

MINUTES

CAPITOL PRESERVATION COMMITTEE

December 17, 2010
Room 548-S—Statehouse

Members Present

Representative Valdenia Winn, Chairperson
Representative Lana Gordon
Representative Rocky Fund
Mary Madden, delegate for Jennie Chinn, Kansas State Historical Society
Tim Graham
Joanne Budler, State Librarian
Llewelyn Crain, Kansas Arts Commission
William Wagnon
Carol McDowell
John Pinegar (afternoon only)

Members Absent

Jennie Chinn, State Historical Society
Barry Greis, Statehouse Architect
Melissa Gregory

Staff Present

Melissa Calderwood, Kansas Legislative Research Department
Jim Wilson, Office of the Revisor of Statutes
Kathy Letch, Committee Secretary

Morning Session

The Chairperson called the meeting to order at 10:10 a.m. The Chairperson reviewed the agenda for the day and summarized Committee activities, to date. After directing the Committee Report to the Chairperson of the Joint Committee on Arts and Cultural Resources, it will be determined in January when the Committee will next meet.

The Chairperson then welcomed Charles Jean-Baptiste to report on fundraising activities for the *Brown v. Board of Education* mural. Mr. Jean-Baptiste stated a brief chronology of his life, the *Brown* case law, the creation of the mural legislation, and the fundraising, to date. For funding activity, a corporation has been established, *Brown Mural Project SB 54, Inc.* According to Mr. Jean-Baptiste, the corporation has gotten state and federal certification; a bank account has been established; three individuals have agreed to serve on the Executive Board: Dr. Edmond Robinson, Mid-America Nazarene University, Olathe; Dr. Ed Bergen, Hutchinson; and Charles Jean-Baptiste. The mission of the Board, as it develops the bylaws, is: to solicit funds; determine the medium to be used for the mural; control the ideas portrayed in the mural to the public; and to have some involvement in choosing the artist the Committee selects. The Board, Mr. Jean-Baptiste continued, has some concerns and questions about the process the Committee will use to choose the artist; what role the corporation will play in the selection of the medium; and staying in tune with the Preservation Committee guidelines. It desiresto work as a team, as an inclusion. The Board, Mr. Jean-Baptiste stated, asked if a site has been selected for the mural. It is not for the corporation to dictate; everyone should have a part in the process; nobody's individual agenda. The Board would like the citizens of the state to have input, even though the project will be privately funded. Recently, Mr. Jean-Baptiste indicated, the Board has sent 300-500 letters soliciting funds. He stood for questions from the Committee.

- Mr. Wagon asked if the Board has a financial goal for its fund raising and what amount it considers to be "reasonable."

Mr. Jean-Baptiste stated his goal is to raise as much as possible, at least \$1.5 million. It would depend on the artist selected and the location of the mural. But the \$1.5 million is the minimum goal.

- Mr. Wagon asked Mr. Jean-Baptiste to explain the thinking and the process of the 500 fundraising letters; does the Board have a plan and a blueprint of where the deep pockets are; where the art appreciation community is that would appreciate the mural; and to whom the letters were sent.

Mr. Jean-Baptiste explained that the 500 letters is just the beginning of the fundraising efforts. Solicitation would be made through emails, website, personal contact, telephone contact, and any other method that fits within the 501(c)3 certification and IRS guidelines. The mailing of 500 letters was just a starting point. The plan is to contact as many people and business as possible.

- Ms. Crain asked if the Board has received any responses or feedback from sending those letters.

The letters were sent out the same week as this Committee meeting. A \$20 donation was received and deposited in Commerce Bank. The art community will be involved, here, Johnson County, and nationwide. There will be a variety of individuals.

- Mr. Wagon stated that Cheryl Brown Henderson has been very successful raising money across the country. He asked if Mr. Jean-Baptiste has contacted Ms. Brown-Henderson.

Mr. Jean-Baptiste responded that they had not contacted her for solicitations as she comes under the federal guidelines; the federal government has guidelines the

corporation has to follow. Funding will be totally different than the funding for the Brown Foundation because it will be on State Capitol grounds.

- Ms. McDowell asked if the corporation would provide the articles of incorporation, bylaws, the fundraising plan budget sent to the IRS, the IRS number, the Secretary of State letter, and names, addresses, and occupations of the Board of Directors.

Mr. Jean-Baptiste had the letter from the Secretary of State and the IRS Employer ID Number.

- Ms. McDowell asked what the corporation's plan is for developing a website.

Mr. Jean-Baptiste stated the website was already in the making. They contemplate an active date of January 15, 2011. The plan is that the website will be able to take donations by credit card.

In response to a Committee member's question, Mr. Jean-Baptiste said the 501(c)3 status is in process; it has been applied for, but not granted, yet (Attachments 1 and 2).

Chairperson Winn commended Mr. Jean-Baptiste and others for keeping SB 54 alive and stated the submission plan and public review process is not finished. The Committee is continuing to work with Ms. Brown-Henderson and welcomes Mr. Jean-Baptiste's input.

The Chairperson recognized Melissa Calderwood, Kansas Legislative Research Department (KLRD), to address the following documents requested by the Committee:

- Articles of Incorporation;
- Bylaws;
- IRS letter that certifies tax-exempt status;
- Secretary of State letter recognizing the tax-exempt status;
- Names, addresses, current occupations, and other contact information for the Board of Directors;
- Budget or fundraising plan;
- Mission Statement;
- IRS form 1023/1024 application; and
- Written comments from Mr. Jean-Baptiste.

Chairperson Winn directed the Committee's attention to the request for qualifications (RFQ) (Attachment 3), the one previously provided at the November meeting with suggested changes detailed in boxes in the right margin.

Ms. McDowell said she looked at other RFQs and RFPs for other public art projects from governmental entities. She then revised the Committee's RFQ and RFP to consolidate the information in the documents and changed the primary name of the RFQ to "Call for Artists," as that is the term-of-art that artists would first search for online. On her revised RFQ (Attachment 4), Ms. McDowell occasionally put "same as RFP;" that reference is for Committee use only; that would be removed before putting the document online or sending a hard copy. Ms. McDowell made the process into three parts: RFQ; RFP; and the selection, notification, and

contracting of the artist, which would include copyright determinations, EEO, and other technical decisions. The Committee may not have to do that part (contracting), so she removed those items from the RFQ and RFP.

The Chairperson stated the title of the document will need to include *U.S. Supreme Court Decision-Oliver Brown et al v. the Board of Education of Topeka, et al* and the documents should use this title consistently. Inclusion of the court case in the title of the project will help clarify the intent of the mural and the history of the mural. It is not about memorializing Topeka or Mr. Brown, but a court decision that culminated over 300 years of struggle, the Chairperson clarified. Committee discussion on the project title and importance and consequences of the case followed.

The Chairperson asked if there were any objections to the revised RFQ (see Attachment 4). There were none.

The suggestion was then made that the Chairperson create a cover letter and that the "Chairperson of the Capitol Preservation Committee" be the person designated to answer inquiries, leaving that open to change of personnel. It was agreed the Arts Commission would accept the applications. Discussion was then held about an email address, mailing address, and information about the Committee in the cover letter and on the back of the RFQ.

Ms. Calderwood inquired about the titles to be assigned to the RFQ document. It was mentioned that "Call for Artists" needed to be the first words on the RFQ, so those are the first words seen when pulled up on an Internet search. There was Committee discussion about "Capitol Preservation Committee" and "State of Kansas" being at the top of the RFQ. Jim Wilson, Office of the Revisor of Statutes, said the State of Kansas is the requester, but the Committee is the State's agent.

Ms. McDowell suggested some language from a brochure ([Attachment 5](#)) entitled "Guide to the Kansas State Capitol" produced by the Kansas Historical Society be included. She made the suggestion that a link to this brochure be on the RFQ (Call for Artists). She also stated that there should be a link to information from Barry Greis about the restoration. Thousands of people potentially would see the restored capitol and the brochure.

Mary Madden, representative for the State Historical Society, said the Historical Society would be pleased to take new photographs for a link and when the restoration and mural are completed, hopefully be able to produce an updated brochure. The Committee discussed that a link and a brief statement regarding the restoration would be applicable, and, possibly, a link to a full report on the restoration. Further, it was noted that it would not be appropriate to add length to the RFQ with photographs within the RFQ, except by links.

The Committee discussed using a link to the citation of the court case that is the subject of the mural to clarify the intent of the subject of the mural. Ms. Calderwood noted that the Committee Resources are linked to the KLRD website and Committee information could be posted at this location.

Other technical language was discussed, including the following: whether 100 to 200 years could be stated as permanent, intended for permanence; location—will be decided in January; Mr. Greis' addition; soliciting public input or comment for final selection and the process; and others.

Mr. Wagon suggested the Committee invite Don Lambert, an expert on the John Steuart Curry mural, to speak at the January Committee meeting, so that the Committee is made aware of the past controversy surrounding the murals. At the April public meeting, the Committee could present an opportunity for the public to make comments online, possibly in a press-release after first of the year.

Mr. Wagon moved that the Committee adopt the RFQ with the modifications discussed. Representative Gordon seconded the motion. The motion carried.

The Committee recessed at 11:45 a.m.

Afternoon Session

Chairperson Winn reconvened the meeting at 1:30 p.m.

The Chairperson directed the Committee members' attention to the updated RFQ (Attachment 6) that incorporated the revisions made during the morning session. There was Committee discussion about further changes to the RFQ; changes will be incorporated into the RFQ.

The Chairperson directed attention to the two RFP documents (Attachments 7 and 8). The first RFP is the RFP that was presented at the November meeting with that meeting's suggested changes in the boxes in the right margin (Attachment 7). The blue RFP was a newly revised RFP for discussion (Attachment 8). There was discussion regarding technical revisions to the RFP. It was discussed that a public comment phase should occur from March through April, and that the finalists be asked to visit the site for the mural and associated places in Topeka, which the Committee will help facilitate. RFP Attachment 8, page 2, lines 48-49 were discussed. *Representative Fund moved to delete those two lines; Ms. McDowell seconded. The motion carried.*

Specific requirements for the proposals were discussed: one-inch margins and Arial 12 point font. Discussion covered accommodating any special needs requested and providing hardcopy RFPs, as well. *Representative Fund moved to accept the RFP, as revised; Mr. Wagon seconded the motion. The motion carried.*

Chairperson Winn then called attention to the Committee minutes from the November meeting. *Mr. Wagon moved to approve the minutes of the Committee's November 19, 2010, meeting; Ms. McDowell seconded the motion. The motion carried.*

The Committee then discussed the draft copy of the Report of the Capitol Preservation Committee to the 2011 Kansas Legislature (Attachment 9). Committee members and staff discussed a number of changes and corrections to the document, identifying plans and goals, and notifying the Joint Committee on Arts and Cultural Resources of those plans and goals.

The Committee discussed the following topics:

- Taking a proactive approach to bringing the Kansas Colored First Infantry mural under its authority;

- Including the RFQ and RFP (marked DRAFT) with the Report;

Chairperson Winn indicated staff would assist with notification of Senator Schodorf, Chairperson, Joint Committee on Arts and Cultural Resources. The Chairperson would like feedback from the Joint Committee on Arts and Cultural Resources by the first Friday of Session; this Committee could meet again in mid-January. At that time, a plan for funding for this project will be discussed.

Finally, the Committee discussed creating three subcommittees to plan the funding for the project, dissemination of information to artists, and the public review process for the mural.

Chairperson Winn adjourned the meeting at 2:20 p.m.

Prepared by Kathy Letch
Edited by Melissa Calderwood

Approved by the Committee on:

December 16, 2011
(Date)