

Memorandum of Understanding Between the
City of Eureka, the Wiyot Tribe, the Ink People, and Eureka Main Street,
for the Administration of the Eureka Cultural Arts District

RECITALS

WHEREAS, in 2015, California Assembly Bill 189 authorized the California Arts Council (CAC) to establish state-designated cultural districts.

WHEREAS, Government Code Section 8758 defines state-designated cultural district as “a geographical area ... with a concentration of cultural facilities, creative enterprises, or arts venues that does any of the following:

- Attracts artists, creative entrepreneurs, and cultural enterprises;
- Encourages economic development and supports entrepreneurship in the creative community;
- Encourages the preservation and reuse of historic buildings and other artistic and culturally significant structures;
- Fosters local cultural development;
- Provides a focal point for celebrating and strengthening the unique cultural identity of the community; and
- Promotes opportunity without generating displacement or expanding inequality.”

WHEREAS, by resolution dated March 21, 2017, the City of Eureka partnered with the Ink People and Eureka Main Street to apply to the CAC for the establishment of a Eureka Cultural Arts District (ECAD).

WHEREAS, the CAC voted unanimously at its July 10, 2017, public meeting to designate 14 districts, including the ECAD, as its inaugural state-designated cultural district program participants, for an initial five-year term.

WHEREAS, on January 27, 2023, the CAC voted to recertify all 14 of the state-designated cultural districts for an additional five years based on successful performance during the previous five-year certification period. As part of the recertification each of the 14 districts was awarded \$671,429 to be disbursed over a three-year grant period.

WHEREAS, state-designated cultural-district certification fosters culture, creativity, diversity, and community, and is an eligibility requirement for certain stated funded grant programs to benefit cultural districts.

WHEREAS, examples of “wish-list projects” for the ECAD’s five-year certification period from 2023 to 2028 include the following:

- Public art that represents the diversity of cultures present in the region;
- A collection of stories, expressed in a range of mediums, related to different themes woven throughout the district;
- A multicultural celebration and arts festival;
- A cultural hub for art, innovation, and community wellbeing within the district;
- Further development of outdoor sites for public engagement and exchange;
- Artists in parks/outdoor spaces program;
- Artist and culture leaders’ forums and accompanying publications;
- Collaboration with out-of-district arts and culture sites/projects;
- Website, social media, and marketing efforts;
- Programming related to Wigi (Humboldt Bay) and the Wiyot Tribe’s cultural history and practices;
- Programming related to arts, culture, and environmental stewardship efforts addressing sea level rise, conservation, and sustainability;
- The annual parade Dream Parade, which was launched by the Ink People in 2022.

WHEREAS, the parties wish to establish goals for the ECAD and define the respective roles of each of the parties in carrying out those goals.

AGREEMENT

1. Purpose.

The purposes of this Memorandum of Understanding (MOU or Agreement) are to (1) add a partner entity, the Wiyot Tribe; (2) formalize and clarify the relationships between the Member Organizations of the ECAD; (3) establish goals for the five-year certification period between 2023 and 2028; and (4) set guidelines to effectively and equitably administer the ECAD’s grant funds in accordance with its goals.

2. Member Organizations.

The ECAD is not a legal entity of its own, but rather a state designation that depends on the cooperation and coordination of its Member Organizations to accomplish its goals. Per the CAC’s certification guidelines, the partnership should consist of at least a cultural non-profit or artist collective; a local business or business association; and a branch of local government

and/or a community development corporation. The ECAD Member Organizations are as follows:

- A. The City of Eureka, a California municipal corporation.
- B. The Wiyot Tribe, a federally recognized Indian tribe.
- C. The Ink People, a California nonprofit public benefit corporation, “organized to nurture culture through the education and involvement of artists and art lovers serving the community by encouraging excellence in the making, showing and teaching of art, by exploring the boundaries of art and culture, and by providing leadership in the pursuit of artistic excellence and vision.”
- D. Eureka Main Street, a California nonprofit public benefit corporation, “organized for the purpose of disseminating information of and promoting interest in the preservation, history, culture, architecture and public use of Eureka’s traditional downtown area; and to aid, work with, and participate in the activities of other organizations, individuals, and public and private entities located within and outside Eureka engaged in similar purposes.”

3. Member Organization Responsibilities.

Membership in the ECAD does not impose any responsibilities beyond those outlined in this MOU. Membership does not require a financial or in-kind contribution to the ECAD or the Leadership Council. The primary effect of this MOU is to commit the Member Organizations to cooperate as necessary and appropriate within the resources they have available to facilitate the ECAD’s goals.

4. Term.

This Agreement will remain in place until or unless terminated by the parties or until or unless the CAC fails to recertify the ECAD, which would nullify the purpose for which this MOU is executed. This Agreement does not legally bind any party to it and therefore any party may exit at any time for any reason or no reason. All parties agree that any such exit will be accompanied by written notice to the other parties to the Agreement.

5. Administrative and Delegation Designees.

The parties agree that one person from each of the Member Organizations of the ECAD will be the point of contact for various administrative tasks, such as accomplishing periodic reporting

and preparing any recertification application to the CAC. These designees will also form the core delegation for any CAC-organized regional or statewide cultural district events. The parties hereby appoint the following persons from each of the Member Organizations to act in the role of administrative and delegation designees:

- A. Sarah West
City of Eureka
- B. Michelle Vassel
The Wiyot Tribe
- C. Leslie Castellano
The Ink People
- D. Amanda Kruschke
Eureka Main Street

A Member Organization may change its designee at any time by giving written notice to the other Member Organizations.

6. Leadership Council.

The parties agree that a Leadership Council is the appropriate mechanism by which the ECAD's grant funds can be equitably and effectively distributed in accordance with the Member Organizations' policy objectives, ECAD's goals, any guidelines set by CAC, and any legal requirements of the funding agencies. The parties therefore establish the ECAD Leadership Council and establish the following minimum guidelines for its creation and success:

- A. Each Member Organization's board or council chair will designate two individuals to serve on the ECAD Leadership Council no later than 45 days from the date this MOU is fully executed. The Leadership Council designees may include representatives of the Member Organizations and any other organizations that would facilitate ECAD's success and advance the goals of this MOU.
- B. The Leadership Council is a Brown Act body, and will adopt procedural rules at its first regular meeting, or at the soonest meeting thereafter as is appropriate and expedient to effectuate the purpose of this MOU. The Leadership Council is also subject the Fair Political Practices Act and will adopt a Conflict of Interest Code and comply with Form 700 disclosures consistent with the FPPC.

- C. The Leadership Council may appoint, in accordance with its adopted procedural rules, additional members as necessary and appropriate to facilitate the ECAD's success and the goals of this MOU. Additional members should include, but need not be limited to, representatives from community and cultural organizations, members of the disabled community, business organizations, Indian tribes, groups serving and comprising the arts and culture community, youth groups, and other leaders and leadership organizations.
- D. The term of each member of the Leadership Council will coincide with the five-year certification term during which they were appointed. New members should be appointed consistent with this MOU and any adopted bylaws to coincide with the next five-year certification period.

7. State-Designated Cultural District Certification.

A primary purpose of this Agreement is to maintain the ECAD's certification through the California Arts Council. Certification achieved in 2017 was for an initial period of five years, and recertification occurred by application in 2023 for an additional five-year period. Recertification will take place on a periodic basis subject to CAC's guidelines. The CAC guidelines state that, for recertification purposes, the parties to an Agreement to administer a state-designated cultural district should appoint one entity to serve as the primary point of contact and signatory for the recertification process. The parties hereby designate The Ink People to serve as the primary point of contact for the recertification process, while acknowledging that all parties will participate as necessary and appropriate in the recertification process.

8. Reporting Requirements.

The ECAD submitted its first five-year report and a next-five-years report in January 2023 as a requirement of the CAC's recertification process. As required by CAC, a progress survey was submitted to CAC in August 2023. CAC requires an interim report to be submitted by July 31, 2024 and a final report be submitted by July 31, 2025. The parties agree to collaborate to ensure that all reporting requirements for certification and allocation are met. The parties hereby designate The Ink People to be the primary entity responsible for timely submitting reports to the CAC, while acknowledging that all parties will participate and assist as necessary and appropriate in the reporting process.

9. Grant Applications.

The parties hereby designate the Ink People to apply for and administer grants in accordance with the ECAD's goals and objectives. The Ink People are authorized to take necessary and appropriate steps to secure and hold grant funding on behalf of ECAD.

10. Distribution of Funds.

The distribution of funds will be accomplished through the Leadership Council, which will develop, adopt, and implement a set of policies and procedures to ensure the fair and equitable distribution of funds in accordance with the goals of the parties, ECAD, and with any applicable state and local guidelines.

11. Advocacy and Public Relations.

The parties will coordinate efforts to promote the ECAD. A logo has been developed that the parties agree will be used in promotional materials and for public relations purposes. The use of funds for the purpose of promoting the ECAD must be presented to and authorized by the Leadership Council.

12. Legal Authorities

Nothing in this MOU shall be construed as altering any of the powers, authority, rights or responsibilities of any Member Organization under applicable law, including but not limited to, sovereign immunity from unconsented suit.

[signatures on following page]

CITY OF EUREKA

DocuSigned by:
By: Miles Slattery
Miles Slattery, City Manager

Date: 6/12/2024

DocuSigned by:
By: Kim Bergel
Kim Bergel, Mayor

Approved as to Form:

DocuSigned by:
By: Autumn E. Luna
Autumn E. Luna, City Attorney

Attest:
DocuSigned by:
By: Pamela J. Powell
Pamela J. Powell, City Clerk

WIYOT TRIBE

DocuSigned by:
By: Michelle Vassel
Michelle Vassel, Tribal Administrator

Date: 7/8/2024

DocuSigned by:
By: Brian Mead
Brian Mead, Acting Chair/Vice Chair

Approved as to Form:

DocuSigned by:
By: Curtis Berkey
Curtis Berkey, Tribal Attorney

Attest:
DocuSigned by:
By: Marnie Atkins
Marnie Atkins, Council Secretary

INK PEOPLE

DocuSigned by:
By: Leslie Castellano
Leslie Castellano, Executive Director

Date: 6/12/2024

DocuSigned by:
By: Catarina Gallardo
Catarina Gallardo, Board Chair

EUREKA MAIN STREET

DocuSigned by:
By: Sue McIntyre
Sue McIntyre, President of the Board

Date: 6/13/2024