



Cultural Council Overview

Dylan A. Gibson, Assistant City Manager

Agenda

- Founding
- Purpose
- Relationship with City
- Considerations
- Discussion

Founding

- On February 4, 1991, City Council moved to direct the City Attorney to draft articles of incorporation to found the Cultural Council
- From the outset, City and Cultural Council intertwined

RECORD OF PROCEEDINGS		
February 4, 1991		
Page 8		
	Councilman Russell asked about other intergovernmental agreements previously made which may have to be honored when the property is no longer used for an airport.	1 2 3 4
Szymanski	Councilwoman Szymanski, Chairman of the Parks and Recreation Advisory Board, moved that the City Attorney prepare the necessary documents for the formation of a Commerce City Cultural Council. Councilwoman Christiansen seconded the motion.	5 6 7 8 9 10 11
	VOICE VOTE: ALL PRESENT AFFIRMED.	12



Founding

- On March 22, 1991 the Cultural Council approved their articles of incorporation
- Organized as a Non-Profit Corporation under Title 7 of the Colorado Revised Statutes
- Separate and distinct legal entity

ARTICLES OF INCORPORATION
OF
COMMERCE CITY CULTURAL COUNCIL, INC.
NONPROFIT

03-27-91 08:30
199020232 \$10.00

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned Marjorie Christiansen, Roland Cole, Roland Russell, Sheri Szymanski and Richard Byler, being of lawful age and desirous of forming a nonprofit corporation under and pursuant to the laws of the State of Colorado, particularly Articles 20 to 29, Title 7, Colorado Revised Statutes and all laws amendatory thereof and supplemental thereto, do hereby make, execute and acknowledge these Articles of Incorporation and hereby declare as follows:

ARTICLE I

The corporate name and title of this Corporation shall be Commerce City Cultural Council, Inc.

ARTICLE II

This Corporation shall have perpetual existence.



Founding

- City Council appointments
Cultural Council members
- The Cultural Council
registered using City Hall as
their address
- Now known as the Adams
14 Administration Building
on 60th Ave



Founding

- In 2003, the Cultural Council updated the registered address to Eagle Pointe Recreation Center



Founding

- In 2007, the Civic Center building opened
- Funded by Certificates of Participation (COPs)
- Cultural Council updated registered address to Civic Center



Purpose

- Cultural Council was initiated by the City Council as a means to promote public art and cultural programming
- Unclear why Cultural Council was established as a separate entity and not a Board or Commission under Charter

ARTICLE III

This Corporation is organized exclusively for charitable and educational purposes, including the following:

1. The advancement and preservation of art, music, theater and dance.
2. To make, enter into and perform contracts of every kind and description necessary, advisable, or expedient in carrying out the purposes of the Corporation with any person, firm, association, corporation, municipality, body politic, state or other governmental entity.
3. To make application for and accept funding for cultural purposes as provided by law to support the purposes of the Corporation.

Purpose – Dylan’s Theory

- In the late 80s, the state and local govts were facing budget shortages and cutting funding to cultural programming
- In 1987, the state legislature passed a bill created the Scientific and Cultural Facilities District (SCFD) to impose a tax to contribute towards cultural programming in the Denver metro area
- Counties created their own cultural councils to receive and distribute SCFD grant funds to local govts and organizations
- City Council may have created the Cultural Council to keep the naming the same as the counties despite being created under a different authority within Colorado Revised Statutes to help with grant apps

Purpose

- Arts and culture programming such as Music in the Parks and art exhibits
- Administers the Public Arts Master Plan
- Partners on other programming such as Hispanic Heritage Month



Relationship with City

- City Council appoints members on the Board and has 2 City Council reps
- Cultural Council has used city facilities as their registered address since creation
- City has dedicated staff to supporting the Cultural Council
 - 75 hours/month currently

Relationship with City

- In 2017, the City created a position specifically to support the Cultural Council and other boards and commissions such as QCF and Senior Commission
- City partners with Cultural Council on Music in the Parks and other city events
- City Council dedicates funds to the Cultural Council
- City Council's 2024-2028 Strategic Plan
 - "Expand and bolster Public Art program to celebrate City heritage and culture"

Considerations

- Staff support not offered to other non-profits in the community
 - Board logistics such as posting agendas, taking minutes, managing records, attending meetings and events, monitoring budgets and bank accounts, holding purchasing cards, corresponding with the public on its behalf, etc.
- City facilities not offered to other non-profits in the community
 - Civic Center was built with COPs which prohibit the funding of public facilities for private gain
 - Analysis being conducted of what that threshold is for private gain
 - Staff located at Civic Center, meetings at Civic Center, printing materials, City Clerk's Office training and support, etc
- Use of City funds requires procurement procedures to be followed
- Administration of Public Arts Master Plan

Considerations

- Cultural Council needs its own outside legal counsel
- City now has Grants Administrator that could assist with grants application
- Finance staff could assist with budgeting and monthly reports
- Cultural Council is a legally distinct entity and has autonomy
- Cultural Council is a legally distinct entity and assumes liability
- City Council still oversees appointments

Considerations

- Cultural Council's non-profit status, liability, and autonomy
- Benefits that could be gained by going "in-house"
- Risks of private use threshold for City
- Cultural Council funding
- Outside counsel
- Grant applications with SCFD
- Hiring own staffing
- Renting meeting locations
- Materials, supplies, resources, etc.



Discussion