

-----Original Message-----

From: Fullerton Museum <info@fullertonmuseum.com>

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Sent: Tue, Apr 27, 2021 7:31 am

Subject: Next Steps: Regarding Fullerton Museum

Mayor and Members of the City Council:

This letter is the requested follow-up on the status of the Fullerton Museum Center (FMC) and the Fullerton Museum Center Association (FMCA). The purpose of the letter is to:

1. Confirm the City Council actions of the past year
2. Request City Council policy direction and your intentions and goals for the Fullerton Museum Center
3. Request funding based on the City Council's policy decisions.

We waited to provide this update when we had a clear opening date set. We are pleased to announce we are moving forward with an exhibit on "The Green Book" opening on July 1st. Note our planned exhibit on "Tommy Lasorda" is on-hold temporarily to respect the wishes of the family.

There are many decisions to make before July, and we trust we can count on the City Council's support for a minimal reopening of the FMC.

Background / History

Throughout the past months, the FMCA Board Members have received mixed messages from City Council members and your City staff. Most recently, the City Council, at their March 16, 2021 meeting, indicated that they "want the Museum to re-open" (especially the Thursday Fullerton Market Beer and Wine Garden) during a discussion regarding the FMC.

While the City Council expressed their desire for the Museum to reopen, the City staff have not acted consistent with that direction since early 2020 through early 2021. The City continues to be in breach of its contract with the FMCA, and the City staff has taken extreme actions that placed both the FMCA and the City Council in a difficult situation.

To recap the last 13 months, without any known policy direction from the City Council, the City Manager directed the following actions take place:

- Fully defunded the Museum budget - beyond the temporary defunding;
- Laid-off or transferred all the Museum staff (full-time and part-time) despite an agreement that we would have staffing until at least October 27, 2020;
- Ceased all maintenance and custodial services at the facility; custodial service has only been restored within the past few weeks after a request was made to Alice Loya on or about March 24, 2021;
- Knowingly violated contractual terms in an existing and valid contract between the City Council and the FMCA Board that outlines each party's obligations to operate the Fullerton Museum (the contract is in effect through 2024);
- Locked out the FMCA Board of Trustees, from the property, denying them access to FMCA owned property (i.e, the "Leo Fender Gallery" collection);. This lock out illegally and without

authority, prevented the FMCA Board of Trustees from accessing the Fullerton Museum or FMCA and/or donor owned property stored at the premises. This was essentially an illegal lockout without notice or justification which resulted in additional expense and damages to the FMCA;

- Allowed, as a result of the above actions, the illegal removal of FMCA Board owned property, including furniture and other valuable artifacts, by City staff;
- Began planning, without the knowledge of the FMCA Board, to lease the Museum to CSU Fullerton for them to operate a retail “Student Union” store (substantiated by a Public Records Request);
- Began plans to illegally take ownership of FMCA property (endowment funds, cash accounts, and collection items) valued at an estimated \$500,000 (substantiated by a Public Records request).
- Continued a false narrative that the City Council had permanently defunded the Museum, creating confusion and misinformation to be spread that resulted in many hours of time and energy being expended to correct, all of which could have been spent on more productive efforts;
- Failed to properly disclose information to the City Council and seek your input as well as obtain your policy direction as required;
- Neglected to include the Museum, even in an unfunded status, in the draft of your FY 2021/2022 budget.
- Forwarded the private mailing list of FMCA members (an estimated 500+ person mailing list) to Council Member Silva. Several members of the FMC voiced concern and even anger when Council Member Silva mentioned the membership list at the March 16, 2021 council meeting and that it was in the Council’s possession without their knowledge or approval. City Staff disseminating an individual’s private information is a direct violation of the CCPA AB-2546. We are seeking the return of our membership list and assurance that it has not and will not be used outside of the FMC in the future, as this would be a direct violation of Section 17529.2 of the California anti-spam law.
- Due to [the statements made by the City Manager to the OC Register](#) about the City continuing to hold a firm stance about not funding the Museum, an additional lender to our Leo Fender Gallery asked this Monday for their items to be returned which will incur us additional costs.

The above actions by the City staff made any chance of “re-opening” the FMC an incredibly complex task.

In addition, the City Manager’s token and meaningless offers of “help,” at Council Meetings were never communicated to the FMCA despite requests from various Board members since the Museum was shut down and defunded. The City Manager continued to ignore requests for access until the City Council stepped in and directed that staff must give access.

Many of the suggestions were unworkable and would have been enormously time consuming. For example, a suggestion that we have a “membership drive” was not only insulting and misinformed, it also would put us in a position of committing a fraudulent act as there is no museum to offer membership benefits. Similarly, the proposition of using the City’s already stretched budget to hire a \$50,000 consultant to create a “Museum Master Plan” would be better spent at this time on services to directly enrich the citizens of Fullerton’s quality of life.

FMCA Current Status / Accomplishments Toward a Potential Re-Opening

Through the challenges of the past year, the FMCA Board Members have taken on the task of re-opening and bringing the FMC programs back to the citizens of Fullerton.

The FMCA is pleased to outline our accomplishments, with your assistance, over the past several months:

- The FMCA sought a City staff member to communicate needs and critical information. Ms. Loya was recently assigned to work with the FMCA on short term needs and future plans and we appreciate all of her efforts.
- The FMCA Board was allowed access to the building to take inventory and to begin to plan re-opening in some format. The FMCA needed access to exhibit files and facility information in order to consider exhibits.
- The FMCA has received an indication from City staff that our request for Federal “pandemic relief” funding would be supported for reimbursement (an estimated \$50,000) as these were direct costs to the FMCA related to Covid-19 pandemic and incurred as a direct result of being locked out by City staff.
- The FMCA Board negotiated with City staff a one-day a week custodial service.
- FMCA Board Members have a maintenance protocol when they are in the building, including reporting anything unusual to Ms. Loya, running all faucets, and flushing all toilets.
- The FMCA booked an exhibit for opening on July 1, 2021. A second exhibit is nearing approval, pending obtaining a shipping fee. A third exhibit, a collaborative exhibit with Fullerton College, CSUF, and the Muckenthaler, is planned for the mid-fall. This will allow for exhibit programming from July thru the end of 2021.
- The FMCA conducted a financial analysis of the Beer Garden operation, and determined that anything short of a full production would result in a monetary loss for the FMCA. The FMCA also interviewed former contract staff for a clear understanding of required State licensing, liability insurance policies, staff training, and security needs of the Market. These factors put individual Board members at risk personally if not managed correctly.
- The FMCA has inventoried our Gift Shop and which can be open following the decision on staffing.
- Memberships are “on hold.” Our membership base has demonstrated patience, support, and understanding during this difficult situation. You have heard directly from many of them at your meetings. They stand ready to support the Museum upon reopening.
- The FMCA hired a Grant Writer and is actively soliciting grants – both public and private sources.
- The City offered lobbying support (from the City’s contract lobbying firm) for grants submitted to the State of CA.
- The FMCA retained pro-bono consulting services to examine key partnerships and collaborations that will follow City Council policy and funding decisions.
- The FMCA Board developed a four-option policy/budget request for City Council consideration (see following information).

Needed Policy Decision(s) by the City Council

It's a somewhat sad statement that we, the FMCA Board, have to provide a recommendation/request for policy and budget considerations. Given the City Council gave staff direction to "temporarily close the Museum," the standard professional practice would have been for the City staff to have brought back Museum funding options as a City Council agenda item. This would be done either separately or in conjunction with the preparation of the City budget.

Clearly this task was not done by City staff. Instead, a planning and decision-making "vacuum" by the City has led to the FMCA taking on all former staff functions and take the lead on all FMC matters.

Moving forward, the FMCA finds it irresponsible to submit a budget request that *assumes* that the City Council has given policy direction that (according to City Manager Ken Domer's own communications) they want to "get out of the Museum business." While this may be the desire of the City Manager, the FMCA Board has not been provided any formal City Council policy direction as to the City Council's intentions regarding its Museum Center (FMC) programs.

With that being said, the FMCA would, in advance of this following budget request, ask the City Council to make policy decisions on how they would like to proceed.

As a reminder, the last, and only, policy direction from the City Council was at the June 2, 2020 City Council meeting when the City Council approved the "temporary closure of the Museum."

Despite this unprecedented and unusual request for a volunteer board to take on a task reserved for paid City staff, the FMCA Board of Trustees, made up entirely of volunteers, with the help of a generous pro-bono consultant, have prepared a budget.

We would like to obtain clarification on and offer the following options for funding the Museum based on your feedback:

Policy and Funding Option 1

Does the City Council want to return to an operation that resembles the pre-pandemic program, and continue the current contractual relationship?

This is essentially a \$600,000 funding request for the City Council's consideration, based on the City's approved FY 2020/21 budget. If the City Council, rightly so, wants to institute a percentage based budget reduction, the FMCA Board would support that and agree to work cooperatively with a 15% overall reduction in the budget allocation (more than most all other City operations) and still provide a high-level of services to the community.

This plan will take some months to implement but could see a fairly robust return to operations by early fall. The primary task is to recruit, hire, and train staff.

Policy and Funding Option 2

If in fact the City Manager's "get out of the Museum business" directive is a reflection of the City Council's policy, we would suggest that we work together to reduce the Museum operation to a Thursday – Saturday operation, at 60% funding, an estimated \$320,000 for FY 2021/22.

This is a savings of over 40% for the City and retains core services. This would assume that we would have a short term (1 year) plan that would see part-time City staff, combined with FMCA contract employees reopen the Museum.

Based on City Manager's actions over the past year, we have assumed this will be the case, and have started planning for this outcome. We have retained a consultant (pro-bono) to develop a plan moving forward, assuming some level of City "grant" funding over the course of the next several years.

Policy and Funding Option 3

The City Council can defer all decisions until next year's budget, which we understand will be developed in February/March 2022, with an implementation date of July 1, 2022.

This would allow both parties to renegotiate a contract with, assuming City Council policy direction, a FMCA operated Museum with a potential for some City annual grant funding in an amount to be determined through negotiations. This funding option follows other City recent actions seeking partners to take over City produced programs.

Policy and Funding Option 4

If the City Council wants to “get out of the Museum business” then the FMCA needs that policy decision to be made in a public City Council meeting.

The FMCA Board has demonstrated decades of support but it is clear this is a City program. If the City Council no longer wants to support the Museum in even a minimal fashion, the FMCA Board will seek a temporary contractual relationship with the City Council, and move to identify viable partnerships and collaborations that would allow the museum to operate in the future.

These are all viable options, but ones that are not for the FMCA Board Members to decide without getting policy decisions from the City Council.

The City Council and the FMCA Board have created decades of award-winning exhibits and education and cultural programs. The brand name and programs – from the “Leo Fender Gallery,” to the Thursday Beer and Wine Garden, to our model education collaboration with the local schools, to the famous “Fullerton Haunted Tours” all demonstrate the value of the FMC to the City. Be assured the FMCA will continue to honor our contractual obligations. We have demonstrated our commitment through decades of fundraising and volunteerism. We are here to support whatever decisions the City Council makes.

Attached is one sample budget that generally outlines a potential Option 2 proposal outlined above (40% reduction). While our Board Members are not municipal finance directors, and were not provided specific guidelines on the submission process, we used the current City budget documents to create a draft. This was done in the spirit of “getting started” on a meaningful future.

In Closing

On behalf of the FMCA, I would like to close with a few additional thoughts.

The FMCA Board has worked thousands of volunteer hours over the course of this last year. We have endured mistreatment by the City Manager and his staff, and only recently has our once strong partnership begun the slow process of being restored. It is neither fair nor right to expect our Board Members to do the work of City staff – it is simply not sustainable.

This document contains a lot of information. Please understand that the single most important item is to decide if, in the short-term, the City can provide “hourly” staff to allow the opening of the museum under the “3-day” option. This is the fastest path to getting re-opened while other options are discussed.

We would also like to request a temporary reassignment of Aimee Aul to the Museum – from June thru December – to manage an education program (exhibit tours, Kids Art to Go Kits, “Haunted” Fullerton tours, etc.) similar to her long-time activities at the Museum. Aimee Aul is the only former employee left at the City who has contextual knowledge of the day to day workings of the FMC.

Also, the Board of Trustees would appreciate if City Council Members took the time to discuss any issues with the FMCA Board Members if you have any questions. There appears to be a lot of “whataboutisms” coming from several individuals.

We would appreciate, if instead of bringing these up in City Council meetings as hypotheticals, Members would take time to talk directly to the Board. We are more than glad to connect, and have even made numerous requests to specific Council Members for Zoom calls that have been left unanswered.

Thank you for taking the time to read and reflect on this information. We trust it can be used as a roadmap for the necessary decision-making required to reopen the FMC.

Sincerely,

The FMCA Board of Trustees

SALARIES AND BENEFITS	FULL FUNDING	3 DAYS A WEEK plus Events					
<i>Description</i>	<i>Budget Allocated</i>	<i>Budget Requested</i>	<i>Misc. Notes</i>				
Salaries - Regular Misc.	\$157,994	\$90,000	Primarily Director Salary with funds for Admin. support				
Wages - Non Regular	\$84,890	\$44,000	Part Time Emps. for Beer Garden, Gift Shop, and Gallery				
Overtime Salaries - Misc	\$0	\$0					
Opt-Out/SPIL	\$0	\$0					
One-time Lump Sum MedicalReimb	\$0	\$0					
EOC Incident Regular Salaries	\$0	\$0					
EOC Incident Overtime Salaries	\$0	\$0					
Health Insurance	\$28,200	\$15,792					
Dental Insurance	\$774	\$433					
Vision Insurance	\$311	\$174					
Other Insurance	\$1,004	\$562					
Workers' Compensation	\$12,280	\$6,877					
PERS Misc. - Employee Paid	\$45,099	\$9,020	401K program alternative				
PERS Misc. - Employer Paid	\$0	\$0					
Retirement - Nonregular	\$5,275	\$0					
Medicare (1.45% of salary)	\$2,307	\$1,943					
Bilingual Pay	\$1,092	\$0					
TOTAL	\$339,226	\$168,801					
MAINTENANCE & SUPPORT							
<i>Description</i>	<i>Budget Allocated</i>	<i>Budget Requested</i>					
Auto Expense	\$300	\$0					
Dues & Subscriptions	\$1,000	\$500					
Training and Meetings	\$0	\$2,000					
Professional & Contractual Fee	\$15,000	\$10,000	Contract Emps.				
Supplies	\$10,000	\$5,000					
Postage	\$750	\$750					
Small Equipment/Furniture	\$500	\$250					
Advertising & Promotion	\$1,000	\$0					
Printing, Binding, & Duplicate	\$5,500	\$4,000					
Maintenance & Repairs	\$500	\$500					
Custodial Services-Parks&Rec.	\$32,090	\$20,000	TBD				
Rentals	\$1,400	\$1,400					
Telephone	\$2,100	\$1,500					
Electricity	\$40,000	\$32,000	Calc. at 80%				
Sewer	\$0	\$0	TBD				
City Department Water Usage	\$0	\$0	TBD				
Property Tax	\$400	\$400					
Building Maint. Svc Alloc	\$39,070	\$39,070	Building Maint is a division in public works, this is based off of square footage Plumbing, painting, electrical, HVAC				
Facility Capital Repair Alloc.	\$28,770	\$28,770	Citywide pool of money based on square footage. Capital repairs planned years in advance				
IT Services Allocation	\$15,207	\$5,000	Private IT services				
Insurance			TBD				
SUBTOTAL	\$193,587	\$151,140					
TOTAL	\$532,813	\$319,941					

SALARIES AND BENEFITS	FULL FUNDING	3 DAYS A WEEK plus Events					
<i>Description</i>	<i>Budget Allocated</i>	<i>Budget Requested</i>	<i>Misc. Notes</i>				
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Supplies	\$10,000	\$5,000					
Postage	\$750	\$750					
Small Equipment/Furniture	\$500	\$250					
Advertising & Promotion	\$1,000	\$0					
Printing, Binding, & Duplicate	\$5,500	\$4,000					
Maintenance & Repairs	\$500	\$500					
Custodial Services-Parks&Rec.	\$32,090	\$20,000	TBD				
Rentals	\$1,400	\$1,400					
Telephone	\$2,100	\$1,500					
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