

# City of Cincinnati



Date: April 8, 2009

To: Mayor and Members of City Council  
 From: Milton Dohoney, Jr., City Manager *MD*  
 Subject: **C. SMITH PHOTOGRAPHY PROJECT**

**200900487**

**REFERENCE DOCUMENT #200801504**

At its session on December 17, 2008, City Council referred the following item for report:

MOTION, dated December 15, 2008, submitted by Councilmembers Cranley, Berding, Bortz, Qualls, Ghiz and Cole, that the Mayor's 2009-2010 budget be approved with the following amendments: . . . WE MOVE that \$20,000 of the leftover Arts Consortium Budget or the Arts Grant Funding to fund the C. Smith Photography exhibit. The Administration will design a proposal for spending this funding and present it to Council for approval.

**BACKGROUND**

Edward C. Smith, Jr. (a.k.a. C. Smith) is a photographer who operates C. Smith Photography (also referred to as C. Smith Studio), a for-profit photography business in Avondale. He has photographed Cincinnati's African-American community and visiting African-American notables since the 1950s.

As part of the City's 2009-2010 budget process, Council members presented two motions that include proposals to provide funding to Mr. Smith or his business. The motions variously characterize the activity proposed for funding as an exhibit (Document #200801504) and as a "proposal" that includes an exhibit and the "archiving" of photographs in Mr. Smith's collection (Document #200801457).

The Department of Community Development (DCD), after consulting with the Law Department, used a modified version of an existing City arts grant process to obtain a detailed written project description and budget from Mr. Smith. The City's arts grant programs do not fund for-profit businesses; therefore, the process and funding restrictions were based on the City's 2009-2011 competitive Individual Artist Grant Program application form and program guidelines. Certain requirements of the grant program, such as the submission of samples of work and the requirement for the creation of new work, were waived because the funding was initiated by Council action.

**PROPOSED BUDGET AND SCOPE OF SERVICES**

In an application submitted to DCD on March 16, 2009, Mr. Smith describes the proposed activity as an exhibit or "photographic collage" of 300 photographs of "Black Cincinnati" from the period 1958 to 2008. The exhibit is proposed to take place at the National Underground Railroad Freedom Center for an unspecified length of time in August 2009. In the budget narrative, Mr. Smith further proposes to digitize a total of 3,000 prints, negatives, and slides; to catalog the digital images; and to manage and maintain a digital image database. Mr Smith proposes to use City funds as follows:

Expense Category	Amount
<b>Outside Professional Services</b> (digitizing 3,000 slides, prints, and negatives; printing and mounting 300 photos for exhibit)	\$5,550.00
<b>Consumable Supplies</b> (CDs, file boxes)	100.00
<b>Production/Exhibition Costs</b> (printing and mounting text to accompany photos in exhibit)	800.00
<b>Grant Recipient Stipend</b> (project management activities with emphasis on selecting photos to scan and exhibit and writing text for exhibit) <i>NOTE: The maximum allowable stipend is \$4,200.</i>	12,600.00
<b>Other</b> (secretarial support to manage and maintain database)	900.00
<b>TOTAL</b>	<b>\$19,950.00</b>

## AREAS OF CONCERN

**Administrative Capacity:** The City Administration has concerns regarding the proposed grant recipient's ability to fulfill contractual responsibilities. These concerns are based on issues that were observed during the two-month time frame between DCD's initial telephone contact with Mr. Smith on January 14, 2009 and the application submission date. Problems encountered include the following:

- **Missed Deadline and Communication Problems.** The prospective grant recipient did not submit the required materials by the initial, mutually determined deadline of February 13, 2009. Mr. Smith did not notify DCD of his inability to meet this deadline or initiate a request for an extension. Mr. Smith did not respond to a DCD email communication about the missed deadline. DCD then sent Mr. Smith a certified return receipt letter, to which he responded by telephone 11 days after he received the letter. In addition, Mr. Smith missed an appointment for a scheduled telephone discussion with DCD and did not notify DCD that he would be unable to keep the appointment.
- **Incomplete Application.** Mr. Smith's application and support materials remain incomplete despite the excessive amount of DCD staff time spent on instruction, particularly regarding the proposed scope of services and budget. Training efforts included: 1) a preliminary meeting to review the process, requirements, and application; 2) a second meeting to review the written draft application; and 3) written comments on the draft application.
- **Budget Inconsistencies.** The application contained budget problems, including inconsistencies between financial figures in the Budget and Budget Narrative Sections and a request for an artist stipend that is triple the maximum allowable amount.

**Public Benefit:** The proposed exhibit of photographs has a clear and direct public benefit. However, the other proposed component of the project – the digitization, cataloging, and database management of 2,700 images that are *not* proposed to be included in the exhibit – is more problematic. Mr. Smith intends to retain ownership of the digital images, which he could then publish or sell for profit. Because the large majority of the digitizing, cataloging, and database management activities would primarily benefit a private business, these activities do not have a clear and direct public benefit, regardless of the historical and cultural value of the photographs.

## RECOMMENDATIONS

Based on the concerns raised above, there is an elevated level of risk associated with funding the prospective grant recipient - especially at either the budgeted amount of \$20,000 or the requested amount of \$19,950. In addition, the majority of the expenses listed in the Budget Section of the application are business expenses unrelated to the proposed exhibit. The Administration recommends the following:

1. Fund only the photography exhibit portion of the proposed scope of services and those expenses that are directly related to the exhibit.
2. Reduce the amount of funding from \$20,000 to \$6,000, the maximum award allowable for the City's competitive Individual Artist Grant Program. Limit the grant recipient stipend amount to a maximum of \$4,200 as stipulated in the grant program guidelines and application form.
3. Transfer the balance of funds (\$14,000) to the Individual Artist Grant Program account for use in the competitive 2009 grant process. The review of applications submitted to the artist grant program is in progress. Funding recommendations will be developed in May 2009. The transfer of funds to the grant program account can be handled administratively by DCD and does not require an ordinance.

The Law Department has been consulted and concurs with these recommendations.

cc: Michael L. Cervay,  Director, Department of Community Development  
John P. Curp, City Solicitor, Law Department