

December 3, 2012

MEETING OF THE FULL ARTS COMMISSION

Monday, December 3, 2012

3:00 p.m.

City Hall Room 416

1 Dr. Carlton B. Goodlett Place

Minutes

Commission President JD Beltran called the meeting to order at 3:02 p.m.

1. Roll Call

Commissioners Present

JD Beltran, President

Gregory Chew

Amy Chuang

Charles Collins

Dorka Keehn

Roberto Ordeñana

Barbara Sklar

Kimberlee Stryker

Gwyneth Borden, ex officio

Commissioners Absent

Sherene Melania, Vice President

John Calloway

Leo Chow

Jessica Silverman

Cass Calder Smith

2. Approval of Minutes

Public Comment:

Paula Datesh said that her comments at the previous meeting were not included verbatim. She said that Street Artists Program Director Howard Lazar had met with MMG, and someone made false accusations about her at that meeting.

Ray Hartz of San Francisco Open Government said that if a member of the public wished to do so, they could submit a written statement of 150 words to be included in the minutes. He said that this would prevent the minutes reflecting only those comments pleasing to the body, and that political speech deserves the highest protection under the First Amendment.

President Beltran acknowledged the comments, and noted that audio recordings of the meetings are available online for anyone who wishes to listen.

There was no further public comment and the minutes were approved as submitted.

RESOLUTION NO. 1203-12-314: Motion to approve November 5, 2012 Minutes.**3. President's Report**

President Beltran reported that the Executive Committee has taken comment from staff, via an anonymous survey, and from Commissioners, for the performance review of the Director of Cultural Affairs. The Committee is preparing a draft review which will be shared with Mr. DeCaigny and the Department of Human Resources. She added that the performance review discussions were held in closed session, since personnel matters are protected by law.

President Beltran reported that she was very excited to have an advance copy of the Heyday book, *Arts for the City*, which should be available in the spring of 2013. She added that Heyday publisher Malcolm Margolin thought the book was stunning, and would be incredibly popular with a variety of readers. She reported that the book's publication date was in April, and she thanked Director of the Public Art Trust and Special Projects Jill Manton and all of the Arts Commission staff for their work on the project.

There was no public comment.

4. Director's Report

Director of Cultural Affairs Tom DeCaigny reported that Americans for the Arts has just released its fourth biennial national study on the Arts and Economic Prosperity. He explained that the study used Fiscal Year 2010 data and focused on 182 national sites, including San Francisco. Mr. DeCaigny explained that the Arts Commission hosted three meetings with Randy Cohen, Vice President of Research and Policy for Americans for the Arts, to present the findings of the study. There was a morning meeting at City Hall, a lunch meeting at the Chamber of Commerce, and an afternoon forum at Intersection for the Arts, attended by about 150 members of the arts community.

He reported a few highlights from the report (which is available here:

http://www.sfartscommission.org/CA_CityAndCountyOfSanFrancisco_AEP4_FinalReport.pdf).

Mr. DeCaigny explained that the report covered the nonprofit arts sector and did not include for-profit organizations like theaters or design and architecture firms. He reported that the total economic impact of \$710 million in San Francisco includes both spending by the arts sector of \$472 million and \$238 million by audiences (for restaurants, lodging, etc.). He added that the report was discussed in the San Francisco Business Times, and he commended Public Information Officer Kate Patterson for her work publicizing the report and its message that investing in the arts in San Francisco yields a valuable return on investment.

Mr. DeCaigny reported on public art dedications, including *Pacific Breath*, a stainless steel sculpture atop the fence at the newly-renovated Sunset Playground. The piece, inspired by the wind and waves, was dedicated on November 16. Mr. DeCaigny commended Senior Public Art Project Manager Jennifer Lovvorn, Public Art Project Manager Marcus Davies, and Public Art Program Director Susan Pontious for their work on the project. The dedication of a second project, *Philosopher's Way* in McLaren Park, had to be postponed because of stormy weather; the dedication will be rescheduled. Mr. DeCaigny explained that the project covers a 2.7-mile trail, with fourteen "musing stations" encouraging contemplation. He added that Recreation and Parks staff, along with volunteers, worked on this unique project, and noted that San Francisco Chronicle reporter Jesse Hamlin covered the piece.

Mr. DeCaigny reported that he had given an update on the strategic plan process to the Executive Committee; the corresponding motion to approve the contract with MIG is on the Consent Calendar for this meeting. He explained that their proposal was posted online with the agenda for the November 26 Executive Committee meeting. He also reviewed the funding sources for the study: \$75,000 came from the Hewlett Foundation; this is private funding earmarked by Hewlett for this specific purpose. An additional \$80,000 came from funds returned by the Center for Cultural Innovation ("CCI") after the cancellation of two studies they had begun. Mr. DeCaigny reminded the Commission that the Controller's report had recommended the cancellation of the studies and return of the funds because they were not granted in accordance with the Cultural Equity Grants legislation.

He explained that CCI had been extremely cooperative in returning the funds, and that the work they had already done on studies of the Asian-American and Latino arts ecosystems would be incorporated into the strategic planning process. Mr. DeCaigny explained that the remaining \$40,000 came from prior-year savings in the Arts Commission's budget. He added that fundraising from private sources was continuing, and that any additional private funds raised would replace the prior-year savings funds, allowing them to be used elsewhere in the agency.

He added that the proposal process was comprehensive, and that along with himself, the selection panel included President Beltran, Deputy Director Rebekah Krell, Tere Romo at the San Francisco Foundation and Emiko Ono at the Hewlett Foundation, who brought a wealth of insight.

President Beltran added that she considered it fortunate that one of the members of the chosen consulting team was already familiar with the Arts Commission, having done a long-term study on the Commission as her graduate project.

Mr. DeCaigny reported that the Executive Committee set a schedule for reviewing the agency's financial performance. He explained that Public Art projects, funded by bond money, do not necessarily align with the fiscal year budget calendar, and so are sometimes referred to as "off-budget." Mr. DeCaigny and Ms. Krell will report quarterly on the on-budget items, funded by the General Fund, and semi-annually on Public Art's off-budget items.

There was no public comment.

5. **Consent Calendar**

Commissioner Collins requested that item 25, approval of the contract with MIG for strategic planning, be severed.

Public Comment:

Mr. Hartz requested that the approval of minutes for the Community Arts, Education and Grants Committee be withdrawn from the Consent Calendar because they were not timely distributed.

Ms. Datesh said that the Street Artists Committee minutes were inaccurate.

There was no further public comment.

President Beltran withdrew items 1 and 2, approval of the minutes of the Community Arts, Education and Grants Committee and the Street Artists Committee respectively, and severed item 25, approval of the MIG contract, for separate consideration.

She called for a motion on the remaining Consent Calendar, which was approved as follows.

RESOLUTION NO. 1203-12-315:

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

Approval of Committee Minutes

1. This item was withdrawn.
2. This item was withdrawn.
3. **RESOLUTION NO. 1203-12-316:** Motion to approve the Visual Arts Committee Meeting Minutes of November 15, 2012.
4. **RESOLUTION NO. 1203-12-317:** Motion to approve the Civic Design Review Committee Meeting Minutes of November 19, 2012.

**Community Arts, Education and Grants Committee Recommendations
(November 13, 2012)**

5. **RESOLUTION NO. 1203-12-318:** Motion to approve the following individuals as grants application review panelists for Cultural Equity Grants:
Beth Pickens, Senior Program Manager, Yerba Buena Center for the Arts
Targol Mesbah, Adjunct Associate Professor, Interdisciplinary Studies, California Institute of Integral Studies

Street Artists Committee Recommendations (November 14, 2012)

6. **RESOLUTION NO. 1203-12-319:** Motion to authorize Program Director to request Board of Supervisors for permanent designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.
7. **RESOLUTION NO. 1203-12-320:** Motion to approve authorization of Program Director to request Board of Supervisors to re-designate for six (6) months two (2) street artist temporary selling spaces on Post Street, northwest corner, at Stockton Street.
8. **RESOLUTION NO. 1203-12-321:** Motion to request Board of Supervisors to re-designate one (1) selling space ("L-2") on Leavenworth Street, west side, at Jefferson Street, for six (6) months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code Section 2405(c)(6) and (11) prohibiting selling within ten (10) feet from the outer edge of any entrance to any building and prohibiting selling within five (5) feet of the display of any other street artist.

Visual Arts Committee Recommendations (November 15, 2012)

9. **RESOLUTION NO. 1203-12-322:** Motion to approve artist honoraria payments in the amount of \$3,000 each to Jason Hanasik and Berndnaut Smilde for their contributions to *Conversation 6*, an upcoming SFAC Main Galleries exhibition.
10. **RESOLUTION NO. 1203-12-323:** Motion to approve artist honoraria payments in the amount of \$700 each to Alice Shaw, Rebecca Horne and David Gardner for their contributions to *Escape*, an upcoming SFAC Galleries exhibition at City Hall.
11. **RESOLUTION NO. 1203-12-324:** Motion to approve a new draft of the text developed by Margo Perin with Shimon Attie, Bay Area Law Enforcement Assistance Fund ("BALEAF") and Arts Commission staff to be permanently incorporated into the Public Safety Building police memorial artwork by Shimon Attie, and to authorize the Director of Cultural Affairs to approve the final draft of the text.
12. **RESOLUTION NO. 1203-12-325:** Motion to rescind Resolution No. 1001-12-285 to increase Attie Art Projects LLC (aka Scott/Shimon Attie) contract for a police memorial artwork in the lobby of the new Public Safety Building from \$342,500 to the new contract amount not to exceed \$392,500 for continuation of fabrication.
13. **RESOLUTION NO. 1203-12-326:** Motion to approve an increase in the total contract amount for Contract DPAR12000057 for Attie Art Projects LLC (aka Scott/Shimon Attie) for the design, fabrication, transportation and consultation during installation of a police memorial artwork in the lobby of the new Public Safety Building from \$342,500 to a total amount not to exceed \$700,000 to cover the costs of fabrication, transportation and consultation during installation of the artwork and to provide an additional \$3,000 for writer Margo Perin, a subcontractor to Attie Art Projects LLC, who has created a new text for the police memorial artwork.

14. **RESOLUTION NO. 1203-12-327:** Motion to limit the number of permanent Central Subway artwork projects for which an artist or artist team may be selected to one.
15. **RESOLUTION NO. 1203-12-328:** Motion to approve the following five artists as selected by the Chinatown Crosscut Cavern Wall Artist Selection Committee for the Crosscut Cavern Wall, and to approve an honorarium payment of \$2,000 to each finalist for preparation of a proposal for this art opportunity: Hung Liu, Clare Rojas, Jovi Schnell, the artist team of Jennifer Starkweather and Amanda Huguen; and Pae White.
16. **RESOLUTION NO. 1203-12-329:** Motion to approve the six final designs for *The City on Film* poster series by artist Christina Empedocles for the 2012-2013 Art on Market Street Kiosk Poster Series, which includes a total of 36 posters installed in 18 bus shelters on Market Street between Embarcadero and 8th streets from January 14 to April 5, 2013.
17. **RESOLUTION NO. 1203-12-330:** Motion to approve payment of up to \$4,200 to Peter Richards for development of Americans with Disabilities Act access plan for *Philosopher's Way* at McLaren Park.
18. **RESOLUTION NO. 1203-12-331:** Motion to approve the design of a 350-square-foot mosaic tile mural entitled *Nature Stream* by lead artist Renee McKenna to be installed at the South Sunset Playground at Vicente Street and 40th Avenue. The mosaic will run the length of two cement walls on the south side of the playground. The mural is sponsored by Art in Every Classroom, Inc. and supported by District 4 Supervisor Carmen Chu and the San Francisco Recreation and Parks Department.
19. **RESOLUTION NO. 1203-12-332:** Motion to approve and accept into the Civic Art Collection the artwork *Mission Parade*, 2012 by Michael Bartalos, commissioned for Mission Playground. Fabricated from painted steel, the artwork consists of ten fence panels located along the playground's Valencia Street frontage and ten fence panels on the playground's 19th Street frontage. The artwork consists of ten unique designs, one per panel, duplicated in the two locations.
20. **RESOLUTION NO. 1203-12-333:** Motion to approve and accept into the Civic Art Collection the artwork *Pacific Breath*, 2012 by Bryan Tedrick, commissioned for Sunset Recreation Center. Fabricated from painted steel, the artwork consists of five panels topping the park fence along the playground's Lawton Street frontage between 28th and 29th avenues.
21. **RESOLUTION NO. 1203-12-334:** Motion to approve and accept into the Civic Art Collection *Aero #8*, 2012, a stainless steel kinetic sculpture by Moto Ohtake, commissioned for Fulton Playground.

Civic Design Review Committee Recommendations (November 19, 2012)

22. **RESOLUTION NO. 1203-12-335:** Motion to approve Phases 2 and 3 of the SFMTA Operator Facilities at the Hudson location contingent on exploration of siting the facility on Newhall Street.
23. **RESOLUTION NO. 1203-12-336:** Motion to approve Phases 2 and 3 of the SFMTA Operator Facilities at the Potrero and Ortega locations.
24. **RESOLUTION NO. 1203-12-337:** Motion to approve Phase 2 for the San Francisco Groundwater Supply Well Stations with the contingency of revising the paving and removing the iris from the green roof plant palette.

President Beltran called for discussion on item 25, the motion to approve the contract with

MIG. Commissioner Collins applauded progress on this project, and requested a little more detail from the Director and the President on how and why the firm was chosen. President Beltran asked Development Director Rachelle Axel to describe the process.

Ms. Axel explained that a Request for Proposals was posted in June, giving eight weeks for applicants to submit proposals. She explained that Arts Commission staff worked with the Human Rights Commission (“HRC”) to determine that all the finalists were eligible according to City requirements for contracting. She said that the selection panel, as described earlier by Mr. DeCaigny, looked at all of the six eligible proposals, and each member scored each proposal individually. After that, she said, the top three were brought in for interviews lasting sixty minutes. She explained that these interviews were monitored by the Human Rights Commission, and all finalists were asked the same questions. She explained that the final ranking was strictly numerical.

Ms. Axel said that MIG had a lot of relevant experience with municipalities, and that MMC was a great partner for them.

Mr. DeCaigny added that the scoring took place in two steps; first, to determine the three finalists, and second, finalists were scored on their interviews for a composite score. He explained that the criteria included the quality of the proposal, the applicant’s expertise and its client list. He reported that MIG has worked closely with the Department of Recreation and Parks, demonstrating broad outreach to the community. He added that they had their toolkit ready to go, and the Arts Commission would not have to pay for them to develop all new outreach strategies. He reiterated the project manager’s familiarity with the Commission through her graduate thesis research. He added that the proposal was very strong, with a clearly defined budget, tasks and deliverables.

Commissioner Stryker added that she had some personal experience with the two principals on another project, and thought they were top-notch and very well organized.

President Beltran noted that one other factor was the consulting team’s familiarity with the San Francisco Bay area arts community.

Public Comment:

Mr. Hartz said that the MIG proposal, posted online and distributed with the Executive Committee agenda, should have been made available for this meeting as well to allow for meaningful public comment. He said that he would not ask for the item to be continued, but that all supporting documents should be included in the packet for members of the public so they can participate in a meaningful way.

There was no further public comment, and the motion was approved as follows.

Executive Committee Recommendations (November 26, 2012)

25. **RESOLUTION NO. 1203-12-338:** Motion to authorize the Director of Cultural Affairs to enter into contract with Moore Iacofano Goltsman, Inc. (“MIG”), in an amount not to exceed \$200,000, for a comprehensive community engagement and planning process for the Arts Commission.

6. Nomination and Election of Arts Commission Officers

Commissioner Ordeñana reported that the Nominating Committee met and nominated JD Beltran as President and Sherene Melania as Vice President.

He reported that the Committee also discussed the need to engage in ongoing succession planning, with some perspective from Mr. DeCaigny.

Commissioner Ordeñana noted that the Commission was going through a period of significant

transition, with the release of the Civil Grand Jury's report, revision of the organizational chart, and some staff transitions. The Committee felt that continuing the leadership of President Beltran and Vice President Melania would help the Commission, and Mr. DeCaigny added that he has a strong working relationship with them, including monthly leadership check-ins and daily or near-daily communication with President Beltran. Mr. DeCaigny also noted improvement in the Commission's compliance with Sunshine Ordinance and the Brown Act.

Commissioner Ordeñana reported that the Committee discussed the importance of succession planning to allow for life events, and to encourage Commissioners who wish to do so to express an interest in leadership roles. He added that Mr. DeCaigny is researching with City peers how other Commissions handle succession planning, and will report to the Executive Committee in coming months.

Commissioner Keehn asked whether the Committee had done outreach to other Commissioners, questioned the need for a Nominating Committee, and said that it was important that the process be open.

Mr. DeCaigny pointed out that the Commission's bylaws call for a Nominating Committee to nominate officers. He added that succession planning was important to assure Commissioners that they could serve in leadership roles without feeling that they were making an indefinite commitment, and that Commissioners interested in leadership roles can prepare themselves.

Public Comment:

Mr. Hartz complemented Commissioner Keehn and said that it was easy for the public to wonder if the nomination decision was made outside of public view, limiting public input. He said that it was important to remember that there was no prohibition on making additional nominations, or on volunteering oneself.

There was no further public comment.

President Beltran said that the agenda for the Nominating Committee, as always, was posted, and the Committee meets only once a year in the fall.

Commissioner Ordeñana called for a vote. The Commission unanimously elected JD Beltran as President and Sherene Melania as Vice President.

President Beltran thanked Commissioners for their support.

7. Committee Reports and Committee Matters

1. Executive Committee—JD Beltran, Chair

1. Commissioner Ordeñana reported that the Committee had discussed the Americans for the Arts Economic Impact report, and discussed the calendar for financial reports from the Director and Deputy Director, as Mr. DeCaigny reported earlier. And the Committee reviewed the scope of work for the strategic planning process.

There was no public comment.

2. Civic Design Review Committee—Cass Calder Smith, Chair

1. In the absence of Commissioner Smith, Commissioner Stryker reported that the Committee had only three projects on its agenda. The first was for temporary MTA facilities; she said that the Committee acknowledged that often "temporary" facilities last a much longer time than anticipated. She reported that the team hoped to make the facilities available as soon as possible, at the best possible location and with the best fit in the neighborhood.

She reported that the Committee reviewed a groundwater project at Lake Merced. She

reported that the changes involved replacing a reflecting pool with a green roof, and changes in paving.

Finally, she reported that the Committee held an important discussion regarding several fire stations being remodeled or newly constructed. The Committee reviewed a proposal to create a historic-style fire station, which sparked a discussion about how to determine when a contemporary design is more appropriate. The Committee asked staff to work on guidelines for designers to help them develop a fine contemporary design respectful of context. The Committee also discussed how to engage the community in this design process.

Commissioner Keehn added that it was not the public that wanted a more conservative design, but the department. She said that the Committee wanted to demonstrate that a contemporary design could still honor the department's tradition, and be attractive.

Commissioner Borden noted that the new guidelines proposed should be informed by existing Planning Commission design guidelines for the various neighborhoods, and she agreed to forward the Planning guidelines to the Committee.

Public Comment:

Mr. Hartz said he did not wish to discuss the content of the report, but wanted to address the process. He noted that Commissioner Smith was not at this meeting, and said that he has missed several meetings. He said that anything more than two absences constitute grounds for removal. Mr. Hartz said that Commissioner Smith had made inappropriate comments at meetings of this body. Mr. Hartz said that Commissioner Smith's time commitment to the Commission was just as valid as his other commitments, and if those kept him from participating, he owed it to the public and his colleagues to leave the Commission. Mr. Hartz said that the Commission's meetings often start late because of quorum issues, and at the last meeting, Commissioners illegally continued to take public comment after losing quorum. He said he would be looking at the Commission's bylaws. He said that he goes to public meetings, and if everything looks okay to him, he doesn't go back, but if the body is not following the law, he will return.

President Beltran said that the Mayor's office was paying close attention to attendance at Commission meetings, and that the Mayor gets quarterly attendance reports. She added that his office is working hard to fill the vacancies on the Commission.

Ms. Datesh said that she had attended the Visual Arts Committee meeting and was surprised how smoothly it ran in contrast to the Street Artists Committee meeting.

There was no further public comment.

3. Community Arts, Education and Grants Committee—Sherene Melania, Chair

1. In the absence of Vice President Melania due to illness, Commissioner Ordeñana reported that the Cultural Equity Grants ("CEG") Program had completed its first grants panels of the 2012-2013 fiscal year, for Cultural Equity Initiatives, Level One and Level Two. These grants are for organizations in underserved communities, and are the largest CEG grants. He reported that panels will review applications for Individual Artist Commission grants in December and January, for projects in the visual, media and literary arts. He reported that Tyese Wortham had been hired as CEG Program Associate to fill the vacancy left by Lucy Lin stepping into the Interim Program Director position. He explained that Ms. Wortham had a background in folk and traditional dance, and welcomed her to the staff.

Turning to the Community Arts and Education Program, Commissioner Ordeñana congratulated African American Art and Culture Complex (“AAACC”) Executive Director London Breed on her election to represent District 5 on the Board of Supervisors. He said that she had served as Executive Director of AAACC for more than ten years, leading the Center through tremendous growth, and made it a great example of the role the Centers can play in the well-being of their communities. He and the Committee thanked her for her leadership and dedication.

Commissioner Ordeñana reported that the Committee had updates on Arts Education programming and WritersCorps, which is seeking submissions of five-minute films for its Poetry Projection Project festival. The festival takes place in April, and films are due by March 1.

He reported that the Cultural Centers are getting training and technical assistance with planning, using SMART (Specific, Measurable, Actionable, Relevant and Time-related) objectives.

Commissioner Ordeñana presented the following motion to approve the Management and Program Plan (“MPP”) for the Asian Pacific Islander Cultural Center (“APICC”), explaining that they hope to serve a broader constituency with their centerpiece festival, with the theme of passing along traditions.

Mr. DeCaigny explained that although the Committee had approved this MPP and grant, the present motion’s grant amount includes the final cost-of-living adjustment (“COLA”) approved by the Board of Supervisors for all City-funded nonprofit organizations. He added that APICC is a subgrantee of SOMArts, the primary grantee.

There was no public comment.

The motion was approved unanimously.

2. **RESOLUTION NO. 1203-12-339:** Motion to approve the proposed 2012-2013 Management and Program Plan (“MPP”) and budget for sub-grantee Asian Pacific Islander Cultural Center for a grant to SOMArts Cultural Center not to exceed \$693,967 (including \$595,460 to SOMArts Cultural Center and \$98,507 to sub-grantee Asian Pacific Islander Cultural Center), contingent upon completion of revisions to the MPP.

4. **Street Artists Committee—Gregory Chew, Chair**

1. Commissioner Chew began his report by wishing happy holidays to all. He reported that the Street Artists Program had recently published a revised “blue book” describing the holiday selling spaces. He added that this was a great time to buy the work of street artists in those areas, including paintings, wooden sculptures, belt buckles, and a wide variety of other artworks.

He presented the following motion.

There was no public comment, and the motion was passed unanimously.

2. **RESOLUTION NO. 1203-12-340:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Ken Negran, Dashaun Duffy, Pauliasi Lavaka, Craig Marshall, Guillermo Belmonte, Tevita Tongi, Thomas Berneike, Mary Ann Milburn, Ming Hu.

Commissioner Chew presented the following motion.

Public Comment:

Ms. Datesh cited Article 24 of the Police Code and said that the “blue book” was out of print and out of date, only available in the archives of the Library, and she was surprised to see a copy of it at this meeting. She said that she had gone to the Arts Commission office four times to pay for her license, and the first three times, no one was in the office. She said that there was no answer when she called. She said that she had spoken to Ms. Krell, and had been told that she would get an e-mail explaining why she couldn’t pay for her license at that time. She said that fourteen days later, she received an e-mail that didn’t answer her question. She said that she was in the middle of a show in New York and wanted to know if she needed to be at this meeting of the Arts Commission. She said that the night before, she received an e-mail from Ms. Krell telling her that she had been told twice that she didn’t have to attend. She said that the rule book should be made available to the public. She requested that several e-mail messages be entered into the record; they are posted here (Part 1) and here (Part 2).

There was no further public comment.

Commissioner Chew explained that the blue book here was only about the selling spaces, not the rules and regulations. President Beltran asked Mr. Lazar whether there was any requirement that an artist be present for a Commission meeting?

Mr. Lazar said there was not. He explained that if the Commission, or the Committee, was hearing a complaint about a violation of the rules of the program, the artist would be sent a letter explaining that they could face a penalty if they did not appear. He added that the “blue book” of the rules of the program was posted on the Arts Commission’s website, on the Street Artists Program’s home page [http://www.sfartscommission.org/street_artists_program/Street_Artist_Bluebook.pdf], and had been for a few years.

President Beltran pointed out that once a motion was presented, the Commission always takes public comment before voting on the motion.

The motion was approved unanimously.

Commissioner Chew presented the following motion. There was no public comment, and the motion was approved as follows.

3. **RESOLUTION NO. 1203-12-341:** Motion to approve request by applicant for waiver of 15-day requirement for obtaining a certificate: Paula Datesh, Casey Koerner.

Commissioner Chew presented the following motion.

Public Comment:

Ms. Datesh said that she had received one e-mail from Mr. Lazar telling her to call him to find out the result of the Commission meeting. She said that he never picks up the phone, and that’s why she came from New York for this meeting.

Mr. Lazar said that the minutes of the Street Artists Committee were very accurate, and the documents submitted by members of the public had been posted online, and he asked that the Commission please approve them.

Mr. Hartz objected that Mr. Lazar was allowed to make his comment after the Commission’s vote.

There was no further public comment.

President Beltran explained that the Commission had tabled the Street Artists Committee minutes, and would consider them in January.

Commissioner Chew called for a vote on the following motion, which was approved unanimously.

4. **RESOLUTION NO. 1203-12-342:** Motion to approve honorarium payment of \$300 each plus cost of materials to David Campos and Drew Flores for assisting Program Director in repainting permanent and winter holiday spaces in the Union Square/Downtown area and Market Street between Spear and Steuart streets.

5. **Visual Arts Committee—Barbara Sklar, Chair**

1. Commissioner Sklar explained that she would have to leave the meeting, and that since all of the items the Committee had discussed were on the Consent Calendar, she would make no report. She thanked staff for their hard work, and wished happy holidays to all.

There was no public comment.

8. **Public Comment**

Ms. Datesh said that she wanted to clear up the issue with the November minutes, and that she did not know Pat Lloyd who contacted her three years ago. She said that she had received 210 annoying e-mails, that she had contacted Erica Johnston to explain that she had nothing to do with Ms. Lloyd, who had slandered her. She submitted several e-mails for the public record; they are posted here.

Commissioner Sklar left the meeting at 4:30.

Mr. Hartz read and then submitted the following written statement:

“Thomas Aquinas teaches that willful ignorance of what one ought to know is a mortal sin.’ Each member of this Arts Commission is required by law to be familiar with the requirements of the Sunshine Ordinance. They are also required to complete annual training and submit a Sunshine Declaration to the Ethics Commission attesting that they have done so. I believe that this makes the requirements of open government in San Francisco clearly something ‘one ought to know.’ At various meetings of this Commission and its subcommittees, members of the public familiar with these laws have attempted to offer input in these matters and recommend areas for improvement. When a member of the public wishes to offer ANY advice, let me remind you that they have that right under the United States and California Constitutions, as well as the Brown Act. Hopefully this admonition will not have to be repeated!”

Mr. Hartz repeated that Commissioner Smith was absent, and quoted the comments Commissioner Smith had made to Peter Warfield. Mr. Hartz said this was a blatant violation of open government laws, and that he would never say anything behind someone’s back that he wouldn’t say to their face. He said that if a Commissioner can’t bother to attend meetings and learn the law, why put up with his position on the Commission. He said that members of the public have the right to offer any advice under the United States and California constitutions, and under the Brown Act. He said that the best way to not have to listen to him is to follow the law, and the Commission should have training.

There was no further public comment.

President Beltran said that the Mayor’s Office, Mr. DeCaigny and she had all discussed Commissioner Smith’s comments with him, and he very much regrets the remarks, has apologized on

the record, and promised that nothing like that will happen again. She added that he serves on the Commission because he is one of the top talents in his field, as are all of the Commissioners, specifically chosen by the Mayor. She thanked all of them for their voluntary service as a team to the agency and the City.

9. New Business and Announcements

President Beltran pointed out that everyone had received the 2013 meeting schedule and asked them to calendar the meetings accordingly. She said that she expected to announce any changes in Committee assignments in January.

Mr. DeCaigny reminded everyone of the benefit for the Bayview Opera House on Saturday, December 8. He thanked Commissioners for their service, and wished everyone happy holidays.

There was no further new business or announcements.

10. Adjournment

There being no further business, the meeting was adjourned at 4:40 p.m.

12/26/12 spr

Language Accessibility

Translated written materials and interpretation services are available to you at no cost. For assistance, please notify Commission Secretary Sharon Page Ritchie, 415-252-2591, sharon.page_ritchie@sfgov.org.

我們將為閣下提供免費的書面翻譯資料和口譯服務。如需協助， Commission Secretary Sharon Page Ritchie, 415-252-2591, sharon.page_ritchie@sfgov.org.

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