



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
13

Meeting Date: **NOVEMBER 4, 2010**

Subject:

Authorize the Assignment of Agreement with Jim Campbell, Artist, to White Light, Inc.

Recommendation:

Adopt Resolution No. 2010-0120, authorizing the Assignment of the Agreement with Jim Campbell, Artist, to White Light Inc.

Background/Justification:

On April 2, 2009, the Airport Authority Board approved the Airport Art Advisory Committee's recommendation to award Jim Campbell the commission for the Multisensory Journey Public Art opportunity (Resolution No. 2009-0054). The Authority and Artist are parties to an Agreement for Design, Fabrication and Installation of a Public Art Work. On February 1, 2010, Artist established a corporate entity named White Light, Inc., a California corporation: Artist wishes to assign his Agreement with the Authority to White Light, Inc.

Assignment of the Agreement from Jim Campbell to White Light, Inc., does not affect any other aspect of the agreement especially with regard to the scope of work, payment schedule or insurance requirements. There will be no change to the terms and conditions of the Agreement as a result of this Board action.

Fiscal Impact:

There is no fiscal impact to the art budget.

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Environmental Review:

A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.

B. This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Prepared by:

CONSTANCE WHITE
ART PROGRAM MANAGER

RESOLUTION NO. 2010-0120

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AUTHORIZING THE ASSIGNMENT OF THE AGREEMENT WITH JIM CAMPBELL, ARTIST, TO WHITE LIGHT, INC.

WHEREAS, on April 2, 2009, the Authority Board approved the Airport Art Advisory Committee's recommendation to award Jim Campbell ("Artist") the commission for the Multisensory Journey Public Art opportunity as evidenced by Resolution No. 2009-0054; and

WHEREAS, the Authority and Artist are parties to an Agreement for Design, Fabrication and Installation of Public Art Work ("Agreement"); and

WHEREAS, the Agreement is on file in the office of the Authority Clerk as Document 207681 OS which began April 16, 2009, and ends April 15, 2013; and

WHEREAS, on February 1, 2010, Artist established a corporate entity named White Light Inc., a California corporation; and

WHEREAS, Artist wishes to assign the Agreement to White Light, Inc.; and

NOW THEREFORE BE IT RESOLVED that the Board hereby authorizes the assignment of the agreement with Jim Campbell, Artist, to White Light, Inc.

BE IT FURTHER RESOLVED that White Light, Inc. agrees to fully and faithfully perform each and every term, covenant, condition and obligation of the Agreement whether arising before or after the effective date of the assignment; and

BE IT FURTHER RESOLVED that White Light, Inc. agrees that it shall be liable for all acts and omissions of Artist in the performance of the Agreement whether arising before or after the effective date of the assignment; and

BE IT FURTHER RESOLVED that, the Authority does not release Artist from any liabilities or obligations under the Agreement, whether arising prior to or after the effective date of the assignment, and Artist and White Light, Inc. shall remain responsible to Authority and

BE IT FURTHER RESOLVED that the effective date of the assignment shall be November 4, 2010; and

BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, APPROVED AND ADOPTED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 4th day of November, 2010 by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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