy Parks or Recreation Facilities Naming, Community and Memorial Contribution, and Gift and Sponsorship Policy.

Costs, Accounting and Record Keeping

Departments shall maintain records that provide an audit trail for the receipt of all sponsorships and donations. Departments shall also comply with the following requirements:

1. All donations and sponsorships and the revenue, products, and services received shall be recorded and maintained for at least the expected life of the item or service, or for a specific time frame that has been established in the donation agreement or sponsorship agreement.
2. Donations or sponsorships paid for with a monetary contribution shall not be paid to staff in cash unless approved, in advance, by the Finance Department and department director and receipt of cash is properly documented.
3. A record of all sponsorships and donations including name, type, contact name if a company, amount, and disposition of sponsorship shall be kept up-to-date and accurate.
4. Departments shall report any donations or sponsorships received by the department through reports to the City Administrator's Office and the Finance Department.

Other Donations or Contributions

1. Real Property

Restricted donations of real property may be offered to the City for specified purposes. The City will review the proposed conditions of the restrictive donation of real property, if any, and determine in its sole and absolute discretion whether or not to accept the donation. All donations of any interest in real estate shall require City Council approval.

A donation involving real estate is more complex than cash donations and the donation agreement documenting a real estate-related donation should be prepared and approved by the City Attorney's Office. Terms and conditions of

such donations may vary from this policy's general requirements, based on approval of the City Council on a case-by-case basis.

2. Works of Art

If a contribution is proposed related to a work of public art covered by the City's Public Art Policy, the City's review and acceptance of the proposed contribution of public art shall be conducted in accordance with the City's Public Art Policy, which shall include the review and recommendation of the City's Arts and Culture Commission and compliance with any policies adopted regarding donations of works of public art. .

DISCLAIMERS AND MISCELLANY

1. Different forms of contributions to the City present different opportunities and challenges. Therefore, it is not possible to establish blanket guidelines to cover all types of donation or sponsorship activity that the City may decide to pursue.
2. Unless expressly stated otherwise, the City does not intend to modify or change the non-public forum status of any City property by providing donor recognition or sponsorship recognition on City property.
3. The making of a donation or sponsorship to the City will not provide any extra consideration to the donating or sponsoring party in relation to any City procurement, any regulatory activities of the City, or other City business. No City employee or other City official is authorized to offer any such extra consideration to a donating party.
4. Any donation or sponsorship which, if accepted, would obligate the City to enter into a service or procurement agreement should be reviewed under the City procurement process.
5. The City encourages donations of material and equipment with the understanding that such items have a useful life, and that the City assumes no responsibility for replacement or upkeep. Once a donation is accepted, it becomes City property and the City may maintain, replace or dispose of the item unless the donation is explicitly restricted and accepted by the City as such.
6. The City cannot guarantee the tax deductibility of a donation but may provide the donating party with a letter of acknowledgement and a statement of the City's intended use. No Council Member, appointee, employee, volunteer, or agent of the City may state that a donation is tax deductible. Each donor must make their own determination as to whether a donated item or monetary contribution is tax deductible.
7. City staff shall maintain the highest standard of ethics in fundraising activities. All donations or sponsorships must directly enhance the City's ability to provide

goods or services to the public or for another valid public purpose and may not be used for the personal financial gain of any City employee.

8. City employees who have primary responsibility for the procurement of services, supplies, materials and equipment or public works should not engage in solicitation of donations or sponsorships.
9. City employees may only solicit donations or sponsorships pursuant to the individual department's donation, sponsorship, and/or fundraising programs approved by the City Administrator. City employees working in an enforcement or regulatory City position (i.e., Police, Fire, Code Enforcement, Building Inspection) shall not solicit donations or sponsorships from the public while they are wearing a City uniform, unless they receive explicit permission from the City Administrator.
10. At any time, the City Administrator, or a department if approved by the City Administrator, may reject any donation or sponsorship offered to the City.
11. Restricted donations that land outside of an authorized fundraising plan or are restricted to a degree where staff determines that the restriction is too limiting for effective use will not be accepted and will be returned to the donor. Pass-through donations to individuals or organizations via the City shall not be accepted.



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Fundraising Strategy and Vision
Meeting Date:	November 14, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commission discussion.

BACKGROUND

This agenda item is from a future Commission-initiated agenda item with the intent to discuss the Arts and Culture Commission's fundraising strategy and vision.



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Using Tools and Communications for a Community Events Calendar
Meeting Date:	November 14, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commission discussion.

BACKGROUND

This agenda item is from a future Commission-initiated agenda item request that was approved by the Commission to discuss establishing a community events calendar.



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Cancellation of the December 12, 2023 Regular Meeting
Meeting Date:	November 14, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Cancellation of the December 12, 2023 regular meeting.

BACKGROUND

The December meeting of the Arts and Culture Commission (ACC) is scheduled for December 12, 2023. Staff is requesting that the Commission determine if the December 12th meeting will be held or cancelled. Historically, the ACC has alternated between having the December meeting and going dark in the month of December. The ACC has been dark in December in 2017, 2018, 2020, and 2022. The ACC met in 2019 and 2021.

Based on this trend, and the limited amount of business likely to be accomplished during the holiday season in December, staff is recommending that the ACC cancel its December 2023 regular meeting. If an urgent business item arises, a special meeting of the ACC can be called.