

Key West Cultural Preservation Society, Inc.

P.O. Box 4837

Key West, FL. 33041

August 24, 2014

Marilyn Wilbarger, Senior Property Manager

City of Key West

3132 Flagler Avenue

Key West, FL 33040

Dear Marilyn,

Enclosed are the following items regarding our lease with the City.

New certificate of insurance reflecting liability increase.

Color coded map of the premises.

Amended SOP's reflecting changes voted in May 13, 2013.

Documents from above meeting with vote tallies.

Our goal as an organization and, as the Board of Directors is to bring the organization forward to reflect our commitment to the arts and the community. To provide a top shelf nightly event that makes us all proud to be a part of it. To this end we have implemented some changes.

- A. We have combined and outsourced pier manager and security position. All participants must sign our nightly roster at the nightly lottery. This insures all funds are accounted for.

- B. Through a general membership meeting we have addressed an oversight in our by-laws amending them so no memberships can be purchased to influence the organization for the benefit of a few special interests.
- C. We have a plan in place to include at least two outside members from the arts community on our participation committee.
- D. We are working with a non-profit group that provides computers and software, at a nominal fee, to implement a system using membership cards with bar codes to further insure our records are complete and accurate.

We look forward to completing our lease and appreciate the guidance you have provided.

Sincerely,

A handwritten signature in cursive script that reads "Susan Schaal". The signature is fluid and elegant, with the first name "Susan" and last name "Schaal" clearly distinguishable.

Susan Schaal  
CPS Director  
305-923-4915

# Key West Cultural Preservation Society, Inc.

## Ballot to Amend Bylaws General Meeting August 13, 2014

### Replace Article 2, Section 2 of Bylaws:

~~Section 2. Voting Eligibility. Any member shall be eligible to vote at the annual meeting if he has paid his dues during the previous 12 months.~~

#### With:

Section 2: There shall be two classes of CPS Members:

a. Participation Class- Members with voting eligibility. A Participation Class CPS Member shall be eligible to vote at the Annual Membership meeting if he/she has paid their dues during the current calendar year. CPS Members who are active participants of the "Sunset Celebration" will be the only persons allowed to vote for the election of Directors, By-Law changes and Standard Operating procedures.

\*Participant definition: A person who has been juried by committee and approved, and actually works at the Sunset Celebration and is a dues paying Member of CPS.

b. Friends of Sunset Class- Members of the community or otherwise who wish to support Sunset Celebration with donations, special events participation and or professional expertise.



Yes – Amend Bylaws



No – Leave Bylaws the way they are.

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Yes – Amend Bylaws



No – Leave Bylaws the way they are.

## CPS BYLAWS 2014

### **ARTICLE 1: OFFICES**

The principal office of the corporation shall be located at 812 Southard Street, Room 29. Key West, Florida 33040, or at the address designated in the most recent annual report filed with the State of Florida Secretary of State. The Board of Directors shall have the power and authority to establish and maintain branch or subordinate offices at any other location either within this state or in any other state or country.

### **ARTICLE 2: MEMBERSHIP**

Section 1. The annual meeting of the membership shall be held on the second Monday of December of each year, at the hour of 12 p m (noon) for the purpose of electing directors and for the transaction of such other business as may come before the meeting. The time and date of the meeting are subject to change with written notice to all members no less than one week and no more than five weeks before the newly set date. If the election of directors is not held on the day designated herein for any annual meeting of the members, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as is convenient. Membership dues shall be from January 1 through December 31. Any members' dues not paid by the last day of February shall be a termination of membership for that member.

Section 2: There shall be two classes of CPS Members:

a. Participation Class- Members with voting eligibility. A Participation Class CPS Member shall be eligible to vote at the Annual Membership meeting if he/she has paid their dues during the current calendar year. CPS Members who are active participants of the "Sunset Celebration" will be the only persons allowed to vote for the election of Directors, By-Law changes and Standard Operating procedures.

\*Participant definition: A person who has been juried by committee and approved, and actually works at the Sunset Celebration and is a dues paying Member of CPS.

b. Friends of Sunset Class- Members of the community or otherwise who wish to support Sunset Celebration with donations, special events participation and or professional expertise.

Section 3. Special Meetings. Special meetings of the membership, for any purpose or purposes unless otherwise prescribed by statute may be called by the president or by the board of directors or shall be called by the president at the request of not less than 50% of all the members.

Section 4. The board of directors may designate any place within the state of incorporation or within any other state or county as the place of meeting for any annual meeting or for any special meeting called by the board of directors. If no designation is made, the place of meeting shall be the principal office of the corporation as designated pursuant to Article 1.

Section 5. Notice of Meeting. Written or printed notice stating the agenda, place, date and hour of the meeting and in case of a special meeting the purpose or purposes for which the meeting is called, shall be delivered not less than one week and not more than four weeks before the date of the meeting either personally, or by mail, or at the direction of the president or the secretary, or the officer or persons calling the meeting to each member entitled to vote at such meeting. If mailed such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member at his address as listed in the corporate records.

5a Written notice of actions taken and rules created or changed and decisions made shall be posted at the kiosk on the Friday following the said meetings

Section 6. "Quorum Requirements" Twenty percent of the members eligible to vote represented in person shall constitute a Quorum at a membership meeting.

### **ARTICLE 3: BOARD OF DIRECTORS**

Section 1. Powers and duties; The business and affairs of the corporation shall be managed by the board of directors.

Section 2. Qualifications; The number of directors of the corporation shall be seven. Directors shall be elected at the annual membership meeting and the term of office of each director shall be until the next annual membership meeting or the election and qualification of his successor. Directors shall be members in good standing.

Section 3. Election: At the first regular meeting of the board of directors in October, a nominating committee of four members shall be elected by the board of directors. The current president may not be a member of this committee. It shall be the duty of this committee to identify and recruit prospective directors of the corporation and to present a list of nominees to the board of directors at their first regular meeting in November. The list of nominees shall be mailed or given in person to each member no less than one week and no more than five weeks before the annual meeting. After the nominating committee's report is presented at the annual meeting, the chair must call for further nominations from the floor prior to voting for the offices.

3a. In the event that a member of the board of directors should resign or otherwise fail to fulfill their obligations to the organization, a replacement shall be selected from the first two (2) runners up in the general elections and should there be additional vacancies, or should the runners up decline such appointment, that any and all additional directors be nominated by the CPS members in good standing and such nominees be voted on by the acting board of directors.

Section 4. Regular meetings: A regular meeting of the board of directors shall be held without notice other than this bylaw immediately after and at the same place as, the annual membership meeting. Thereafter a meeting of the board of directors shall be held on the first and third Wednesday, following the first Monday, of each month. All meetings shall be held at the principal office of the corporation unless directors are otherwise notified by the secretary.

Section 5. Special meetings: Special meetings of the board of directors may be called by or at the request of the president or any two directors and shall be held at the principal office of the corporation or at such other place as the directors may determine.

Section 6. Notice of any special meeting shall be given at least seventy-two hours before the time fixed for the meeting by the secretary, by written notice delivered personally or mailed to each director at his home address. If mailed such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid, not less than three days prior to the commencement of the stated notice period. Any director may waive notice of any meeting. The attendance of a director at a meeting shall constitute a waiver of notice except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 7. Quorum: A majority of the number of directors fixed by these bylaws shall constitute a quorum for the transaction of business at any meeting of the board of directors, but if less than such majority is present at a meeting a majority of the directors present may adjourn the meeting from time to time without further notice.

Section 8. Board of Director Decisions: The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors.

#### **ARTICLE 4: OFFICERS**

Section 1. Number and vacancies: The officers of the corporation shall be a president, a vice president, a secretary, and a treasurer, each of whom shall be elected by the board of directors. Any vacancy shall be filled by the board of directors for the un-expired portion of the term.

Section 2. Qualification: Each officer shall be a duly elected director of the corporation. Re-election to the board of directors shall not constitute re-election to any particular office.

Section 3. Powers and duties: The powers and duties of the several officers shall be as provided from time to time. In the absence of such provisions the respective officers shall have the powers and shall discharge the duties customarily and usually held and performed by like offices of the corporations similar in organizations and business purposes to this corporation.

Section 4. Attendance Requirements: Any director who is absent from two consecutive regular meetings without notifying the board in advance shall be subject to removal by a majority vote of the board of directors.



## **ARTICLE 5: CONDUCT OF BUSINESS**

Section 1. Contracts: The board of directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of, and on behalf of, the corporation, and such authority may be general or confined to specific instances.

Section 2. Check Drafts or Orders: All checks, drafts or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the board of directors.

Section 3. Deposits: All funds of the corporation not otherwise employed shall be deposited by the Pier Manager to the credit of the corporation in such banks trust companies, or other depositories that the board of directors may select. As of October 1, 1985, \$2,000.00 of corporate funds presently on hand is set aside for legal expenses as provided in the Articles of Incorporation.

Section 4. No directors shall hold any salaried position in this organization, except for in a time of emergency as declared by the board of directors.

Section 5. No one individual shall hold more than one position in this organization concurrently, except for in a time of emergency as declared by the board of directors.

## **ARTICLE 6: FISCAL YEAR**

The fiscal year of the corporation shall be October 1 to September 30.

## **ARTICLE 7: WAIVER OF NOTICE**

Whenever any notice is required to be given to any member or director of the corporation under the provisions of these bylaws or under the provisions of the Articles of Incorporation or under the provisions of law, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## **ARTICLE 8 AMENDMENTS**

These bylaws may be amended at the regular membership meeting by, an affirmative vote of a two thirds majority of the members at the regular meeting voting in person, by proxy, or absentee ballot. Written notice of the proposed amendment shall be given at least one week and no more than five weeks before the date of the meeting. Notice may be delivered personally or mailed to each member at the address in the corporate records.

Article 8 Amendments was amended at a General Membership meeting held on July 19, 2000 to read as follows:

These by-laws may be amended at the regular membership meeting by, an affirmative vote of a two thirds majority of the members at the regular meeting voting in person or by absentee ballot. Written notice of the proposed amendment shall be given at least one week and not more than five weeks before the date of the meeting. Notice may be delivered personally or mailed to each member at the address in the corporate records.

## **ARTICLE 9: PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Roberts Rules Of Order Newly Revised shall govern the corporation in all cases to which they are applicable and in which they are not inconsistent with these bylaws and special rules of order the corporation may adopt.

## **ARTICLE 10: MEMBERSHIP REVOCATION (added 01-31-02)**

All CPS members are required to conduct themselves in a civil manner whenever participating in the meetings and functions of The Cultural Preservation Society. Loud and aggressive behavior will not be tolerated at CPS meetings or functions. An ongoing pattern of disruptive behavior, such as abusive, discourteous or drunken behavior towards other CPS members or the general public at CPS meetings or CPS sponsored events shall be grounds for the revocation of his or her membership in the CPS and participation of CPS events.

**2014 Amended SOP's**  
**Key West Cultural Preservation Society, Inc.**

**C.P.S STANDARD OPERATING PROCEDURES (S.O.P's)**

**I. PARTICIPATION COMMITTEE**

A. The purpose of the Participation Committee is to:

1. insure authenticity of craft, art, or event at Sunset (the idea of aesthetic quality is not to be used as a criterion),
2. make the initial decision regarding participation in the nightly Sunset Celebration,
3. promote art as a cottage industry,
4. encourage creative growth,
5. and to maintain a list of participants which will be kept in committee records.

B.

1. The PC Committee shall be composed of seven qualified members from diverse categories.
2. All new PC Committee members are required to have worked at the Pier for one year.
3. All PC Committee members should have a background in art/crafts in order to be able to determine if the art/crafts work being juried meets the criteria of authenticity, originality and creativity.
4. Two members of the same family cannot be on the PC Committee at the same time.
5. PC Committee members shall reject any item being brought before them that does not appear to be hand made by the artist/craftsperson submitting such item(s).
6. A quorum of four is necessary for any decision. The committee shall meet twice monthly. The committee shall also have two qualified people available to jury twilight category.

C. If a dispute arises, the Committee may make a decision on the pier if a quorum is present, however, all jurying shall occur at a regular Participation Committee meeting, and any items in question can remain on the pier until such a decision is reached by the Participation Committee. Individuals in violation must be noticed in writing within 72 hours of violation occurring unless the occurrence is amicably resolved on site.

D. The Committee is selected by the CPS board, with CPS member suggestion as to personnel make-up. The Committee shall elect a chairman at their first regularly scheduled meeting each year following Board of Directors appointment of the Committee.

E. The members of the Committee serve at the pleasure of the CPS board and are to be members of CPS in good standing.

F. The Committee is the Board of Appeals for decisions made by the On-site Manager and the Board of Directors is the Board of Appeals for decisions made by the Committee.

G. PC members will walk the pier from time to time and may ask a participant to remove any items which are in flagrant violation. This can be appealed at the next regularly scheduled PC meeting.

H. All participants will be juried prior to initial setup and thereafter as the situation warrants.

I. No jurying shall be done between PC meetings.

J. Policy is to suspend jurying when current participants have been turned away three evenings during the previous attendance book week. Prospective participants may be warned of this in advance.

K. Items will be judged for authenticity, originality, creativity and adherence to these S.O.P's and not according to anyone's standard of quality.

L. All items of questionable origin or manufacture (this is to be determined by the PC Committee) shall be brought before the Participation Committee which can require crafts persons to do any and all of the following:

1. actually produce said item before the Participation Committee,
2. and/or show raw materials,
3. and/or show work place or studio, and may be required to show their invoices for raw material.

M. All new craft items shall be juried before being offered for sale. Any item which is substantially different from items already sold by crafts person must be juried by Participation Committee prior to being sold on pier. For current participants, a new products application shall be available at the pier. Participants shall fill out application and attach new product which shall be reviewed and voted on at the next regularly scheduled PC meeting. If there are questions, participant shall be asked to attend the meeting. The product is not to be offered for sale prior to PC approval.

N. All participants who have not worked on the pier in the previous twelve(12) months will be stricken from the rolls, unless they are a grandfathered member who has kept his/her membership paid up each year with no gap in membership. If the participant wishes to return to work on the pier they will be treated as a new participant. Participants shall not return to Mallory Square and expect to sell the same items they sold when they left after being gone longer than twelve months as described above. Participants will be juried, pay the jury fee, and be subject to space available in any category.

O. If there is an excessive number of active participants for certain types of art, such as jewelry or photography, the P.C. has the authority to limit the acceptance of new participants to only exceptional work.

#### **SUMMARY:**

The committee is authorized to evaluate and examine all aspects of the operation and development of artistic and cultural concerns in the Mallory Area, and report to the CPS Board of Directors its findings and recommendations. The Committee is further vested with all power and authority reasonably necessary for the execution of all responsibilities conferred upon it by these S.O.P.'s.

## **II. ON-SITE MANAGER**

On-site Pier Manager is a paid position, hired by the board of directors, and serves at the direction of and under the discretion of the Board of Directors. The position requires knowledge of the S.O.P's and traditions and "Spirit of Sunset." The On-site Manager's duties and responsibilities will include the following:

1. to collect participants' registrations and releases and Florida State sales tax numbers yearly
2. to adjudicate booth size and location: (8 ft. wide, 6 ft. out and no taller than 4 ft. on the front 3 ft., with the exception of Food Participants height, all other exceptions to be made by the Participation Committee).
3. to implements all blind draw lotteries for space.
4. to assure that booth and performance set-up for the Sunset Festival begins no sooner than 2 hours before sunset each night in accordance with the Lease between the City of Key West and the CPS.
5. to ask participants to remove items if items do not appear to be hand crafted by the participants.
6. to attempt to adjudicate with fairness and equity with no discrimination, in accordance with the written Articles of Incorporation, Bylaws, Guidelines and Lease.
7. to instruct participant to alter or remove item, or cease activity, if it is deemed harmful to health, safety or welfare of the public
8. to contact Mallory Square Coordinator or police if necessary, in cases of emergency. In non-emergency situation, will consult the Participation Committee and/or Board of Directors.

9. to remain on site during the hours of operation.
10. to perform any and other duties that arise from time to time from the Board of Directors.
11. to be responsible for having pier cleaned at the end of each evening.
12. to be responsible for keeping life rings or life jackets available for emergencies.
13. to come to or submit report to the Board of Directors meetings.
14. to post the report or minutes of Participation Committee and Board of Directors meetings and agendas for all meetings at the Kiosk in a timely manner.
15. to give PATA an accurate participant count at the end of each night.
16. to prevent tripping, no electrical cords will be laid across walkways unless they are safely secured. For example: "taped to the inside corner of a stair or passed overhead".
17. The On-site Manager reserves the right to deny participation to anyone not in compliance with this S.O.P's, and shall notify Participation Committee and post written notice of violation or lack of compliance in the daily log.
18. No motorized vehicles are allowed on the pier, with exceptions to be made by the Board of Directors on a case by case basis.
19. All participants shall report to the On-site Manager two hours before the estimated time of sunset and participate in the daily Lottery before they set up, with the exception of food participants, who shall be assigned space by the pier manager. Food vendors shall be allowed to set up no sooner than 30 minutes prior to lottery, but shall not sell until two hours before sunset according to the lease with the City of Key West.

### **III. ARTS AND CRAFTS AND FOOD**

A. All participants shall sign CPS Registration and General Release forms and have Florida State sales tax number and a twenty dollar processing fee where applicable.

B. Arts and crafts shall be hand made by the participant or created or changed substantially in nature by participant for display or sale at the Sunset Festival. A potential participant must make his or her product(s) in front of PC and must come to the PC meeting prepared to do this. If this is impossible due to equipment restrictions, a home jurying can be arranged, but PC must see items first at a meeting to determine the need.

C. Our policy is to suspend jurying when current participants have been turned away three evenings during the previous attendance book week. Prospective participants may be warned of this in advance.

D. Artists or craftsmen shall be on site with their work; no agents or dealers will be allowed.

1. An agent is defined as any person who would be present without the artist or food vendor and does not substantially participate in the production of the item being sold.
2. To be recognized as a partnership by CPS, all partners must sign the CPS waiver, jointly, and be juried as one entity. All members of a partnership must jointly make all items and conform to paragraph B. A written agreement between partners shall be filed with CPS stating which partner has rights to which products. They must share the same space and have all names on the sales tax license. The partnership accrues the credit jointly, but is tracked in the attendance book individually, based on who draws and pays for the lottery key nightly. Should a partnership split up, the issue of who gets the seniority will be decided by the seniority accrued by each individual. The partner without seniority has the right to start as a new entity subject to jurying by the PC. If an individual takes on a partner after accruing seniority the new partnership is considered a new entity and the old partner must give up their seniority and start as a newcomer. Any questions regarding partnership and seniority may be addressed by the Board of Directors.
3. A helper has no status of his own, and can be on site only with the active participant at the discretion of the pier manager. Helpers in Twilight Category (Hair wrappers, Readers, etc.) must be considered partners because they work individually.



E. All bead work shall be hand strung by the participant; no exact copies of imported or commercially catalogued items or items which are already over represented on the pier and in the community.

F. Silk screened items shall be designed, the screens made and items printed by the participant.

G. Reproductions of original artwork must be juried by PC. They must conform to the 1/3 rule and be combined with original artwork on display. Participants must have made mats, and/or be framed or be hand tinted in some way have hand work. Only reproductions of the artist's own work is to be allowed.

H. Photographers must take own pictures but they can be developed commercially. The mattes or frames must be hand made by the participant or must have other hand work such as coloring or etc.

I. One Third ruling: Participants who make complex or time consuming products can make one third of their product in a simpler or less time consuming manner in order to allow greater earnings. These products are subject to PC approval.

J. Misrepresentation of products or making oral or written misleading statements regarding products or services will not be tolerated. Violations of this shall be grounds for penalty or suspension as determined by the board. In all cases honest signage is required. There shall be no signage offering wholesale.

K. Any two or more persons jointly engaged in the creation of a single art or craft or food item shall occupy the same allotted space.

M. No vendor may exactly replicate another artist/vendors product

#### **IV. FOOD**

A. All participants shall sign a registration and release form

B. Food items must be created by the participant from basic ingredients, (for example: fruits, vegetables, unprocessed meats, flour, etc.), or substantially embellished. No food pre-processed by a 3<sup>rd</sup> party can be served in an un-embellished state but can be used as an element in a more creative food item, (for example: hot dogs in a shies-ka-bob, breaded fish in fish tacos, whipped cream on key lime pie)".

C. All food participants shall go through a 3 step process with the PC Committee prior to acceptance by the PC Committee:

1. Acceptance of food product and a rough draft of food cart design. All food carts must fit in the allotted 6' x 8' space provided by CPS.
2. Jury process for approval of all required paperwork, such as State License, Health workers card, etc.
3. Final approval of cart size and design in accordance with CPS Guidelines.

D. All food items must be prepared by the participant. A helper shall be allowed only with the participant on site.

E. No national franchise food items will be allowed

- F. No partnerships are allowed in more than one business at the same time
- G. Food participants must arrive 15 minutes prior to the artist lottery
- H. There will be no more than 10 food vendor spaces. CPS will designate these spots.
- I. No food vendor may exactly replicate another food vendors product
- J. Butane or propane are the only acceptable fuels allowed
- K. The use of hot oil for deep-fry cooking of food items is not allowed.
- L. Fire extinguisher are required for vendors using an open flame

## **V. PERFORMERS**

- A. All performers shall adhere to the following S.O.P's:
  1. Shall sign a registration and release form
  2. Participate in the nightly lottery
  3. Acts performing on the waterfront are to perform close to the large curb with your back to the water while facing the land side. Acts performing in the plaza can face in any direction.
  4. Keep your audience toed up to the dotted black line running the length of the pier (it is recommended that you use a rope to delineate your stage area)
  5. Regulate your "show" time to a half hour or less while taking at least a fifteen minute break between shows
  6. Refrain from using profanity or obscene language in your act
  7. Be courteous to spectators and fellow performers alike
  8. If fire is used in an act, a fire extinguisher is required
  9. Drinking alcoholic beverages is prohibited
  10. If your act generates a mess, you must clean it up
  11. The use of amplification in up to two spaces may be allowed at the discretion of the Board of Directors
- B. The Performer's lottery will be seniority based with the following categories:
  1. Honorary regular performers- 10 years (with Performers Committee approval).
  2. Permanent Regular Performers- 5 full successive seasons with Regular Performer status
  3. Regular Performers- Regular Performers are those who work from 60 days to three years on the pier
  4. Newcomers- Anyone who has worked 59 days or less. Newcomers are always welcome.
- C. The Performer lottery will be operated as follows:
  1. The lottery will begin approximately two hours and 15 minutes before sunset
  2. Call ins will be accepted from five minutes before until five minutes after designated lottery start time
  3. Call ins will be picked last in their category
  4. Late walk ins can participate in lottery up until the time in which the numbers are called in their category
  5. Performers who have participated less than 35 days in the previous quarter shall fall back to the next lowest category until they make up the number of days that they are shy of the 35.
- D. The change of status of any Mallory Square performer is subject to the approval of the Performers Committee. Any performer who believes he/she is being treated unfairly and therefore has a grievance may appeal to the Board of Directors of CPS and all interested parties will seek a satisfactory resolution to the dispute.
- E. Because each performer owns the rights to his own act, neither CPS nor anyone else has any right to negotiate any contract on behalf of the performer without his express permission. When the Pier Manager is informed of any commercial film company's plans to film the activities on the pier, he will

notify the performers as soon as possible. Those performers who wish not to be filmed will notify the Pier Manager who in turn will notify the film company of the performer's request.

F. Committee members ARE TO BE MEMBERS OF C.P.S. in good standing

G. Performers will elect a 7 person Performer Committee with two alternates. The Performer Committee must have four members to constitute a quorum. They shall meet on a regular basis preceding the Board of Directors meeting. The Committee shall be elected each year following the annual General Election meeting at the end of the year in a Performer Committee meeting. The Performer Committee is subject to approval by the Board of Directors and serves at the direction of the Board of Directors. The committee shall keep minutes of all Performer meetings and submit a report in writing to the Board of Directors.

H. All performers shall pay the same set-up fee as the artists, with the exception of small acts (acts that don't build up a crowd for more than a few minutes: statues, balloon twisters and musicians, etc. [decided by the Performer Committee]) who shall pay \$5.

I. The use of any non-professional person in any act, which would create an insurance liability (as determined by the pier Manager), is banned.

J. All decisions made by the Pier Manager are binding, unless appealed to the board.

K. Performers Selling:

1. Performers who offer items for sale must pay the same fee as artists and must get a State of Florida Sales and Use Tax ID Number.
2. Products must be brought to the PC Committee for record keeping of what is being sold on the pier.
3. Sales must be made next to their display within the performers own area
4. Signs are limited to 1' x 2' and the display is limited to 2' x 2' square at ground level
5. No hawking of products. Performers may only mention their items at the hat line.
6. No items will be offered for donation by performers.

## **VI. SPECIAL CATEGORY**

A. To ensure the spontaneity and the spirit of sunset, a special events category may include:

1. Charity or community service groups
2. Traditional sunset participants and personalities not defined by previous categories such as Palm Readers, Tarot, Psychics, Astrologers, Portrait Artists, Caricaturists, etc. shall be juried at a Participation Committee meeting prior to first setup.

B. These participants must sign registration and release.

C. Special Category participants shall participate in the artists' lottery and may elect to set up on the water side of the pier in performers' spaces that are not being used by performers at the time of the lottery or in open spaces designated by the pier manager.

D. Participants who do body art are prohibited from using stencils or transfers.

## **VII. MISCELLANEOUS GUIDELINES**

- A. All participants on the pier are asked to respect the traditional set-up of performers on the "water" side and the artists/crafts persons/food on the "land" side of the pier.
- B. For the purpose of these S.O.P's, performers are defined as buskers who work only for donations and all other participants are defined as anyone who charges a set fee.
- C. Professional camera crews must consult with the On-site Manager before filming.
- D. Non-participants may not distribute commercial pamphlets on the pier.
- E. In order to assure fairness, it may be necessary from time to time to limit the number of participants in any category.
- F. Participants shall be on site and operational no later than thirty minutes after lottery is completed, with the exception of the performers.
- G. No participant shall occupy more than one 6' by 8' space.
- H. The use of gas generator is prohibited.
- I. No toxic substances allowed.
- J. No participant shall interfere with or damage the property of another participant.
- K. Abusive, discourteous or drunken behavior to visitors or other participants shall not be tolerated and shall be grounds for suspension. The period of suspension is to be determined by the Pier Manager. Suspensions can be appealed at the next regular board meeting.
- L. Any member of CPS giving time to CPS projects is given credit for that time, hour for hour. For every four hours given to CPS projects, a credit of one night on the pier is given, not as a free setup, but to earn days in maintaining or attaining status.

## **VIII. BLIND DRAW LOTTERY**

- A. There is a cap of 50 regular crafts person participants.
- B. The Blind Draw Lottery consists of four categories:
  - 1. REGULAR PARTICIPANT- Has participated 150 days on Pier and is allowed 90 consecutive days absence. Regular participants may make up days missed over 90 days but starts new after 180 days absence. EXAMPLE: 120 day absence must make up 30 days in snow bird category.
  - 2. SNOW BIRD IN WAITING-More than 150 days, until there is an opening in the regular category. During lottery for spaces, Snowbirds in Waiting may draw from the regular bucket. However, in the event the pier is full, regular participants will have priority over the Snowbirds In Waiting. Snowbirds in Waiting will have priority over Snowbirds.
  - 3. SNOW BIRD- Less than 150 days; more than 60 days.
  - 4. NEW COMERS- Less than 60 days.
- C. Grandfather Status- If the participant has participated for five consecutive years, as a dues paying member in the regular category and maintained that membership in the event of a hiatus at the pier, he/she is grandfathered into permanent Regular or Local status.



D. All non-grandfather participants must be on the pier at least 90 days in each calendar year or lose their status.

E. There is no loss of status when changing categories between food vendor, artist, entertainer, or special category, however a participant cannot operate simultaneously in two unrelated categories.

F. Participants who do not pay before set up shall be assigned space by the Pier Manager after Lottery is completed.

G. Participants may draw keys for other participants as long as payment is made for each key drawn. There are no refunds for those who fail to use a key drawn on their behalf.

## **IX. PC Guidelines for Violations of CPS Standard Operating Procedures**

The PC Committee is responsible for ensuring that all items being sold at Sunset Celebration are hand made by the participant. We would like to propose to the Board of Directors the following guidelines for any and all violations that occur. Any and all violations must be discussed by the PC (a minimum of four members of the committee) before any action would be taken. This could be done at a regular PC meeting or an informal meeting on the pier.

A. For the first offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant. If the PC determines at the PC meeting that the item in question is not a handmade item they would be told to remove it from the table.

B. For the second offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their second offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that they would be getting a one day suspension for the violation. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting and the letter would also state that this is a second offence. If the PC determines at the PC meeting that the item in question is not a handmade they would be receiving a letter to that effect and that the item is to be removed

from their table and that the Pier Manager would be giving them a one day suspension. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant.

C. For the third offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their third offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that the PC was going to take all of the letters they had written to the Board of Directors and ask the Board to remove the participant's privilege to work at Mallory Square. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting and the letter would also state that this is the third offense. If the PC determines at the PC meeting that the item in question is not a handmade they would receive a letter to that effect and that the item is to be removed from their table. They would also be advised that the PC was going to take all of the letters they had written to the Board of Directors and ask the Board to remove the participant's privilege to work at Mallory Square. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.

## **X. CITY REGULATIONS**

A. CPS and all of its participants and performers, agree to conform to all regulations of the City of Key West. A participant or performer found to be in violation of a City regulation may be subject to expulsion by the board.

B. In the event that the City and CPS determine that a participant or a performer is involved in an undertaking that might pose liability to the city or CPS, the City and CPS may require of the participant and performer additional insurance and the execution of an indemnification.

12:01 meeting called to order by Mike Sattelmeier.

it was confirmed that we have more than a quorum, there was sign in sheet.

Elise spoke about hector's new info sheet for new applicants.

People spoke for and against various issues

Leanne motioned that Susanne and Debbie and Linda will count ballots, Mark seconded, motion carried.

Ballots were collected by Rebecca, names were checked off the membership list as they voted.

Results are as follows

rule 1) change 29 no change 22 abstained 1 :changed

rule 2) change 15 no change 35 abstained 2 :no change

rule 3) change 19 no change 29 abstained 4 : no change

rule 4) change 22 no change 26 abstained 4: no change

rule 5) change 21 no change 27 abstained 4 :no change

rule 6) change 14 no change 38 abstained 0 : no change

rule 7) change 18 no change 25 abstained 9 : no change

rule 8) change 20 no change 25 abstained 7 : no change

rule 9) change 15 no change 29 abstained 8 : no change

rule 10) change 21 no change 25 abstained : no change

rule 11) change 33 no change 14 abstained 5: changed

rule 12) change 38 no change 7 abstained 7 : changed

rule 13) change 46 no change 6 abstained 0 : changed

we will present our rule changes to the city manager. we will request an appointment. Elise will contact him.

ryan made a motion to adjourn Lee Anne seconded meeting adjourned 2:42

#### BALLOT

This notice is to announce a special General Meeting of the  
Key West Cultural Preservation Society, Inc.

to be held on May 15<sup>th</sup>, 2013 at 12:00 P.M. at the Library Auditorium

#### ADGENDA and BALLOT for SUGGESTED SOP/GUIDELINE CHANGES

##### ADGENDA

- A. Call meeting to order
- B. Establish quorum requirements
- C. Speeches by members on suggested rule changes
- D. Appoint ballot counting committee
- E. Ballot completion and counting
- F. Adjourn meeting

#### BALLOT for SUGGESTED SOP/GUIDELINE CHANGES

Please place a check mark next to the items you wish to be added, removed, changed or remain the same.

**1. Currently reads:**

O. The photography, painting, jewelry and t-shirt categories would be limited to fifteen (15) participants each. All other items sold on the pier would fall under the miscellaneous category. This change does not affect the twilight or performers' category.

**Replace with:**

O. If there is an excessive number of active participants for certain types of art, such as jewelry or photography, the P.C. has the authority to limit the acceptance of new participants to only exceptional work.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**2. Remove this rule:**

Two members of the same family cannot be on the P.C. Committee at the same time.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**3. Remove this rule:**

All new P.C. Committee members are required to have worked at the Pier for one year.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**4. Currently reads:**

M. No vendor may exactly replicate another artist/vendors product.

**Replace with:**

M. No vendor may replicate another artist/vendor's product; this will be decided by the P.C. This rule does not apply to craft processes that by default will result in a very similar product; for example palm frond weaving, spoon rings, Chinese name calligraphy.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**5. Currently reads:**

No food vendor may exactly replicate another food vendor's product.

**Replace with:**

No food vendor may closely replicate another food vendor's product; this will be decided by the P.C.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**6. Add this rule:**

Participants may prepay for the month at a higher set up fee (i.e. \$600/month, adjustable by the Board of Directors) to reserve a certain spot without participating in the daily lottery. Those exclusive spots (non-food) shall be chosen by lottery at the beginning of each prepay month. Participants may move from their pre-paid spot in cases of weather and cruise ship dockage but will participate in regular lottery (minus daily fee) on those days.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you do not want this rule added to our S.O.P.

### 7. Currently reads:

B. The Performer's lottery will be seniority based with the following categories:

- Honorary regular performers-10 years (with Performers Committee approval)
- Permanent Regular Performers-5 full successive seasons with Regular Performer status
- Newcomers- Anyone who has worked 59 days or less. Newcomers are always welcome

### Replace with (this rule goes hand-in-hand with item 9)

B. The Performer's lottery will be an equal lottery (all performers will draw from the same numbers) with the following stipulations:

- If there are more performers than spots, the act(s) that do not get to perform that night will be the act(s) with the least seniority measured in years they have performed at Mallory Square.
- A year of seniority will be measured as 60 or more days performed during the calendar year.
- The Pier Manger will have a list of performers and the number of years they have performed at Mallory Square that will be updated yearly.
- If there are multiple acts in the year of least seniority, they will still draw numbers to determine who cannot work that night.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

### 8. Currently reads:

C. The Performer lottery will be operated as follows:

- The lottery will begin approximately two hours and 15 minutes before sunset
- Call-ins will be accepted from five minutes before until 5 minutes after designated lottery start time

- Call-ins will be picked last in their category
- Late walk-ins can participate in lottery up until the time in which the numbers are called in their category
- Performers who have participated less than 35 days in the previous quarter shall fall back to the next lowest category until they make up the number of days that they are shy of the 35.

**Replace with:**

C. The Performer lottery will be operated as follows:

- The lottery will begin approximately two hours and 15 minutes before sunset
- Call-ins will be accepted from five minutes before until five minutes after designated lottery start time
- Late walk-ins can participate until the first spot has been chosen, after which time they have to choose their spot last

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

**9. Remove this rule (as it has no relevance in a system with a fair lottery; see item 7):**

D. The change of status of any Mallory Square performer is subject to the approval of the Performer Committee. Any performer who believes he/she is being treated unfairly and therefore has a grievance may appeal to the Board of Directors of CPS and all interested parties will seek a satisfactory resolution to the dispute.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you do not want this removed from S.O.P.

**10. Add this rule:**

D. Performers will be divided into three categories:



-Small acts (acts that don't build up crowds for more than a few minutes; such as statues, musicians and balloon twisters)

-Medium acts (circle shows that don't have too large of a footprint)

-Large acts (circle shows that take up a large space and build up crowds that block pedestrian traffic if they perform on the waterfront)

-Medium act will perform in the 7 spots on the waterfront and the stage

-Large acts will perform in the 4 spots in the plaza (2 in the quadrant, the pit, and the spot by the parking lot)

-Small acts will perform in the small spots in-between the medium acts along the water and one by each of the entryways.

-No act can perform in another category's spot unless all the spots in their category are taken and there is a free spot in another category. Acts will choose their spots accordingly.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you do not want this added to S.O.P.

#### **11. Currently reads:**

-Perform close to the large curb with your back to the water while facing the land side

#### **Replace with:**

-Acts performing on the waterfront are to perform close to the large curb with your back to the water while facing the land side. Acts performing in the plaza can face in any direction.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is

#### **12. Add this rule:**

-Performers will elect a 7 person Performer Committee with two alternates. The Performer Committee must have four members to constitute a quorum. They shall meet on a regular basis preceding the Board of Directors meeting. The Committee shall be elected each year following the annual General Election meeting at the end of the year in a Performer Committee meeting. The Performer Committee is subject to approval by the Board of Directors and serves at the direction of the Board of Directors. The committee shall keep minutes of all Performer meetings and submit a report in writing to the Board of Directors.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you do not want this added to S.O.P.

### **13. Currently reads:**

H. A donation is requested to be made each night to help cover the cost of managing the Sunset Celebration and providing insurance as required by the city.

### **Replace with:**

H. All performers shall pay the same set-up fee as the artists, with the exception of small acts (acts that don't build up a crowd for more than a few minutes: statues, balloon twisters and musicians, etc. [decided by the Performer Committee]) who shall pay \$5.

\_\_\_\_\_ Check here if you want this change

\_\_\_\_\_ Check here if you want this S.O.P. to remain as is