

WASHINGTON STATE ARTS COMMISSION – MEETING MINUTES
NOVEMBER 4, 2010 / WEBINAR

COMMISSIONERS PRESENT

Cindy Finnie, Chair
David Brown
Kent Carlson, First Vice Chair
Andy Fife
John Fraire
Maureen Greeley
Representative Lynn Kessler
Senator Jeanne Kohl-Welles
Lanie McMullin
Noël Moxley, Second Vice Chair
Rosita Romero
Brom Wikstrom
Shauna Woods

STAFF PRESENT

Kris Tucker, Executive Director
Mark Gerth
Lisa Jaret
Lou MacMillan
Leslie Pope
Alice Taylor
Mayumi Tsutakawa

GUESTS

Mary Langholz, Executive Director, Washington State
Arts Alliance/Alliance Foundation

COMMISSIONERS ABSENT

Elizabeth Conner, Second Vice Chair
Representative Larry Haler
Senator Jim Honeyford
Leann Johnson
Jean Mandeberg
Steve Sneed
Beth Takekawa

CALL TO ORDER

Chair Cindy Finnie called the meeting to order at 9:36 am and conducted roll call. She verified that a quorum was present; webinar participation instructions were reviewed.

APPROVE AGENDA

A MOTION to approve the agenda was made by Commissioner Shauna Woods. It was seconded by Commissioner Lanie McMullin and passed unanimously.

CHAIR'S REPORT

Finnie referred to the National Assembly of State Arts Agencies (NASAA) 2010 conference recap in her report (*packet p. 1*). She said WSAC is viewed very highly among United States arts organizations and Kris Tucker, WSAC Executive Director, is a nationally known and well respected state arts agency leader; the work of Tucker and WSAC has had a noticeable impact on the national art scene.

Finnie said a challenging time lies ahead and Commissioners need to be realistic about the future and the budget situation, and be prepared to think differently about how WSAC is structured. Tucker and the Interim Committee are exploring a variety of organizational options that will be discussed later. Advocacy will be crucial during the next few months. Advocacy Committee members include Commissioners Kent Carlson as Committee Chair, Andy Fife, Rep. Lynn Kessler, Shauna Woods, and Finnie. Carlson will present a proactive advocacy plan to Commissioners later in the meeting, which is designed to differentiate WSAC from other arts and cultural organizations, and provide Commissioners with tools to be successful in the 2011 Legislative Session. Finnie said it is important to understand that all Commissioners share a role in advocacy for WSAC.

Finnie asked Commissioners to review proposed Commission meeting dates and locations shown on the 2011 Meeting Schedule and Locations document (*packet p. 2*). Commissioner Lynn Kessler said she was not reappointed by the Governor as citizen; after December 31, 2010 she will no longer be on the Commission, but plans to remain involved and attend meetings. Commissioner Jeanne Kohl-Welles said legislative members will have difficulty attending meetings held during the legislative session. Finnie acknowledged that legislative members will be focusing on other important matters during the session. Due to FY 2011 travel restrictions, the Commission will only meet in person for two meetings per year (August and February); meetings will be held by phone in November, March, and May. Travel restriction impacts on FY 2012 meetings are unknown at this time.

Finnie acknowledged Commissioner Bob Glatzer's death on October 15, after a stroke. Finnie said he will be greatly missed on the Commission; he provided great insights and lively, engaging conversation. Glatzer's wife has said he truly enjoyed being part of WSAC. Commissioner Noel Moxley said she has conveyed our condolences to Glatzer's brother and sister-in-law, and shared how much we appreciated and enjoyed his participation, which will be missed with his passing.

DIRECTOR'S REPORT

Tucker highlighted items from her report (*packet pp. 3-4*). She discussed budget charts that show the impact of WSAC's declining portion of the state budget over the past few years. While these numbers are discouraging, she asked Commissioners to focus on a realistic response to the budget constraints faced in Washington and develop a proactive approach to the Commission's future. The Interim Committee is reexamining core functions at WSAC, and a variety of new approaches to programs,

services, and organization structure are being considered. Tucker said the Commission needs to secure a base of resources and build support for a transition into a different future.

The Interim Committee is exploring a variety of options including dedicated funding such as incremental fees or taxes; earned revenue or income; interagency collaborations and alliances across different sectors; working across state lines; different program models for grant making and community based leadership; policy and research; and messaging, communications and advocacy. Findings will be brought to the Commission at the February 1, 2011 meeting. Woods said it is great that Finnie and Tucker are sounding positive and proactive in this difficult environment. McMullin said growing out of this disaster may be a new model that is more relevant for today, such as when plants grow back after a big fire.

Tucker said the Creative Vitality Index (CVI) 2010 publication will include new data as well as stories on the creative vitality of our communities of the arts workforce and arts sector. Commissioners will receive a copy of the publication in the mail and the link to the CVI publication on WSAC's website within the next six to eight weeks. The CVI will be ready for use during the 2011 Legislative Session.

Tucker expressed her thanks to WSAC staff and the WACs task force that includes Commissioners Moxley, Fraire and Conner for their work on the Title 30 WACS update, which will be discussed later in the meeting.

APPROVE MINUTES

Finnie asked Commissioners to approve the Minutes of the August 4, 2010 Commission Meeting (*packet pp. 5-15*). No comments or corrections were forthcoming from Commissioners or the public. A MOTION to approve the Minutes was made by Commissioner Kent Carlson and seconded by Commissioner Lynn Kessler. The motion was approved unanimously with no additions or corrections to the minutes.

ART IN PUBLIC PLACES

CURATOR'S ROSTER

Alice Taylor, WSAC Art in Public Places Program Manager, said curators accepted to the new Curator Roster (*packet pp. 17-18*) will be eligible to work with WSAC and other state agencies to recommend the purchase of artwork based on established criteria. The opportunity was announced in eNews and by email invitation in September, with clearly established and published guidelines and criteria. Thirteen applications were received; only twelve applications were complete and forwarded to panelists for consideration. Serving as panelists:

- Deborah Paine (Seattle) - Curator and Collections Manager, Mayor's Office of Arts & Cultural Affairs in Seattle, and an independent curator.
- Tom O'Day (Spokane) - Gallery Director and art faculty, Spokane Falls Community College.
- Elizabeth Conner (Vashon Island) - WSAC Commissioner and artist.

Because of travel freeze restrictions, O'Day participated by speaker phone. Paine had applied to the roster, and followed conflict of interest guidelines during panel review of her application. Strict panel process guidelines were followed. After panel review, WSAC staff asked for feedback. Panelists reflected that the application process was rigorous and felt it was appropriate for the situation. Panelists also stated they would have preferred face-to-face discussion and suggested small changes to the application. Taylor asked Commissioners for comments or questions; none were forthcoming.

A MOTION to approve the panel recommendations for the Curator Roster was made by Commissioner Shauna Woods. It was seconded by Commissioner Rosita Romero and passed unanimously.

APPROVE DEACCESSION OF ARTWORK

Taylor said the artwork *Suspended Relationships* by Artist Stuart Nakamura for Peninsula School District, Gig Harbor High School (1999) is recommended for deaccession (*packet pp. 19-21*) because it has lost its environmental support. WSAC was informed by Gig Harbor High School that the school needed to move this artwork to make room for more lunch tables. Janae Huber, WSAC Collections Manager, reviewed the site and determined that there were no other sites in the District to which this artwork could be moved, and that only one of three parts of the artwork has the potential to be resited. The remaining parts were damaged beyond repair in the removal process.

Deaccession approved today will remove all three elements of the artwork from the State Art Collection. If an appropriate site is found that suits the specific physical and conceptual needs of the one intact artwork, staff will work with the artist to properly install the artwork as a new acquisition. If a site is not found, the artist can choose to salvage the artwork. This process follows established WSAC policy, which allows artwork to be removed from the collection when the environment is to be destroyed or modified such that it compromises the artist's intentions, or if safety or liability becomes an issue. Staff needed to take action on this artwork prior to the beginning of the school year due to safety reasons. Staff has authority to take action in cases of eminent construction or destruction.

Kessler stated that the life of this artwork was very short, which could be construed as a disservice to the artist, staff and taxpayers. She believes WSAC needs to address the duration of the site for any artwork. Taylor agreed with Kessler and said WSAC is taking a proactive approach regarding site selection, and ensuring materials are enduring and specific to public art requirements. Taylor said this shift in focus began about five years ago; artworks acquired previously are more likely to require deaccession for similar reasons. Huber is revising the collections policy to align with the WACs; this update will be brought to the Commission in February.

Romero asked about responsibility for artwork maintenance. Taylor said the Interagency Agreement ensures partner agencies understand their responsibility for maintenance. This agreement was rewritten in the last two years with help from WSAC's Assistant Attorney General to better establish partner responsibility for stewardship of the artwork. With over 4,600 artworks in the State Art Collection, WSAC cannot maintain them all with only one Collections Manager and one part-time Conservation Technician. The focus is to improve our interagency agreement, and work with school districts and agencies that have the capability and interest to ensure routine and long-term care of the artwork on their campus.

A MOTION to approve the staff recommendation for deaccession of artwork from the State Art Collection as presented to the Commission was made by Commissioner Shauna Woods. It was seconded by Commissioner Lanie McMullin and passed unanimously.

ARTS PARTICIPATION LEADERSHIP INITIATIVE – FY 2011

Finnie acknowledged the success of the first Wallace sponsored forum and workshops with the Arts Participation Leadership Initiative (APLI) program, with over 200 participants. The experience demonstrated arts organizations want to learn more about increasing arts participation.

Mayumi Tsutakawa, WSAC Grants to Organizations Program Manager, thanked Commissioners for their attention and interest in APLI. She said only six cities nationally were selected by Wallace Foundation for this initiative on building arts participation. In Washington (specifically Seattle/King County and Tacoma), our focus is to increase arts participation among young and culturally diverse groups, and to use technology. WSAC is holding forums and workshops on related topics, and working with Communities of Practice, which are established networks of arts managers. Our contract with Wallace includes regranting Wallace funds for organizations to practice, test and challenge methods of increasing arts participation. The first regrants will support five Communities of Practice (*packet p. 22; second packet p. 22A*). There are three successful applications to date:

1. Broadway Center for Performing Arts, Tacoma – to fund the South Sound Marketing Initiative for the Broadway Center’s Resident Arts Organizations to develop a database and activities to deepen audience participation: \$10,000
2. Cultural Development Authority of King County (4Culture) – to fund Local Arts Agencies’ methods of engaging new audiences that are young and culturally diverse, focusing on Tukwila and SeaTac: \$10,000
3. Seattle Center Foundation (FESTAL) – to increase knowledge and use of technology by ethnic festivals and use social media to engage more young participants: \$10,000

Mayumi said she and Tucker, plus Commissioner David Brown, and Jerry Yoshitomi, a nationally known consultant, took part in the panel process. Brown said each panelist reviewed all three applications, which presented varying approaches to using technology or testing strategies for increasing youth participation. Panelists considered all three applications as worthy, and recommend funding them. Tucker said this model connects grant making to other learning opportunities. Brown added that panelists felt the processes for measuring results need to be strengthened, in current terms and expected results. Tsutakawa said that expectation will be written into the contract. She also said there may be more applications in the next month, and the same panel and grant making process will be used for those applications.

Finnie called for conflicts of interest: Commissioner Steve Sneed (Seattle Center) recused himself.

A MOTION to approve regrant Wallace funds to Communities of Practice as shown on the panel recommendations was made by Commissioner Brom Wikstrom. It was seconded by Commissioner Shauna Woods and passed unanimously with one recusal.

Mayumi encouraged Commissioners to register online through WSAC’s website for the November forum. The next topic is “*Changing Demographics,*” with Salvador Acevedo, a nationally known speaker and Executive Director of Contemporanea, a marketing firm based in San Francisco. The Forum is on November 18, with workshops on November 19 and 20 in Tacoma and Seattle, and a webinar in December.

TITLE 30 WAC (WASHINGTON ADMINISTRATIVE CODE)

Finnie said she had presided over the public hearing on October 18, also attended by three Commissioners (Moxley phone; Conner and Mandenberg at the WSAC office) and one member of the public, as well as WSAC staff. The public comment period ended November 2.

Tucker said all documents presented to Commissioners are available to the public at WSAC's website under the rulemaking link (*packet pp. 23-71 and second packet*). Tucker reviewed the process and intentions, using the same PowerPoint presentation used at the public hearing.

Tucker said changes made since the last revision presented to Commissioners are to clarify language and correct small grammatical errors; the Concise Explanatory Statement provides a summary of changes since September 1. Tucker acknowledged the work of the WACs Task Force appointed by former Chair Leann Johnson. Assistant Attorney General, Kathryn Wyatt, is available to join the conference call today if the Commission has questions. Tucker said she also was advised by rulemaking staff in other agencies.

Tucker said WSAC filed the proposed changes with the Code Reviser's Office in September 2010; the public comment period ended November 2. No public comments were received during this period. The public hearing on October 18 was facilitated by Finnie. During the public comment period, WSAC staff continued to work to anticipate responses to public comment and to review the proposal thoroughly and make small changes to ensure the rules are clear and solid. If the proposal is accepted by the Commission today, it would go into effect 31 days after submittal to the Code Reviser on November 17, which means these rules will be official in mid-December 2010.

Commissioners can approve all or part of the proposed rules, or propose additional changes. The Administrative Procedures Act states that any substantive changes from the proposal submitted for public comment would require another public comment period.

Kessler asked whether the term "board" was described, and Tucker said it is clearly defined in the Definitions section. Brown said the term "agency" appears at least once in the rules, but the definition has been removed. Tucker said "agency" is a word used throughout state government and has a fairly consistent definition. Tucker said adding the word "agency" back into the Definitions Section might be an amendment to the rules in the future.

Commissioners discussed who comprises the board, and agreed to add to the definition of "board" (RCW 30-20-010), "It is a citizen's commission consisting of nineteen members appointed by the governor and four members of the legislature."

Finnie asked commissioners for questions:

- Woods stated the explanation of changes was very thorough.
- Brown asked Commissioners to note that the appeals process is greatly streamlined and does not involve the full assembly of the Commission.
- Fraire appreciated Tucker's acknowledgement for the work done by the WACs Task Force, and thanked WSAC staff for their hard work to complete this task.
- Romero asked whether staff have established guidelines and procedures upon which to base their recommendations for artwork to be deaccessioned [*see Concise Explanatory Statement, section 30-12-030(4) - p. 4*]. Tucker said several places in the WACs cite staff nominations or staff recommendations; with the ArtCare Plan and the deaccession process, a panel is convened to review artwork recommended by staff for deaccession. Tucker said staff follows established rules as outlined in the ArtCare Plan, and accepted collections management policies, and the review criteria as defined. These same standards are used by panels to evaluate staff recommendations.

- Carlson asked Tucker to explain why the title of section 30-01-040 was changed to delete the statement of purpose and goals. Tucker said WSAC is not just a citizen's commission; it is also comprised of the staff and executive director. The statement of purpose is in statutory language, and there is no requirement to further explain it in the WACs. The revised WACs clearly give the Commission's board responsibility to establish and approve the strategic plan each biennium, including goals.
- Kessler pointed out that the wording in the definition of quorum may lead the public to believe that staff may be included in the quorum count. Tucker said it may be clearer to change the term "Commissioners" to "Board members" to ensure it is clear that only board member attendance counts towards achieving a quorum.

Tucker outlined changes to the proposal, as brought forth by Commissioners:

1. Change definition of board in 30-02-010 to include the number of appointed commissioners.
2. Change definition of quorum in 30-08-030 subsection 7 – change "commissioners" to "board members."
3. Consider adding a definition for "agency" in a future update.

A MOTION to approve the WAC Title 30-Final Rules as presented to incorporate the first two changes outlined above was made by Commissioner Shauna Woods. It was seconded by Commissioner Noel Moxley and passed unanimously. Finnie thanked WSAC staff and Commissioners for the work and effort invested in this significant step for the Commission.

BUDGET UPDATES

Tucker discussed several budget reports in the packet (*packet pp. 73-77*).

- **Budget Report: FY 2010 Final:** Tucker said the year ended with a zero balance; WSAC worked with Small Agency Client Services (SACS) on accounting challenges found earlier in the year, and to carry the remaining balance in National Endowment for the Arts (NEA) Federal, American Recovery and Reinvestment Act (ARRA) Federal, and private fund balances into FY 2011. Tucker pointed to one error: \$3, 564,000 should appear at both the top and bottom of the all funds column.
- **Budget Report: FY 2011 First Quarter:** WSAC is on track with all expenses. The report does not show a second quarter reduction of \$85,000 that will be discussed later in the meeting, because those reductions were not implemented in the first quarter. There will be a carryover of FY 2010 funds into FY 2011 for the ARRA/Art Jobs Support grants; this is not yet shown on the report so it appears the grant was overspent but it was not. Interagency reimbursements in now tracked within the state funding column, as discussed at the August Commission meeting.
- **FY 2011 Budget Reductions:** The Governor ordered an across-the-board cut of 6.3% to all state agencies; for the Arts Commission, this is a reduction in state general funding \$85,000 (see p. 73 for details.)
- **Anticipating the 2011-2013 Biennium:** WSAC was required to submit a plan for a ten percent reduction next biennium, as reported on packet pg. 73.

Kessler asked how many staff are classified as Washington Management Services (WMS). Lou MacMillan, WSAC Deputy Director, said 7.5 FTE are classified as WMS1, including all program managers and AIPP project managers. Kessler said there is a push in the Legislature to significantly reduce WMS staffing levels to retain the direct client services level of staffing, which is typically not

comprised of WMS level staff. Tucker said in WSAC, WMS level staff delivers direct services to people in the state, which is in the best interest of the agency.

ADVOCACY

Carlson said Commissioners are very aware of the election results, newspaper headlines, and the budget reductions. Kessler said general government was probably one of the most reduced areas of the budget; the budget shortfall is growing, but there are few areas of the budget that can be cut. She appreciates the positive attitude that Tucker and Finnie have regarding this situation; WSAC is such a lean agency already that its state general funds would not solve much of the budget problem.

Carlson said Commissioners face a serious advocacy challenge, now more than ever. The Advocacy Committee has a plan to involve and educate Commissioners for advocacy work ahead, keeping in mind that some legislators have made statements that challenge the very existence of the Commission. The Advocacy Committee's plan will be refined and focused between now and Arts & Heritage Day.

1. Be realistic about the stress on legislators during this budget crisis.
2. Make positive statements about WSAC and its accomplishments.
3. Differentiate WSAC from other agencies that may be facing the same challenges.
4. Deliver the messages to the correct audience.

WSAC will engage Pyramid Communications to prepare and disseminate key messages. This last election seemed to focus on creating jobs while cutting spending; arts organizations are small businesses that provide jobs and employment. Carlson cited three timely studies: the Creative Vitality Index, the ArtsFund study updated from four years ago, and the updated study recently completed by Americans for the Arts. WSAC will clearly explain that the agency brings additional funds into the state. Messages will emphasize private money like Wallace and federal money such as NEA funds, to make it clear that what the state gets for its investment is multiplied by additional funding sources. New media and social networking can increase the voice of arts proponents. Carlson asked Commissioners for comments.

Kohl-Welles said comments have been terrific and she appreciates the suggested advocacy approach. She agreed with Kessler it is important to understand the situation in Senate and House. Art is a bipartisan issue, but there is typically more support for funding by Democrats. Within the political and budget contexts, there were efforts to eliminate agencies. The Governor has made public comments questioning the worth of arts spending. Kohl-Welles said she feels it is very important that WSAC survive. Kessler agreed with Kohl-Welles, and urged the use of economic data. Carlson thanked Kessler and Kohl-Welles for their comments, and urged Commissioners to internalize the key advocacy messages over the next several months.

Fife said social networking can be used during specific times to push information outward and inspire action. Carlson reminded Commissioners it is important to differentiate between what we can do as a Commission and as private citizens. As Commissioners, we can directly address the Governor, legislators, and the Governor's staff; however, as Commissioners we cannot request direct action of constituents. Tucker said state resources cannot be used for indirect or grassroots lobbying. The Executive Director, Commissioners and WSAC staff can lobby the Governor and legislators with direct requests. We cannot use state resources to ask constituents to pursue action. As a private citizen, this can be done by anyone. State resources include anything that comes through the office – whether it is

state general fund, private or federal money. Facebook can be used to provide constituents with facts and information, but cannot be used to ask for specific action, such as to lobby the legislators in their districts regarding an issue. Kessler asked if she could, as a private citizen, use twitter to call for action. Tucker said that is allowed, as long as private services were used.

Woods asked whether information can be forwarded from Facebook. Tucker said all information can go anywhere edited or not, once it is public information. Romero asked whether she can make reference to being a WSAC Commissioner on her personal website, Facebook, flicker, and twitter accounts since those resources are not being funded by WSAC. Tucker said she could.

Kent said Commissioners will receive training to ensure everyone understands the rules; there are also three possible briefings to educate Commission to prepare for advocacy. Carlson hopes Commissioners have a thorough appreciation of the challenges ahead, an understanding of possible ways to ensure our messages get out there, and that all members of the Commission need to be active in this process. Kohl-Welles supported Tucker's statement that Commissioners not act defensively or as entitled, or with indignation or exasperation. The Governor is very worried about vulnerable citizens and children even while, at the same time, she is very concerned about the Arts Commission and all that it does.

Finnie thanked legislative Commissioners Kessler and Kohl-Welles for their comments that helped to paint the future landscape and provide good direction for the commission.

ANNOUNCEMENTS

Finnie thanked Commissioners for their attention for these difficult discussions; it is a critical time for the arts community. Finnie, Tucker, and the arts world in Washington are counting on the support and dedication of Commissioners over the next few months. Finnie said Kessler will be missed as an official Commissioner, but that WSAC looks forward to her participation and attendance at meetings as a citizen. The next scheduled Commission meeting is February 1, 2011, the day before Arts & Heritage Day.

Finnie adjourned the meeting at 11:46 am.