



## REPORT OF GENERAL MANAGER

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and Harold's wife Debra, to offer a way for the public to support and improve the Griffith Observatory.

In the 34 years since then, FOTO has repeatedly provided essential financial, logistical, organizational, advocacy, programming, and other forms of support to enhance the Griffith Observatory for the public benefit. Most notably, the Department and FOTO formed a uniquely successful public-private partnership to renovate and expand the Observatory. This \$93-million project, executed between 2002 and 2006, preserved and transformed the Observatory and then returned it to public use on November 3, 2006. FOTO was instrumental in raising the funds for the renovation project, including direct private contributions of over \$30 million, but its impact extended far beyond that amount, with efforts to win public grants, purchase and coordination of the new equipment for the Samuel Oschin Planetarium and Leonard Nimoy Event Horizon, management of the design, fabrication, and installation of the new exhibit program, and extensive service on the Renovation and Expansion Steering Committee guiding the entire project.

Since the conclusion of the renovation and expansion project and reopening of the Observatory in November, 2006, FOTO has continued to provide vital funding and programming support to the Observatory and Department. Notable among these contributions are: four \$175,000 gifts (Board Reports 08-260, 09-251, 10-250, 11-283) to support the Observatory's School Program; over \$600,000 in equipment to upgrade the Samuel Oschin Planetarium, Leonard Nimoy Event Horizon theater, and the Observatory programming studio; ongoing funding (over \$11,000 a year) for enhanced internet/satellite connectivity to enable programming objectives; media relations support; and organization and funding of the 2009 and 2010 Cosmic Conjunction events and the 2012 premieres for the new *Time's Up* planetarium show.

This agreement is the same in form and intent as the first and second three-year MOUs between the Department and FOTO. The term of the first MOU (Board Report 06-126) was July 1, 2006 to June 30, 2009. The Board subsequently approved (Board Report 09-173) an extension of that MOU by six months to December 31, 2009. The term of the second MOU (Board Report 09-316) was January 1, 2010 to December 31, 2012. Changes from the prior MOU documents are minimal. Most of the changes are updates to dates and citations, as well as the addition of Section 1b prohibiting all non-City fundraising at the Observatory except by FOTO.

Key provisions of the agreement include:

- Authorization for FOTO to raise funds and provide donor and member services and recognition under the same conditions already approved by the Board as the exclusive non-profit organization so authorized.
- Clear definition of FOTO as an organization separate from the City, and accountable for hiring decisions and its staff, paying all its own expenses, indemnifying the City as

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appropriate, conforming to the City's non-discrimination policies, reporting on its finances and fundraising, and obeying all relevant laws.

- Assignment of two office spaces and related utility support for FOTO in the Observatory and permission for FOTO to utilize Observatory premises and facilities for meetings, membership services, and donor cultivation and recognition, all in accordance with established rules in any Schedule of Rates and Fees policies approved by the Board, and with approval of Observatory management.
- Indemnification of FOTO by City for FOTO's activities in support of the Observatory except in cases of gross negligence or intentional misconduct.

### FISCAL IMPACT STATEMENT:

This MOU will not have any fiscal impact on the Department's General Fund. There is no cost to the Department for its implementation, and it does not provide for any specific transfer of funds. By defining and codifying the relationship between the CITY and FOTO, however, the MOU provides the foundation for continued support of the Observatory by FOTO. The relationship with FOTO almost certainly will afford additional fundraising opportunities, which will enable the Observatory to continue and/or expand services without bearing the full cost of those services. For example, without the funds contributed by FOTO, the Griffith Observatory School Program would have been canceled for the 2008-09, 2009-10, 2010-11, and 2011-12 school years.

This report was prepared by Mark Pine, Deputy Director, Griffith Observatory.