

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: May 11
PUBLIC HEARING DATE:

CONTACT PERSON(S) NAME AND PHONE NUMBER: Ben Fyffe, 212-1766

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 4: Enhance El Paso's Quality of Life through Recreational, Cultural & Educational Environments

SUBGOAL: 4.2 Create innovative recreational, educational and cultural programs

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Resolution to approve the FY22 Museums and Cultural Affairs Department Cultural Funding Guidelines

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Due to COVID-related decline in Hotel Occupancy Tax revenue, MCAD placed most of the grantmaking programs in the Cultural Funding Program on hiatus in FY 21. As part of overall reactivation efforts of Quality of Life programs and facilities, MCAD seeks approval to reinstate Operating Support Program for local non-profit arts organizations, Artist Incubator Program for local artists and a hybrid Arts Activate Program designed to meet needs of artists and grassroots arts organizations navigating COVID-19 recovery. Changes were unanimously approved by the Museums & Cultural Affairs Advisory Board.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council periodically has approved updates to program guidelines, most recently in 2018.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Program funded by Hotel Occupancy Tax, in accordance with the Texas Tax Code

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: MCAD
SECONDARY DEPARTMENT: N/A

Revised 04/09/2021

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso Museums and Cultural Affairs Department Cultural Funding Guidelines for Fiscal Year 2022 (attached as Exhibit “A”) be approved, as recommended by the Museums and Cultural Affairs Staff. The Cultural Funding Guidelines for Fiscal Year 2022 include the Artist Incubator Program (AIP), the Operating Support Program (OSP) and the new Arts Activate Program (AAP).

ADOPTED this _____ day of _____, 2021.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Karla Muñoz
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe, Director
Museums and Cultural Affairs Department

THE CULTURAL FUNDING PROGRAM

The Cultural Funding Program, established in 2006, seeks to strengthen the capacity of artists and organizations in El Paso and encourage cultural and economic vitality. The Cultural Funding Program provides seed funding, project, and operational support to the local creative community through a competitive granting program that has been recognized as a model of transparency by the Texas Commission on the Art. The goal of the CFP is to foster respect and pride in El Paso's distinctive artistic and cultural heritage by funding artists and organizations that create and present innovative arts-based experiences for residents and out-of-town visitors.

Funding for the Cultural Funding Program is derived from a local allocation of Hotel Occupancy Tax (HOT) and some City general funds.

ELIGIBILITY

THE CITY OF EL PASO WILL FUND: ORGANIZATIONS

- Non-profit 501(c)(3) arts and cultural organizations, including service organizations to arts and culture, operating and providing programs and services within the City of El Paso or other 501(c)(3) organizations that have a documented history or engagement in the arts within the City of El Paso
- Organizations/Artists willing and able to enter into a contract with the City
- Activities and services that occur within the City of El Paso and for the benefit of residents and visitors of El Paso, with a primary focus on providing services to residents and promoting tourism
- Organizations that have administrative offices located permanently in the City of El Paso
- Organizations that have an active volunteer board of directors that meets at least four (4) times per year
- Organizations that are in-compliance with local, state, and federal laws prohibiting discrimination
- Activities and services that are open and accessible to the public and meet the requirements established by the Americans with Disabilities Act (ADA) and related City ordinances
- Liability Insurance is required for organizations as determined by the City's Risk Manager and contract document. A Certificate of Insurance (COI) must be submitted to the City covering the entire term of the contract. During the contract term, applicants are required to maintain all necessary licenses, permits, insurance and other approvals required by law for the provision of services.
- Organizations authorized to transact business in the State of Texas
 - Applicants must be in good standing or *active* with the Texas Comptroller's office at the time of the application process.
 - **To check the status of your organization with the State Comptroller's, applicants can visit: <https://mycpa.cpa.state.tx.us/coa/Index.html>**
- All non-profit applicants must also submit the following:
 - Charter, articles of incorporation, and by-laws
 - A copy of the organization's Internal Revenue Service letter of determination
 - Organizational Chart
 - IRS 990
 - Strategic Plan

EXCEPTION:

- A new organization in its first three (3) years of existence may apply on the proposed deadline without providing the required IRS letter of determination as long as:
 - The organization provides a completed Form 1023 and attachments as evidence that it has applied to the IRS for 501(c) (3) status, and copies of the IRS 990 form for the past two (2) years.
 - Two (2) letters of support must be provided from community partners, program participants or other individuals who can speak to the strength of your artistic and/or cultural output
 - Work samples featuring recent programming (for organizations) or a current body of work made within the last two (2) years (for individual artists: work should not be student work) are submitted

INDIVIDUAL ARTISTS

- Who are residents of the City of El Paso
- Who can demonstrate a three (3) year history of producing art, arts education, or community arts programming in the City of El Paso
- Must be willing and able to enter into a contract with the City
- Insurance is required of artists for LFP and may be required for AAP, and AIP.
 - Insurance requirements will be determined by the Office of the Risk Management.
 - A Certificate of Insurance (COI) must be submitted to the City covering the entire term of the contract.
 - Applicants are required to obtain and maintain all necessary licenses, permits, insurance and other approvals required by law for the provision of services.

WHAT IS NOT FUNDED

The City of El Paso **will not** fund the following entities or activities through the Cultural Funding Programs:

- Activities covered by restrictions outlined in the City of El Paso contract document
- Activities restricted to organization's members, or which do not benefit the general public
- Activities that occur outside of the El Paso City limits.
- Activities which do not have a cultural or artistic focus, or whose primary focus is religious
- Applicants that have a delinquent status with the City of El Paso or were unable to comply with the terms of a City Contract within the last two (2) funding cycles
- Annual Meetings, Competitions, Conferences, Reunions, Summits
- Cash services or endowments of any kind
- Colleges/Universities and/or school projects that are part of a course or curriculum
- Fundraisers or fundraising activities
- Government agencies or public authorities
- Individual artists who are not residents of the City of El Paso, or organizations that do not have administrative offices located permanently in the City of El Paso
- Licensing fees of any kind
- Loans, fines, penalties, cost of litigation or associated interest payments
- Stand-alone Parades or Processions
- Payment for studio space for an individual artist

- Political contributions or activity, i.e., lobbying
- Previously completed activities, or activities that have occurred prior to the fiscal year; and according to the dates delineated in the application and the contract.
- Re-granting programs
- Scholarships, awards, cash prizes, tuition expenses, or fellowship/grants to individuals
- Students enrolled in a University or College
- Travel fees except with the exception of visiting artists
- Unincorporated Organizations
- Underwriting of capital expenditures (buildings, land, permanent equipment, or acquiring of artwork that have a life expectancy of more than three (3) years and a monetary value of more than \$500.)
- Youth applicants, or organizations that are administered by youth who are in school and have not completed the 12th grade (for the primary delivery of the artistic product)

RESTRICTIONS

1. Due to budgetary constraints, only one (1) application will be accepted per organization or artist one category. Review the Cultural Funding Programs (CFP) to choose the appropriate category to apply under.
2. Operating Support Program (OSP) and Arts Activate Program (AAP) organizational applicants must be registered 501(c) (3) organizations in order to apply for MCAD funding. However, an unincorporated AAP applicant may apply under the umbrella of a fiscal sponsor. This is not true for an OSP applicant.
 - a. In order to be fair and encourage capacity building for local organizations, AAP applicants applying with a fiscal sponsor may do so for two (2) consecutive funding cycles. MCAD will not fund applicants under a fiscal sponsor for more than two (2) years.
 - b. A fiscal sponsor may only sponsor two (2) applicants per funding cycle.
 - c. Unincorporated organizations who apply under a fiscal sponsor must have their 501 (c) (3) status to be considered for funding after the second funding cycle.
3. Funded applicants who forfeited their funding and/or failed to meet requirements of the previous year's contract may not apply until the following fiscal year.
4. MCAD employees and family members who live in the same household may not apply for cultural funding. Former MCAD employees are not eligible to apply for funding until one (1) year after date of separation from MCAD.
5. Museums and Cultural Affairs Board (MCAAB) members are not eligible to apply for cultural funding.

APPLICATION DEADLINES

All applicants are required to submit applications for funding on an annual basis. After the application deadline passes, no further funding requests will be considered. No paper applications are accepted.

All applications must be submitted online at <https://elpasomcad.submittable.com/submit>

Cultural Funding Program Application Deadline: 11:59 pm MST on June 1, 2021.

MANDATORY ORIENTATION SESSIONS

MCAD will provide multiple orientation sessions for prospective applicants. Attendance at one of the orientation sessions is mandatory. The schedule of orientation sessions will be posted on our website at www.elpasoartsandculture.org

*Failure to attend an orientation session will result in the disqualification of the application.

CULTURAL FUNDING PROGRAM CATEGORIES AND DESCRIPTIONS

Art and Cultural services, programs or projects must take place during the City's fiscal year 2022 (September 1 – August 31).

The City of El Paso will award cultural services contracts through the following funding programs:

- Operating Support Program
- Artist Incubator Program
- Arts Activate
- Local Filmmakers Program

PROGRAM DESCRIPTIONS

OPERATING SUPPORT PROGRAM (OSP): Provides two-year operating support to large, non-profit arts and cultural organizations providing a season of activities that are open to the public, active community outreach and related activities that have a cultural tourism appeal. OSP is designed to support the organizational stability of El Paso's arts and cultural assets as well as to cultivate organizational growth and professional development.

Funding Levels: Awards range from \$10,000 to \$20,000

This category is for:

- Organizations that have an operating budget of \$100,000 or more
 - The organization must maintain this budget threshold during the two-year award period
- Organizations that have a 501(c)(3) Letter of Determination
- Organizations whose funding request will not exceed 50% of the organization's previous year's expenditures as determined by the IRS 990 Form
- Organizations that have a professional part-time or full-time Executive Director or Business Manager
- General operating expenditures, including artistic and administrative expenses.

OSP Requirements:

- Organizations must have a three (3) year history of funding support by MCAD.
- Organizations must provide a 1:1 cash match
- Provide quarterly reporting on activities and programs presented by the organization, attendance and venue.
- Provide a mid-year report in March 15, 2022, and final report by August 15, 2022 with updated financials.

- Must submit a notice to renew the second year of award funding by August 15, 2021, along with an updated list of project activities, operational budget and proof of liability insurance. Failure to provide these items by the deadline will result in the cancellation of Year 2 Funding.
 - Failure to meet the requirements of the OSP funding category during year 1 of funding will result in the cancellation of year 2.

Arts Activate Program (*NEW-Replaces CAP/PSP): New for Fiscal Year 2022 provides project-based support for the creation and presentation of innovative arts and cultural project activities that are reflective of the El Paso region’s rich and diverse art, culture and heritage. AAP encourages creative interaction and collaboration among artists, non-profits, residents, neighborhoods and community-based organizations that support community arts development.

- **Funding Level:** Awards range from \$1,000 to \$20,000
- **Maximum funding request for Individual Artists:** \$10,000
- **Maximum funding request for Organizations:** \$20,000

This category is for:

- Individual artists who are residents of the City of El Paso or 501 (c)(3) arts and cultural organizations whose administrative offices are permanently located within the El Paso City limits.
- Applicant Organizations must be incorporated as private 501(c)(3) non-profit. This does not apply to individual artists.
- Applicants who have a record of presenting arts and cultural activities for at least two (2) years in the City of El Paso.
- Artists and Organizations that have qualified artistic and administrative leadership capable of completing the proposed project with a commitment to funding artists and artistic products alike.
- Individual artists and arts and cultural organizations performing and presenting across all artistic and cultural disciplines.
- Interactive Arts and Cultural Workshops, Performances, Arts and Cultural Festivals, Collaborative Murals, Mixed/Multi-media installations are all examples of allowable projects.
- Innovative, accessible and appealing project activities created with and for local residents and visitors.
- Organizations that have at least a part-time Executive Director or Business Manager.
- Activities that start by September 1, and end no later than August 15 of the City of El Paso’s fiscal year.
- Project related expenses such as administration, production, artistic fees, coordination (including staffing), audience development, outreach, and marketing.

AAP APPLICANT REQUIREMENTS:

- Applicant organizations must be incorporated as private 501(c)(3) non-profit. This does not apply to individual artists.
- Organizational applicants must have a 2:1 *cash match* to all the awards.
- Individual Artist applicants must have a 1:1 *in-kind match*
- Awardees must provide quarterly reporting including attendance, venue and cost.
 - Projects which are completed before the end of the fiscal year, will report on activities during the quarter in which planning and execution of the project takes place.

- The total funding from the City of El Paso will not exceed 50% of the organization's previous year's expenditures as determined by the IRS 990 Form.
- Administrative costs cannot exceed 25% of the funding request
- All applicants must be able to verify a minimum record of accomplishment or organizational history of at least three (3) years in the City of El Paso.

AAP RESTRICTIONS:

- Per MCAD CFP Guidelines, AAP will not fund recurring projects. Applicants should update project proposals from previous fiscal year awards.
- MCAD will not fund individuals who are applying for projects for arts and cultural organizations.
- AAP will not fund general operating expenses such as office rental or facility fees, utility costs, etc.

Film projects are ineligible for AAP with the exception of filmmaking workshops. Filmmakers are encouraged to apply to the *Artist Incubator Program* and *Local Filmmakers Program*

ARTIST INCUBATOR PROGRAM (AIP): This program is highly competitive and will provide funding directly to individual emerging and professional artists to create new work.

- Funding Levels: AIP grants range from \$1,500 to \$4,000.

This category is for:

- Individual emerging and professional artists
- The creation of new body of work by professional and emerging visual, literary, performing and multidisciplinary artists living in El Paso. AIP encourages artists to broaden the scope of their previous artistic production to develop new work during the award period.

AIP Requirements:

- A new body of work must be proposed through the AIP
 - Work must not be a continuation of a previous project
- AIP applicants can use funding for – production and artistic fees, supplies and materials, promotional costs, fabrication costs.
- Final public exhibition, performance or viewing of AIP project
- AIP Artists will provide a report at the conclusion of a program or event that includes attendance, location, an evaluation of the program, and financial statement.

AIP Restrictions

- **Previously Funded** Individuals can apply every other year for AIP funding. Funded applicants can receive up to three AIP awards from MCAD.

REVIEW PANEL PROCESS

MCAD convenes a review panel to score each application. Reviewers represent diverse artistic disciplines, community perspectives, and field expertise in arts and cultural organization and the non-profit sector.

Panel participation is open to people with relevant experience and who are able to volunteer adequate time and energy to the process. Members of the El Paso community, colleagues within other local and national arts agencies, the public and City personnel may nominate panelists. Potential reviewers may be nominated by submitting a completed Review Panel Nomination Form to MCAD office. A Nomination can be submitted online (www.elpasotexas.gov/mcad) by clicking on Art Funding.

- All applications are subject to the Review Panel Process.
- The panel review process will take place online during the summer of 2022.
- Panelists will score and rank applicants on a 100-point system in accordance with established criteria for each funding program.
- Provide a quantitative evaluation of the applications submitted to MCAD
- Comment on the reasonability of the funding requested in relationship to the proposed project or service
- Provide knowledgeable guidance to MCAD in working with a given applicant in the future
- All scores are averaged and the applicants are ranked based on their total score
- Panelists do not make funding decisions. The Panel will score the projects to identify those that will be eligible. The Panelists will also provide feedback on the strengths and weakness of the applications. MCAD will be responsible for making the final selections as to awarded projects and amounts. Award notifications include scoring and comments for applicants to review.

EVALUATION AND SCORING CRITERIA

All applications will be reviewed according to the criteria set for each funding category. All applicants must score a 70 or above to be eligible for funding. Scoring a 70 or above does not guarantee that an applicant will be funded. Funding will be assigned to eligible applications according to the availability of funds, panel scores and ranking, diversity of applicant proposals and contract compliance for previous applicants.

OSP

Artistic Excellence and Innovation (30 points)

- Does the organization maintain high artistic standards in programming and services?
- Does the proposed programming/project demonstrate a continuation or building of artistic excellence?
- Does the organization produce/present professional quality work that contributes to the unique artistic/cultural community of El Paso?

Audience Development and/or Tourism Promotion (20 points)

- Does the applicant offer, market, and promote its programs and services to the widest possible constituency, including residents, visitors and commuters?
- Are programs and services easily accessible to tourists and other visitors?

- Does the applicant have an audience development plan that addresses attracting future new audiences through educational programs, ticket give-away, and/or free outreach programs?
- How do you use social media to promote your events/activities?

Diversity and Outreach (15 points)

- Is there measurable involvement of diverse populations on the board and staff, and in the development and preservation of the artistic product?
- Does the applicant cultivate ethnically, culturally and socially diverse audiences and patrons?
- Does the applicant develop productive partnerships with diverse organizations and artists to broaden the reach of its programs and services?
- Does the applicant demonstrate active community outreach?
- Does the organization do outreach through educational programs?
- Does the organization do outreach to underserved populations?

Administrative Health (Capacity) (20 points)

- Based on submitted financial statement, is the organization fiscally sound?
- Is the budget and/or funding request appropriate?
- Does the organization have diverse funding sources?
- Is the Organization's Strategic Plan clear and feasible?

Impact/Services to El Paso Residents (15 points)

- Does the proposed programming/project meet identified social or cultural needs?
- Does the organization/project demonstrate a history of attracting a broad audience (or service constituency) and documents such?

AAP:

Artistic Excellence and Innovation (25 points)

- Does the applicant's work samples reflect the qualifications of the artist/organization based on quality of work, training and/or professional experience?
- Does the applicant maintain high artistic standards in programming and services?
- Does the applicant produce/present professional quality work that contributes to the unique artistic/cultural Community of El Paso?
- Does the proposed programming capitalize on prior successes?

Capacity (20 points)

- Does the applicant demonstrate the capacity to successfully provide the proposed service(s) as evidenced by previous projects?
- Based on submitted financial statements and budget, is the applicant fiscally sound?
- Is the budget and/or funding request appropriate for the proposed project?
- For Organizations:

- Does the organization demonstrate business, production, and administrative skills needed to complete the proposed programming/project?
- Does the organization have diverse funding sources?
- Is the organization's Strategic Plan clear and feasible?

For individuals:

- Does the artist have an in-kind match?
- Does the applicant demonstrate the support system to carry out the proposed project?
- Has the artist successfully completed projects of this scope in the past?

Audience Development and/or Tourism Promotion (20 points)

- Does the applicant offer, market, and promote its programs and services to the widest possible constituency, including residents, visitors and commuters?
- Are programs and services easily accessible to residents, tourists and other visitors?
- Does the applicant have an audience development plan that addresses attracting future new audiences through educational programs, ticket giveaways, and/or free outreach programs?
- Does the applicant use social media to promote your events/activities?

Impact (20 points)

- Does the proposed programming/project meet identify social or cultural needs?
- Does the organization/project demonstrate a history of attracting a broad audience (or service constituency) and document the audiences?
- Does the project have the ability to positively impact the targeted audience?

Diversity and Outreach (15 points)

- For organizations:
 - Is there measurable involvement of diverse populations on the board and staff of the organization, and in the development and preservation of the artistic product?
- For individuals:
 - Does the artist engage with the artistic community as evidenced by letter of support and marketing strategy?
- Does the applicant cultivate ethnically, culturally, and socially diverse audiences and supporters?
- Does the applicant develop productive partnerships with diverse organizations and artists to broaden the reach of its programs and services?
- Does the applicant demonstrate active community outreach?
- Does the applicant have a community partner identified for this program?

AIP:

Artistic Merit (60 points):

The proposal clearly identifies the creation of new work and is supported by work samples that show the professional qualifications or record of artistic achievement by the applicant

Impact on Tourism and/or Community Audience (25 points)

The proposal has a clear benefit to the general public and a plan to market the project to develop an audience artist and present the work to the community through a public venue The Project demonstrates the ability to be presented in communities outside of El Paso.

Feasibility of the Project and Reasonableness of Proposed Expenses (15 points)

The application is clear and concise and had a detailed and organized timeline with a feasible budget. The proposal demonstrates the artist's record of successful completion of arts projects of similar scale and scope and the capacity to complete the project

The applicant has demonstrated the ability to seek out additional support and funding to complete the proposed project

Reasonableness of Proposed Expenses (up to 15 points)

The application is clear and concise and had a detailed and organized timeline with a feasible budget. The proposal demonstrates record of successful completion of film projects of similar scale and scope and the capacity to complete the project

FUNDING RECOMMENDATIONS

MCAD will receive the scoring and feedback from the Review Panel. MCAD will make its final recommendation to the Museums and Cultural Affairs Advisory Board ("MCAAB"). MCAAB has the final authority to approve the projects that will be funded through the LFP each year. The MCAD recommendation for funding of applicants is based on the following criteria:

- Panel Ranking/Scores
- Quality and Innovation of the proposed project or program
- Capacity to complete the proposed project
- Compliance at all levels of the funding process with the appropriate procedures
- Diverse geographic and ethnic representation reflected within the pool of awarded projects.
- Availability of funds
- Recommended funding will also be based upon Fiscal Year 2019 appropriation levels approved by the City Council of the City of El Paso
- Contract performance for returning applicants will be shared with panelists and considered
- For returning applicants in CAP, PSP and OSP: Programs show growth and increased capacity for providing quality artistic and cultural services to local and tourist community.
- 50% Rule: An organization's Maximum Eligible Request (MER) is not to exceed 50% of the organization's previous year's cash revenues as determined by the IRS 990/990EZ Form for the two

most recently completed fiscal years (in most cases fiscal years 2012 and 2013). All organizations are required to file a 990 IRS form annually. The IRS form 990 for 2012 and 2013 determines the accuracy of Maximum Eligible Request (MER) If MCAD doesn't receive this form from the organization applying for funds or cannot verify your 990 it will have an impact on your award.

AWARD PROCESS:

Applicants who are recommended and declined for funding will be notified by email. Scoring, award and contract inquiries will only be discussed with parties represented on the application. All successful applicants must accept or decline the award via email by **September 14, 2021**. Applicants must sign a Contract with the City no later than **November 15, 2021** in order to receive the awarded funding. Failure to execute a contract with the City will result in the award being retracted and possibly reallocated for other applications or purposes at the discretion of MCAD.

Any changes to the scope of work must be submitted and approved by MCAD before the services are implemented. Award recipients will have five (5) working days from receipt of award letter to revise and submit any changes to the scope of work

- MCAD must approve the change before proceeding to the contract phase of the application
- The correct scope of work must be included in the contract, since it describes the type of service that is going to be delivered

At the time of contract execution, ALL funded applicants will be required to:

- Confirm compliance with several local ordinances and state and federal statutes/regulations which will be indicated in the contract document
- Ensure that the project or program is not fostering, encouraging, promoting or funding any project, production, workshop and/or program that includes obscene material as defined in Section 43.21, Penal Code of Texas
- Maintain auditable financial records reflecting generally accepted accounting standards related to its overall activities, submit itemized reports or expenditures as required by established City procedures and submit timely reports reflecting the progress made in achieving its approved goals and objectives

OSP and LFP applicants must provide proof of insurance as required by the City's Risk Manager prior to the implementation of the project which includes the City of El Paso as an additional insurer

- A new COI must be submitted to MCAD. Funds cannot be disbursed without proof of insurance.
- The City of El Paso's risk manager may determine whether general liability insurance is needed for all funding programs.

APPEAL PROCESS

An applicant individual and/or organization considered for funding by the City of El Paso, may contact MCAD staff for an explanation of the level of funding awarded, or to find out why a proposal was declined.

Applicant individuals and/or organizations considering an appeal must first discuss the outcome of the panel process with the MCAD Cultural Funding Coordinator.

An applicant may submit an appeal in writing to the MCAD Cultural Development Coordinator regarding the funding recommendation only if he/she can demonstrate that:

- MCAD failed to follow published application and review procedures
- Influence was placed on a review panel member with an undisclosed conflict of interest
- Grant application system error (documented by MCAD or applicant) prevented review of the full application review.
 - o User error or failure to properly utilize the grant system does not qualify for grounds of appeal
 - o Undocumented claims of grant application system error or malfunction will not be addressed.

If the application meets the grounds for reconsideration, the request for appeal must set forth the reason(s) why the applicant believes reconsideration is appropriate. A formal, written intent of appeal letter must be sent to MCAD within ten (10) business days from the date of the funding notification letter.

CONFERENCE

Following the receipt and review of the intent of appeal letter the Cultural Funding Coordinator will forward the application to the Assistant Director of MCAD who will hear the appeal and make a decision. The Assistant Director of MCAD will schedule a conference with the applicant. The purpose of this conference will be to review and discuss the recommendations made by the review panel, and to allow the applicant to express his/her belief of how the process was tainted and/or violated. Based on the findings of this conference, a report/response document will be developed by the Assistant Director of MCAD identifying the findings, and will be provided to the appellant within ten (10) business days. The decision of the Assistant Director of MCAD is final.

CANCELLATION OF CONTRACT

Applicants that fail to provide contractual services or meet program eligibility will result in a recommendation of no funding or a reduction in funding for the next fiscal year. The City will maintain a list of all artists and organizations that have breached contract and reporting requirements. **Failure to execute the terms of your contract will result in future disqualification from funding.**

AMERICANS WITH DISABILITIES ACT (ADA)

At the time of contract execution, successful grant applicants will be required to submit specific ADA-related documents to confirm compliance with several local ordinances and state and federal statutes/regulations.

AUDITING

The Contractor shall keep complete and accurate books and records indicating when, how, by whom, and for what purposes the funds received under the Contract are spent by the Contractor, and the Contractor shall make such books and records available to the City for examination upon request.

All Funds disbursed under this Contract shall be handled by the Contractor in accordance with the standards of the American Institute of Certified Public Accountants, which include provisions for sound fiscal practices and fiscal reporting. In addition, the Contractor shall furnish the City at its request with balance sheets and

statements of operation, which accurately account for expenditure of Contract funds, and a written narrative report reflecting the same.

The City reserves the right to audit the books and records of the Contractor, upon reasonable notice to the Contractor and during regular working hours, in order to ensure fiscal and programmatic compliance with the assurances in this contract.

Should any serious discrepancy appear in such reports or statements, the City shall notify the Contractor. If such discrepancy is not rectified to the satisfaction of the City within thirty (30) days, the City may withhold all or part of the funds from the contractor or an expenditure of Contract funds for a purpose which is not authorized by this Contract. Should the City determine that any provision of this Contract has been violated, the City may terminate this Contract immediately. Written notice of termination will be sent to the Contractor.

CONTACT

For more information or questions regarding these guidelines please contact the Museums and Cultural Affairs Department:

Rebecca Muñoz
Cultural Development Coordinator
915-212-1770, munozra@elpasotexas.gov