

CULTURAL EDUCATION TRUST BOARD MEETING MINUTES

October 28, 2008

10:00 a.m. – 2:00 p.m.

Librarians Room, CEC

CULTURAL EDUCATION TRUST BOARD MEMBERS

Chair, Regent James C. Dawson
Regent Joseph E. Bowman, Jr.
Professor Jeffrey Kraus

Commissioner John Egan
Assemblyman John McEneny

NEW YORK STATE EDUCATION DEPARTMENT STAFF

Deputy Commissioner Jeffrey Cannell
Sam Bogen
Christina Phillips
Penelope Drooker
Loretta Ebert
John Hart
Len Simms

Liz Hood
Carol Northrup
Kathleen Roe
Clifford Siegfried
Richard Trautwein
Kathleen Marinelli
Bill Winchester

1. Regent Dawson welcomed everyone and began the meeting with a request to review and approve the agenda. With agenda approved, Regent Dawson continued by requesting comments or corrections pertaining to the September 29, 2008 meeting minutes. None were presented:

Motion to approve the September 29, 2008 meeting minutes:

Made by: Commissioner Egan

Seconded: Regent Bowman

Motion carried.

2. Rich Trautwein delivered the Counsel's Report and provided a detailed analysis supported by a four-page hand out addressing terms of initial board members, including:
 - Commencement of Initial Terms
 - Staggering of Initial Terms; and
 - Terms of Initial Trust Board Members

As stated in the report, "Until the last member of the Trust Board was appointed on June 13, 2008, there was no Trust or Trust Board and no official action could be taken by a Board Member." Therefore, term of office for all Board Members would begin on June 13, 2008 – the date the last Board Member was appointed. For clarity to the Cultural Education (CE) Trust Board By-Laws, Counsel's Office recommended that paragraph 1 of Article III of the By-Laws be amended to read as follows:

“1. The Trust Board membership and the terms thereof shall be as set forth in section 40.05 of the New York State Arts and Cultural Affairs Law. The initial terms of the initial Trust Board members shall commence on June 13, 2008, the date on which the last of the initial trustees was appointed.”

Motion to approve the amended language of the CE Trust Board By-Laws as provided by Counsel’s Office:
Made by: Assemblyman McEneny
Seconded: Commissioner Egan
Motion carried.

Mr. Trautwein also reported on the applicability of the Open Meetings Law and webcasting requirements. With reference to Public Officers Law §102(2) and case history, Mr. Trautwein advised that the Open Meetings Law does apply to the CE Trust Board meetings since the Board performs a governmental function but webcasting the CE Trust Board meetings is not legally required. Mr. Trautwein explained further by referencing a January 1, 2007 Executive Order No.3 and its applicability to the Board of Regents and State Education Department.

Discussions followed regarding webcasting, live production, pre-taping, or audio recording Board meetings. After discussing these issues, and the fact that it would require a technician, specific equipment, and could incur other related costs, the Board decided to place this idea on hold. Regent Dawson recommended that a staff person look into the feasibility of webcasting and report back to the Board. Assemblyman McEneny suggested revisiting this idea in six months or so.

In the interest of public information, the Board decided to posting future meeting minutes prior to their formal approval at a subsequent meeting. They will be labeled “DRAFT” until approved by the Board at its next meeting.

3. Sam Bogen spoke about the Gallery Renewal and provided an update on progress since the last Board meeting. Mr. Bogen noted that the Gallery Renewal design is very near completion. Invoices from Gallagher and Associates have begun to arrive for payment and the Division of Budget (DOB) has been notified of that fact. Following the Board’s direction at its last meeting, Regent Dawson sent a letter to Commissioner Mills conveying the Board’s approval of the Museum’s Gallery Renewal plan and expenditure of the \$20 million and also requested that the plan be presented to DOB and for DOB to release the designated funds. In turn, Commissioner Mills sent a letter to DOB notifying them that he had accepted the Board’s recommendations concerning the Museum’s Gallery Renewal plan and requested DOB to authorize release of funds.

UPDATE: On October 29, 2008, DOB approved the budget certificate for \$5 million relating to the Gallery Renewal. This will permit current invoices to be paid. A DOB decision relating to additional requested approval to use other currently available funding is still pending.

4. Regent Dawson introduced the *Collection Stewardship Facility Case Statement* for discussion. Deputy Commissioner Jeffrey Cannell pointed out that some minor changes had been made to

the document that was previously sent to Board Members. Regent Dawson reminded the Board Members that this report is a living document and may be revisited. The case statement is an extensive and detailed document that provides much information related to the project. Sam Bogen provided a very detailed review - summarizing and explaining various aspects in the case statement and emphasizing the importance of the new collection stewardship facility to consolidate the collections of the Office of Cultural Education and accommodate future collection growth projections.

This review was followed by discussions, questions and answers between both Board and staff members.

Discussions followed regarding the Records Center, which is at capacity in its current location on the Harriman State Campus. The question was raised about how State agencies store records and how digitization of records will impact future growth. Archives staff explained that records retention varies greatly, however the pending impact on digitization of records will not likely offset the current growth projections for paper records.

Motion to accept the Report:

Made by: Regent Bowman

Seconded: Commissioner Egan

Motion carried.

5. Mr. Bogen presented a detailed summary of the *Assessment of the Feasibility of Using Department of Health Laboratory Space to House OCE Collection – Biggs Laboratory*. Pages 5-6 of the report present a side by side comparison indicating the necessary requirements (storage capacity, environment, time and cost), and an assessment of the laboratory against the facility requirements. Mr. Bogen's presentation also including expected costs required to renovate the current lab space to accommodate collections. Issues of security, environmental conditions, and ceiling heights would need also to be addressed. In addition, the Biggs Laboratory move from the Corning Tower has yet to be funded.

As a result, the space will not become available for at least five – six years at the minimum. In addition, the size of the space will only accommodate part of the anticipated growth of OCE collections: cold storage and the Museum history collections in Rotterdam and the CEC. The Biggs Laboratory space could not accommodate additional collection space needs.

Discussions followed regarding the Harriman Campus and if space on the campus is a viable option.

Motion to accept the Report:

Made by: Assemblyman McEneny

Seconded: Regent Bowman

Motion carried.

6. Another option was presented by Commissioner Egan to construct a new building in the west parking lot of the CEC. It could potentially accommodate OCE's first priority for new and expanded storage.
7. A question was raised on what power and authority the CE Trust Board has. The CE Trust Board will need to make a recommendation together with the Commissioner of Education. Then a proposal will go before DOB for approval.

Next Steps:

1. Regarding the Harriman State Campus, Regent Dawson requested OGS staff and SED staff to work together to assess available space, while taking into consideration OCE's thirty-year projections and space requirements for a cultural storage facility. For the next CE Trust Board meeting, an assessment of available space Harriman Campus that will meet OCE's thirty-year projections should be presented to the Board. In addition, OGS should provide a project cost estimate for construction on the campus.
2. CE Trust Board will meet on January 14, 2009 at the Records Center on the Harriman State Campus, 11:00 a.m. – 2:00 p.m. Lunch will be ordered.
3. Jeff Cannell and Regent Dawson will schedule a meeting with SUNY representatives to discuss our facility project.

Meeting adjourned.