

**Cultural Commission August 10, 2015**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The Cultural Commission of the City of Bedford, Texas, met in special session at 6:40 p.m. at the Bedford Public Library, 2424 Forest Ridge Drive, Bedford, TX on the 10th day of August 2015 with the following members present:**

Tom Jacobsen, Chair  
Dr. Paul Davis, Vice Chair  
Debbi Savage  
JoLynne Jensen  
Josh Santillan  
Barbara Speares  
Roger Gallenstein

Constituting a quorum

Others present included:  
Wendy Hartnett  
Jeff Florey, Staff Liaison  
Ray Champney, Council Liaison

**CALL TO ORDER**

Chairman Tom Jacobsen called the meeting to order at 6:40 p.m.

**APPROVAL OF MINUTES:**

- 1. Consider approval of the following Cultural Commission minutes:  
a) July 13, 2015**

Motion made by Barbara Speares and seconded by JoLynne Jensen to approve the minutes. The motion was unanimously approved.

**NEW BUSINESS:**

- 2. Discussion regarding funding opportunities for future programming.**

Ray Champney stated that the cultural district plan budget from Kimberly Horn had been approved. Ms. Jensen asked when the plan would be started and said that it should start October 1.

- 3. Discussion of new 501(c)(3) considerations.**

Mr. Jacobsen started the meeting by stating that Jeff Florey had some important information to discuss with the members of the Commission before proceeding with the agenda items.

Mr. Florey covered his review of the Cultural Commission's plan to proceed with attaining a 501(c)(3). He shared the "City Sponsored Vs. Non-City Sponsored 501(c)(3)" document. The City Attorney expressed concern about 501(c)(3) entities being formed and later being

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disbanded leaving the City to assume responsibility for the disbanded entity. So, the City Attorney advised that no discussions regarding the 501(c)(3) that is non-City sponsored are allowed and must be kept independent of the Cultural Commission. The City would not provide any support for the independent 501(c)(3). The management at the City is not to be held to the decisions of the preceding administration. The City Attorney advised anyone serving on the Cultural Commission working on the non-City 501(c)(3) must not discuss the work with the Commission during meetings or City board meetings and resign from the Commission. The City will not provide meeting space for any meetings for the non-City 501(c)(3) or funding.

Ray Champney provided background on where the pursuit of the 501(c)(3) began for the Commission. He explained that the 501(c)(3) was believed to be a requirement by the Texas Commission on the Arts in the cultural district designation. The first application was filed under the 501(c)(3) umbrella of the Arts Council. Mr. Champney followed up with Laura Wiegand for clarification on why the 501(c)(3) was a requirement. She advised that the City can apply for the TCA designation without the 501(c)(3). The 501(c)(3) is not applicable to the City. Mr. Champney shared Ms. Wiegand's e-mail with the Commission. The application for the cultural designation can be pursued and should be pursued rather than pursuing the 501(c)(3).

Mr. Gallenstein stated that money is needed to establish a cultural district and the 501(c)(3) is needed to take in those funds. So, it is necessary to establish a separate 501(c)(3) from the City. That way the separate 501(c)(3) can apply for grants once the designation is received.

Mr. Champney explained that there is funding that can be applied for from the TCA once the City gets the cultural designation from the TCA.

Ms. Jensen said that very broad statements were being made that are not correct. The TCA program that only grants to the City is one form of funding, but there are many funds that cannot be applied for even if the designation is received. Examples are program funds. The City did not apply for the Art Space money, which is available. Ms. Jensen applied for a grant to the Hoblitzelle Foundation but that funding is not available to a city.

Ms. Jensen stated that this news about the attorney's opinion is very frustrating. The non-City 501(c)(3) has been explained. If the City expects the Commission to get large dollars from big donors to help fund the cultural development in the City of Bedford, then discussion with large donors must be given the opportunity to keep those donors and discussions discrete and not posted for obvious reasons. The Mayor has sat in front of the entire Commission and openly stated that the Commission move forward with pursuing a 501(c)(3) and pursue funding to achieve the goals on behalf of the City that the Commission has identified and worked with the City to establish as goals. It is ridiculous and disrespectful to the entire membership of the Commission that now the City Attorney says "no" and that over the past years with many official minutes from the meetings, the mayor, City Secretary and City staff liaison and City Manager and City Council have only encouraged the work and plans of the Cultural Commission and never once raised any objections or advised the Commission to not pursue the 501(c)(3). The City has been pushing for the Commission and they have done all this work for several years and why has this just now been revealed?

Mr. Champney stated that the TCA designation is the focus that the Commission should work on and not the 501(c)(3) since the City can apply for funding.

Ms. Jensen stated that the City-sponsored versus non-City sponsored document shows no respect for the Commission by not appearing in person to deliver this news but rather send two City employees to deliver the decision. The Mayor and City Attorney should have come in

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person to the Commission meeting and explained this decision regarding the 501(c)(3) and fielded the many questions that the Commission members have.

Mr. Champney explained that the 501(c)(3) big umbrella funds are closed due to a change in upper management at the City. He explained that the only reason the City Attorney became involved was after the \$30,000 issue needed to be addressed. The City Attorney then said he did not think that the non-City 501(c)(3) idea was a good one.

Mr. Davis stated that the Commission cannot do what needs to be done for the cultural programs to move forward; the programs need to move forward and be independent for those donors to be free to discuss the large dollar commitments they are willing to donate. Mr. Davis stated that he felt like all the hard work the Commission has undertaken has been a big waste of time and this development shows that the City does not want to support the work of the Commission, but hold back.

Ms. Speares stated that it is not clear how this is supposed to work. The document the attorney provided states 501(c)(3) cannot be discussed during City Boards/Commission meetings – it is not clear how the independent 501(c)(3) is to keep on track with the goals of the Commission and the City. How is that to be communicated and keep on track?

Mr. Santillan stated his frustration with why it was taking so long to get the 501(c)(3) going even though work had begun last year.

Ms. Jensen explained that a board needs to be formed, a president appointed, board members appointed, by laws, etc.

Ms. Jensen stated again that the Mayor and City Manager can tell them in person that this recommendation has been made to so drastically change the direction the Commission has been working on since the City Attorney became involved. It is shameful that no one has obviously read the minutes and taken time to understand the work that has been done and the plans that have been stated over and over and over in the minutes from the Commission meetings.

Mr. Davis said that all members of the commission should resign immediately because it is a huge waste of time and that it is a bureaucracy.

Mr. Florey stated that the previous City liaison did not use due diligence and did not check with the City Attorney as they should have done. The Commission must decide if members need to step down and pursue the non-City 501(c)(3) and go the independent route. The City is held to the open records laws.

Mr. Jacobsen stated that if a corporation experienced this type of mess, the employees would have been terminated for such work.

Ms. Jensen stated that the former staff liaison was not tasked with approving the strategic planning. What did Michael Wells do with the approved minutes? No one was paying attention at the City.

Mr. Champney asked Ms. Jensen to define the situation.

Ms. Jensen stated that they cannot start a 501(c)(3) and they were misled. The City would not get the cultural designation because there is no place in the City to call the Cultural District and no one can find it. That is why it needs to be developed. Development takes money and the City is not providing any funding now to even establish the 501(c)(3). This is in direct opposition

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to what the City has stated. Tourism is important. If a 501(c)(3) is created, who is going to write the grant applications? There is \$5 million set aside for cultural district designations. Even the best fiction writers could not get the designation for the City because of hesitation to direct people to the City's Cultural District because there is no such thing. When Alicia McGlinchey was the President of the Commission, she made the presentation to the entire City Council about the four tracks. Two applications have been turned down for the cultural designation by the TCA. Ms. Jensen stated that where they are now will not have any different results. Their vision for Bedford should be the models that work across the United States – 24 of the 26 cultural and heritage designations. The different groups work in silos. The Parks and Recreation Board is not invited to work with the Cultural Commission and the heritage group is not working with the Cultural Commission. It is very dysfunctional.

Mr. Champney stated that the Cultural District is still being pursued and the work of the Commission is integral to the development. The Boys Ranch Theatre, Arts Center and Senior Center are all important and will be developed further in the plans, as well as re-doing of street scaping and making more walkable sidewalks to encourage artists. The planning committee for the Cultural District is separate from the Bedford Commons.

Ms. Jensen stated that the Boys Ranch and the Cultural District do not make sense. Having a ball field on the edge of the street rather than a theatre that the public can see and visible from the street makes more sense for cultural development.

Mr. Jacobsen stated that the City Manager acts in the direction of the City Council; the strategic planning session that was sponsored by the City and the the 501(c)(3) were included in those strategic plans and discussion and findings.

Mr. Champney stated that the supplemental budget included the strategic planning meetings and was 100% supported by the Council.

Mr. Florey stated that there are three phases of the Park development remaining so the theatre setting that Ms. Jensen mentioned is still possible, but it will take the Cultural Committee members more time to go to all the Council meetings and make sure the goals of the Commission are known.

Ms. Savage stated that for the incubator there are national teachers that could come and teach. She suggested that the City find a building for the incubator.

Heritage – want a friend of the Old Bedford School – so they can get \$\$'s to go into the friend's funding.

Mr. Santillan questioned the goals of the 501(c)(3) that the Cultural Commission had accomplished so far.

Ms. Jensen stated programming like the signature events such as Blues festival, July 4<sup>th</sup>. Monthly events – store front gallery. The calendar that the city put together. There is no communication of the calendar. The Facebook page is not updated. The mission of the cultural commission is defined.

Mr. Champney stated that the budgeting process this year included the cultural designation.

Ms. Hartnett stated that the City can fundraise and do sponsorships.

Mr. Jacobsen stated that the Commission needs a meeting with the Mayor and the City Attorney. Mr. Florey suggested that Tom go alone to the meeting to represent the commission.

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Ms. Jensen suggested that three people should attend and that would avoid the need to post the meeting. It was decided that Mr. Jacobsen, Mr. Santillan, and Ms. Jensen would meet with the City Attorney and the Mayor next Tuesday, September 18. The Commission suggested that the meeting take place sooner than later.

Ms. Jensen stated that in the past months she had raised \$12 million and written the 501(c)(3) for a new group.

Mr. Champney stated that there are large companies that are a resource for funding; perhaps a "Friends of the Cultural Commission." However, the City would not be getting foundation grants that would be supporting large buildings.

### **4. Review and determine date of 2016 ArtsFest**

The Commission decided the dates would be April 2 and 3. Mr. Florey stated that he would form and plan with the subcommittee. The meetings would start up again in September. He suggested not using food trucks, but use local businesses and that there would be more success in getting their commitment.

### **5. Report from the ArtsFest, Storefront Gallrey and Arts Incubator Subcommittees with follow-up discussion. This item was tabled until the next meeting.**

## **ADJOURNMENT**

At 8:20 p.m., Mr. Davis made a motion to adjourn and Ms. Jensen seconded. Approved unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

Approved:

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Tom Jacobsen, Chair