



THE CITY OF SAN DIEGO

MINUTES

**COMMISSION FOR ARTS AND CULTURE
POLICY COMMITTEE**

Civic Center Plaza, 1200 Third Avenue, Floor 9, Suite 924
San Diego, CA 92101
Wednesday, July 25, 2012, 11:00 a.m. – 12:00 p.m.

Members Present

Lewis Klein, Chair
Larry Baza
Garet Clark
Dea Hurston
Vicki Reed (ex-officio)

Members Absent

Commission Staff Present

Victoria L. Hamilton
Gary Margolis
Dana Springs

Visitors

Joanne Hayakawa, Commissioner
Judy McDonald, Commissioner
Laurie Mitchell, Commissioner

I. Call to Order

The Policy Committee of the City of San Diego Commission for Arts and Culture was called to order by Lew Klein at 11:00 a.m.

II. Non-Agenda public Comments

There was none.

III. Minutes of the July 9, 2012 meeting

A motion was made by Clark and seconded by Baza to approve the minutes of the July 9, 2012 meeting. The motion passed unanimously.

IV. Appeals Process

A motion was made by Baza and seconded by Hurston to recommend revision to the Appeals Process as set forth in Attachment A to these Minutes. The motion passed unanimously.

V. Discussion

The Committee discussed the possibility of allotting more than 1 day for each panel and requiring panelists to begin their comments with their “preliminary” rank.

Dana Springs discussed upcoming changes to the Public Art 2% Ordinance.

VI. Adjournment

The meeting was adjourned at 12:00 p.m.

Attachment A

APPEAL PROCESS

Comments from the panels will be divided into two categories:

1. **Material comments** are those comments that evaluate the extent to which an applicant has met one or more of the stated criteria. These comments impact the rank a panelist assigns to an application.
2. **Non-material comments** do not directly evaluate the extent to which one or more criteria have been met. These comments might be suggestions related to how an applicant might improve or they might be questions asking for clarity or for additional information in a subsequent application. These comments may not be used by a panelist in the assignment of a rank.

Panel comments are edited for clarity as to why an applicant received the rank it received and mailed with the rank and a memorandum explaining the appeals process to the applicants after the panel meeting.

Appeals are based solely on two possible grounds:

1. One or more incorrect material comments made by the review panel, and/or;
2. One or more Commission staff errors that negatively influenced the panel's evaluation of the applicant's request for funding.

Notes: Dissatisfaction with an award's denial or ranking is not sufficient ground for an appeal. The appeals process is not a forum for correcting information that was incorrectly stated in or omitted from the application.

Requests to appeal must be submitted in writing to the Commission. Commission staff is tasked with the responsibility to do the following:

1. Verify that only incorrect **material** statements and/or relevant staff errors are being appealed.
2. Verify that the appellant's appeal letter contains the necessary and sufficient evidence from the application as submitted to prove that one or more incorrect material statements and/or relevant staff errors had, in fact, been made.

The Commission strongly encourages applicants to review their appeal with staff before submitting the appeal.

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The Hearing

The Appeals Hearing shall be conducted by the Commission's Executive Committee.

The purposes of the Appeals Hearing are as follows:

1. To determine if, in fact, a panel made one or more incorrect material statements.
2. To determine if the incorrect material statements were serious enough to warrant a rank change.

It is NOT the purpose of the Appeals Hearing to reevaluate an application, in fact, it would be unfair to do so since the individuals hearing the appeal cannot also read all the other applications reviewed by the panels.

To prepare for the hearing, members of the Executive Committee will receive the following information in advance:

1. A copy of the appellant's letter citing permissible grounds for the appeal which must include exact quotes with page numbers referenced from the application as submitted that prove one or more material misstatements was/were made. The appellant may present no information or materials not previously submitted with its application.
2. A copy of the edited panel comments and rank.
3. A staff report, verifying the appellant's evidence in support of the appeal and a staff recommendation.

The members of the Executive Committee will be instructed by the Commission Chair or staff on how the appeals process works at the beginning of the hearing. The following format shall be used:

1. After submitting a "Permission to Speak" slip, appellants will have an opportunity to read their appeal letter and to answer questions, if any, from the members of the Executive Committee. No additional information may be added at this point.
2. A motion must be made and seconded to accept the staff analysis that one or more material misstatements (or relevant staff error) has, in fact, been made.
3. If the motion is carried, then the Executive Committee members must decide if the misstatements were serious enough to warrant a rank change (based solely on the severity of the misstatements and the relationship of the misstatements to the other panel comments). If a motion is not made and seconded, the appeal fails.
4. A motion may be made to increase an organization's rank by one step by any member of the Executive Committee, for example, from a 3- to a 3. However, only under extraordinary circumstances, such as an organization's considerable history of achievement as a contractor with the Commission as confirmed by the Executive Director, may an appellant's rank be increased a maximum of two steps, for example, from a 3- to a 3+. A motion must be made and seconded before discussion of a rank adjustment may occur. Commissioners may discuss the motion among themselves and ask the appellant (if present) questions directly relating to

the appeal. All motions must receive a simple majority vote to pass. The Chair will only enter a vote to break a tie. If a motion is not made and seconded, the appeal fails.

Full Commission

The recommendations of the Executive Committee are then forwarded to the full Commission which will take action on the recommendations at its next regularly scheduled meeting. All ranks are final immediately after the Commission vote.

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