



# Rules and Regulations

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## KILLEEN ARTS COMMISSION RULES AND REGULATIONS

### I. Organization and Officers

#### 101. Organization

The Arts Commission of the City of Killeen shall consist of nine (9) regular members, who reside in the City of Killeen, appointed by the City Council and shall be organized and shall exercise such powers and responsibilities as prescribed by all City Council Ordinances relating to the Killeen Arts Commission.

#### 102. Officers

A Chairperson and Vice Chairperson shall be elected annually from among the Commission's membership at the first meeting in October and at such times as these offices become vacant. In the absence of both the Chairperson and the Vice Chairperson, the Commission shall elect an Acting Chairperson. A secretary shall be appointed from staff personnel assigned by the City's chief executive officer.

#### 103. Duties and Powers

A. The Commission shall solicit applications for arts events, review and hear requests for funding, schedule interviews, and adopt guidelines and criteria for applicants requesting funding. The Commission will advise the City Council on the expenditure of the hotel/motel tax allocation for the arts. The Arts Commission Chairman, or an alternate representative as designated by the chairman, must attend all City Council workshops and meetings at which Arts Commission issues are agenzized.

The Commission may also seek and administer funding by state, federal, and private grants, gifts, and admission fees as provided herein. They may also decline acceptance of any state, federal, private grant, donation or gift which is subject to terms or conditions which are not acceptable to or performable by the Commission.

The Commission may itself produce and promote a cultural/arts event or projects in addition to and apart from its role as a funding source for Arts Commission Grants to other groups and individuals. Events or projects may also include a public permanent art component.

B. The Chairperson shall preside at all meetings. The Chairperson shall decide on all points of order or procedure in accordance with these rules and regulations and the Scott, Foresman Roberts Rules of Order, the most current edition. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairperson.

C. The secretary shall be the custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall

cause such notices to be given as are required and in the manner prescribed by law.

- D. In accordance with the Killeen City Code, *Section 2-133. "Community encouragement of the arts and producing of activities," Section b* the Killeen Arts Commission will submit their Annual Advisory Report along with a presentation to the City Council **prior to Council's budget consideration**, of the following calendar year.
- E. The Arts Commission will keep the City Council informed of all activities throughout the year.

104. Mission Statement

The Mission of the Arts Commission of the City of Killeen shall be:

- A. To develop a community multi-cultural arts program that will enhance tourism and hotel/motel use, through the arts;
- B. To encourage an increase in quality arts programs available to the citizens of the City of Killeen;
- C. To stimulate an interest in the local arts of all cultures and minority groups especially ensuring access for seniors and disabled citizens;
- D. To encourage exposure to the arts for school-age citizens;
- E. To preserve and develop the arts and to maximize the quality of the arts and their contributions to our City's culture;
- F. To recommend the equitable distribution of resources from the public and private sectors necessary to accomplish the mission; and
- G. To produce and promote activities which accomplish this mission.

105. Rules of Order

The most current edition of The Scott, Foresman Roberts Rules of Order, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these rules and regulations and all City Council Ordinances relating to the Killeen Arts Commission Rules and Regulations.

## II. Meetings

### 201. Quorum

A quorum shall consist of a majority of members then in office eligible to vote on any given matter.

### 202. Simple Majority

Simple majority is the majority vote of those Commissioners present.

### 203. Agenda

A. In order for an item to be placed on the Arts Commission agenda, a request must be sent via email or phone to the Arts Commission Secretary no later than 12:00 p.m. two (2) Mondays prior to the scheduled meeting. The item will then be placed on the agenda to be approved by the City Staff Executive Sponsor and by the Arts Commission Chairperson.

B. An agenda shall be prepared by the secretary for the meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by the Commission. A copy of the agenda shall be publicly posted on the information bulletin board at City Hall, and on the City's website as required by law for a period of seventy-two (72) hours before the meeting.

C. Discussion of agenda items shall be in compliance with the Open Meetings Law of the State of Texas. Each item must be specifically described in the agenda.

### 204. Regular Meetings/Recording of Votes

Regular meetings shall be held on the second Friday of the month unless otherwise determined by the Commission. The regular meetings will occur in the Utility Collections Conference Room at 12:15 p.m. or a time and location determined by a simple majority of the Commissioners present at any previous meeting.

All members of the Arts Commission, except the chairperson, may vote. The chairperson can only vote to break a tie.

### 205. Special/Workshop Meetings

Special/workshop meetings for any purpose may be held: (1) on the call of the Chairperson, or (2) on request of three or more commissioners and by giving written notice to all commissioners at least seventy-two hours before the meeting, or (3) as may be scheduled by a simple majority of the Commission at any previous meeting. City staff will be responsible for reserving the location and notifying the Commissioners for any changes in the location due to unavailability.

206. Public Meetings/Workshop

All meetings shall be held in full compliance with the provision of state law; Texas Open Meetings Act, V.T.C.A., Government Code, §551.001 *et. seq.*; Ordinances of the City of Killeen; and these rules and regulations.

At meetings/workshops where applications are being considered for specific ethnic groups, the City will attempt to provide a bilingual representative fluent in English and the language of the ethnic group provided the request for a translator is received 72 hours prior to the meeting.

207. Commission Member Attendance

A. Commission Members' attendance is subject to the attendance policy and procedure adopted by the City Council (Section 2-118, Killeen City Code).

B. Prior to the date of the meeting, a Commissioner may seek approval by the Chair to participate in a meeting virtually. If there is not a physical quorum present at the meeting which a Commission is participating in virtually, then any Commissioner participating virtually will be counted as absent for that meeting. Such absence, if approved by the Chair prior to the date of the meeting, shall be an excused absence. No Commissioner shall participate virtually except with the prior approval of the Chair.

C. In addition to the attendance policy under Section 2-118 of the Killeen Code of Ordinances, the Commission may recommend that a Commissioner be removed if a Commissioner has five or more absences in a year, regardless of whether the absence was previously excused by the Chair.

208. Conflict of Interest

A member of the Arts Commission shall refrain from voting on any matter before the Commission for which that member, or the member's relative, has a direct or indirect financial interest. For purposes of this section a "relative" is a person related to the member in the first degree by consanguinity or affinity as determined under Chapter 573 of the Texas Government Code.

A member of the Commission shall not discuss or vote on the funding request and evaluation reports of any applicant or recipient of which the Commission member is an officer or director.

A member of the Commission shall not be the point of contact or answer questions regarding the funding request and evaluation reports of an organization for which the Commission member is an officer or director.

A member of the Commission shall not be the signer of a funding request, evaluation report, grant agreement, or the witness to the grant agreement.

### III. Official Records

#### 301. Definition - Official Records

The official records shall be these rules and regulations, the written transcribed minutes, and the voice recordings obtained at the meeting, the agenda and attachments, all applications, findings, and decisions of the Commission.

#### 302. File - Retention

All matters coming before the Commission shall be filed in the City's records. Original grant applications and evaluations shall be retained in accordance with the City's record retention policy.

#### 303. Public Record

The official records shall be open to public inspection as prescribed by the Texas Public Information Act, V.T.C.A., Government Code, §552.001 *et. seq.*

### IV. Tax and Grant Revenue Allocations

#### 401. Arts Commission Grants

The Hotel/Motel Tax Revenue Allocations and any other funding acquired through federal, state, and private grants will hereafter be referred to as Arts Commission Grants.

Arts Commission Grants are provided on a cost reimbursement basis. The grantee is required to finance its operations with its own working capital, and payments are made to reimburse the grantee for actual cash disbursements with required supporting documentation (see Section 605 for definition of supporting documentation).

Grant costs are reimbursed after any required cash match has been met.

#### 402. Classification of Arts Commission Grants

There will be four classifications of Arts Commission grants: Start-Up Grant, Minor Grant, Major Grant, and Public Permanent Art Grant.

A. A Start-up Grant will be in an amount up to three thousand dollars ( $\leq$ \$3,000) and requires a ten percent (10%) match of eligible expenses. This grant is only available to first-time grantees.

A start-up grant can only be awarded the first year applying for a Killeen Arts Commission grant.

B. A Minor Grant will be in an amount up to five thousand dollars ( $\leq$  \$5,000) and requires a twenty-five percent (25%) match of eligible expenses.

- C. A Major Grant will be in an amount over five thousand dollars (> \$5,000) and requires a fifty percent (50%) match of eligible expenses.
- D. Public Permanent Art Grant:
  - 1. A Public Permanent Art Minor grant will be in an amount up to five thousand dollars ( $\leq$  \$5,000) and requires a twenty-five percent (25%) match of eligible expenses.
  - 2. A Public Permanent Art Major Grant will be in an amount over five thousand dollars (> \$5,000) and requires a fifty percent (50%) match of eligible expenses.

A Public Permanent Art Grant cannot include an advertising component and must be easily accessible to the public.

In-kind funding cannot be used towards the grant match.

#### 403. Allocation of Arts Commission Grants

- A. Staff will review the applications for correctness and adjust grant requests for the following:
  - 1. Ineligible expenses as specified in Section 501(C) will be removed.
  - 2. If an applicant's grant request does not include the required cash match, the grant request will be adjusted so that the cash match requirement is met as established in Section 402.
  - 3. If an applicant's grant request is over 50% of the total grant requests, the request will be reduced by the total percentage overage.
- B. A meeting will be scheduled for the applicants to present their art grant request to the Arts Commissioners. The Arts Commissioners will score the art grant request based on the following:
  - 1. Does the art grant request promote tourism and the hotel and convention industry as required by Texas Tax Code Section 351.101? In the event that the majority of Arts Commissioners find the art grant request does not satisfy this criterion, the grant request will be disqualified;
  - 2. The artistic merit of the art grant request (30 points maximum);
  - 3. The experience of the applicant:
    - a. Previous Arts Grant recipient - ability to meet the stated goals and objectives of the grant rules and regulations; or

- b. First-time applicants - the length of time hosting the event and experience in undertaking projects of similar complexity as the one for which funds are being requested. (10 points maximum);
  - 4. Expected number of Killeen hotel rooms sold for the event with credible objective supporting data or information (15 points maximum);
  - 5. Expected “Tourism”, as defined under Texas Tax Code Section 351.001 as guiding or managing individuals who are traveling to a different city, county, or state for pleasure, recreation, education, or culture (15 points maximum);
  - 6. Marketing effort of the art grant request to attract tourists and hotel guests (15 points maximum);
  - 7. Reasonableness of the funding request (10 points maximum); and
  - 8. Applicant’s knowledge and ability to address the Arts Commission’s questions (10 points maximum).
- C. The grant recommendation = adjusted grant x average score ÷ total of maximum grant amounts x budget for grants.
  - 1. Definitions:
    - a. Adjusted grant – original grant request minus any adjustments for ineligible expenses and matching requirements.
    - b. Average score – the average of all the Arts Commissioner’s scores as a percentage.
    - c. Total of maximum grant amounts – Sum of all maximum grant amounts. The maximum grant amount for each grant request is determined by multiplying the adjusted grant amount by the average score.
- D. City staff will present the recommended grant awards to the Arts Commissioners for review in the presence of the eligible applicants. Afterwards, the art grant recommendations will be presented to the City Council for approval.

**V. Guidelines and Criteria for Arts Commission Grants**

501. Use of Funding

- A. Arts Commission Grants will be distributed in the following manner to events and public permanent art that have as their primary purpose

1. The promotion of the Arts and cultural enhancement of the city and:
2. Promote tourism and the convention and hotel/motel industry in the City of Killeen by developing the arts in this community through the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design, and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms, as authorized by Texas Tax Code Section 351.101(a)(4).

B. Guidelines for Arts Commission Grant Applicants:

1. A copy of the organization's most recently filed Form 990 must be submitted with its application.
2. Grant recipients will be required to demonstrate how the grant funding will accomplish the purposes stated above. The City of Killeen shall monitor the use of funds by the recipient. Failure of a recipient to use funds for the stated purpose may cause forfeiture of the grant and/or rejection of future grant applications and/or legal action.
3. The event(s) or public permanent art must have the majority of its involvement in the arts inside the city limits of Killeen.
4. The grantee is required to obtain liability insurance for all events held on City property. At a minimum, the insurance coverage must be in effect through the duration of the events. If the grantee purchases liability insurance covering multiple events, the eligible cost to be included in the grant will be prorated based on the ratio of events sponsored by the Commission compared to the total number of events covered by the policy. The City of Killeen must be named as an additional insured, and proof of insurance must be submitted to the City of Killeen Finance Department a minimum of 10 business days prior to the event. The cost of the liability insurance will not be a reimbursable expense if the grantee fails to submit the correct insurance documents by the deadline.
5. Applicant must estimate what percentage of the audience or participants will come from outside the City of Killeen. Applicant must show effective marketing efforts to draw audiences and participants from outside the City of Killeen. The applicant will document, when possible, those who attend.
6. The proposed event or public permanent art must be of artistic quality and a majority must be of artistic merit as determined by the Commission.
7. Grant recipients will be required to inform the Arts Commission of any changes in the scheduled activities that were approved in the original

contract. Any such change in the location or schedule will be conveyed at least 45 days prior to the event or public permanent art change to City staff via the Event Change Notification form. The event change must be presented to the Arts Commission and the Commission will vote on the event change request. Failure to provide this information by the deadline may result in a penalty of 10% reduction per each business day late from the adjusted grant amount. Grantees may also be subject to rejection of future grant applications and/or legal action.

Applicants requesting to transfer funds between events will not be granted more than the original application amount for said event. Funds can be transferred to no more than one approved event during the grant cycle. Funds cannot be transferred to events not originally approved for the grant cycle. Transfer of funds between events will not be granted retroactively.

Grantees shall notify City staff in writing if there is a change in the point of contact for the grant to ensure the city staff can brief the replacement regarding the grant requirements. Failure to notify shall result in forfeiture of the funding.

8. A Budget Adjustment Request must be submitted if the organization needs to modify the approved Grant Budget by more than 10% of the total. If a Budget Adjustment Request is not submitted, the maximum eligible amount identified per budget category on the Grant Budget will be used to determine the reimbursement. The Budget Adjustment Request shall be submitted to City staff prior to the due date of the evaluation report.

9. A minimum of six (6) tickets to the event (performance/event) or unveiling of the public permanent art must be provided to the Finance staff for Commission use ten days in advance of the event or unveiling.

10. The proposed event(s) or public permanent art must be completed within the City's Fiscal Year (October 1 through September 30) for which funding is provided.

11. Public permanent art must be accessible to the public. Publicly accessible art means produced works of art installed, presented or performed in a location that is accessible to the public.

12. The grant recipient shall not make cash payments for expenses that will be submitted to the City for reimbursement.

C. Ineligible Activities for Arts Commission Grants.

The Commission will not fund the following:

1. Social functions, parties and receptions; the primary purpose of the event should be artistic in nature and not a secondary factor of the event.

2. Events involving high school, college, or university credit that will ultimately be used toward a degree, diploma or certificate.
3. Events at public and private schools, colleges, and universities that primarily relate to curriculum and that have minimal or no community involvement.
4. Operating expenses for privately owned for-profit corporations.
5. Advertising or marketing expenditures lacking accompanying documentation verifying the respective advertisement's publication or dissemination.
6. Any expenditures that cannot be adequately allocated or attributed to a specific event.
7. Operating expenses for Federal-, State- or County-owned facilities, and general governmental operations of a municipality.
8. Transportation and lodging expenses, other than those for the performers. Performers must have a signed contract stating that lodging expenses are to be covered by the grantee.
9. Capital improvements, bricks and mortar, and permanent equipment; capital improvements are assets of a long-term character which are intended to continue to be held or used over a life span of several years.
10. Retroactive funding;
11. Any related party transactions. A related party is an entity that can control or significantly influence the management or operating policies of another entity to the extent one of the entities may be prevented from pursuing its own interests. A related party may be any party the entity deals with that can exercise that control. Each applicant shall disclose to the Commission in their grant application, any related party relationship or common control relationship even if no related party transactions have occurred, if the relationship could significantly affect the entity's financial position or results of operation.
12. An event or public permanent art that does not have as its primary purpose the promotion of the Arts and cultural enhancement of the city.
13. A public permanent art grant that includes advertising and/or is not publicly accessible.
14. Public permanent art that does not have permission from the land/property owner or other concerned parties.

15. Gifts, prizes, and awards that exceed \$50 per individual. A roster of individuals receiving gifts, prizes, or awards is required as supporting documentation to ensure gifts, prizes, and awards do not exceed \$50 per individual.

16. Meals, refreshments, and catering expenses, other than those for volunteers and performers; meal expenses for volunteers and performers that exceed \$50 per individual. A roster of volunteers and performers is required as supporting documentation.

17. Sales taxes.

D. Organization Eligibility

To be eligible for an Arts Commission grant, an organization must:

1. Be a tax-exempt, nonprofit corporation incorporated under the laws of the State of Texas. In addition, the organization must be a 501 (C) tax-exempt organization under the rules and regulation of the Internal Revenue Service, if required by the Tax Code. All corporations applying for a grant must have a valid nonprofit organization charter on file with the Texas Secretary of State. If the organization is a 501 (C) tax-exempt organization under the rules and regulation of the Internal Revenue Service, the organization must also submit with their application a letter of exemption from the Internal Revenue Service that can be used to confirm current status. Failure to submit these necessary documents will result in the organization being ineligible for funding.

Organizations which are not incorporated may apply under the umbrella of a nonprofit organization. The umbrella organization is the official applicant and is responsible for compliance with the Arts Commission's Rules and Regulations and the reporting requirements and financial commitments of the funded applicants. An entity of government may also apply directly for an Arts Commission grant for an eligible event or program.

Individuals applying for Public Permanent Art Grants must apply under the umbrella of a nonprofit organization.

2. Demonstrate sound artistic direction.

3. Promote tourism and the convention and hotel/motel industry.

4. Not have any outstanding financial obligations with the City of Killeen.

5. Not have any outstanding financial obligations related to previous arts grant funded events or public permanent art.

502. Types of Events or Public Permanent Art

There will be four types of events/public permanent art funded by Arts Commission Grants.

- A. Single event – Only one event.
- B. Multiple events (other than year-long) – More than one event, but not occurring throughout the course of twelve months.
- C. Year-long events - Events occurring over the course of twelve months.
- D. Public Permanent Art Projects

The applicant may only have one active application per year, if eligible. The application may cover more than one event or public permanent art. If the applicant is disapproved for funding, the applicant may reapply during the next funding period, if eligible. The amount of funding requested for each event or public permanent art listed on the grant application shall determine if the grant request is for a major grant or a minor grant.

503. Guidelines for Document Submissions

Please follow the guidelines below when submitting any documentation to City staff.

- A. Provide one copy of all forms and supporting documentation.
- B. All documents that are not 8 ½ x 11 inch need to be taped down to an 8 ½ x 11 inch piece of paper (including, but not limited to, newspaper ads, clippings, fliers, etc.). This includes cutting out any necessary items larger than 8 ½ x 11 inches (i.e. newspaper clippings) and taping down as well.
- C. All submissions must be given to the Finance Department’s Executive Assistant for recording purposes.
- D. All documents submitted must be one sided.
- E. If City staff identifies any necessary corrections or adjustments, they must be made by the grantee.
- F. The grantee is ultimately responsible for providing complete and accurate documentation for all required submissions. If City staff identifies any necessary corrections, adjustments, or missing documentation, the grantee is the responsible party to make the adjustments and provide additional documents in order to be considered complete and timely.
- G. Any requests made by City staff must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the submission will be processed as is, if sufficient enough to do so. If it is determined insufficient for processing as is, the submission will be considered incomplete and deemed not received by the required deadline. This could result in the grantee forfeiting a portion or all of unpaid grant funds.

**VI. Applications and Administration for Arts Commission Grants**

601. Application Packet

An application form, approved by the simple majority vote of the Commission, shall be completed by all applicants. The applicants will, upon request, receive a packet containing the application, instructions, and these rules and regulations. Applicants must submit their request on the “City of Killeen Arts Commission Grant Application” form provided by the Killeen Arts Commission. Application information will be limited to the provided “City of Killeen Arts Commission Grant Application” form.

602. Administrative and Fiscal Responsibility

All applicants applying for an Arts Commission grant must demonstrate efficient and effective organization. Applicants who have previously been funded by the Arts Commission must have a history of submitting all financial reports with the Arts Commission accurately, completely, and in a timely manner.

603. Calendar

The grant year shall be October 1 through September 30.

- A. The Arts Commission will solicit applications during the month of March.
- B. City staff will hold an application workshop to brief the potential grantees on the requirements of the grant requests, the process of application review, and the allocation of grant awards. A deadline will be established for application submission. Applications will not be accepted after the deadline.
- C. City may hold a marketing workshop to assist grantees in marketing efforts for their Arts Commission funded events.
- D. The Arts Commission will review requests and conduct interviews at the Grant Review Workshop.
- E. The Arts Commission will submit recommendations to the City Council after the Grant Recommendations Workshop.
- F. Grants awards will be approved by the City Council, at a regular City Council meeting, subject to later adoption of the City’s annual budget.
- G. Contracts shall be executed after October 1.

604. Required Grant Conditions, Contract and Payment of Arts Commission Grants

After grant awards are announced, the City of Killeen will execute a contract with the recipient specifying the amount and the conditions under which the grant is given.

#### A. Required Grant Conditions

1. For startup grants of up to \$3,000 the grantee shall submit proof that one (1) hotel or motel room within the City of Killeen were utilized by patrons or vendors. For minor grants of less than \$5,000 the grantee shall submit proof that two (2) hotel or motel rooms within the City of Killeen were utilized by patrons or vendors. For Major grants \$5,000 and above the grantee shall submit proof that two (2) hotel or motel rooms within the City of Killeen were utilized by patrons or vendors for each \$5,000 granted by the Arts Commission. A statement from a hotel or motel showing paid stays shall be required. Charges for rooms to be counted toward this requirement shall not be allowable expenses of a grant. This provision shall not apply to public permanent art grants. Grantees that fail to meet this requirement may have a 10% reduction in grant reimbursement for each unfulfilled hotel or motel room.

2. All printed materials must include the name of a host hotel or motel. This provision shall not apply to grants for public permanent art grants.

3. The grantee shall display an Arts Commission banner at the site of an event unless the grantee can show that such display would interfere with the artistic value of the event or otherwise hinder the event. An Arts Commission member shall be responsible for delivering and retrieving the banner. The grantee shall be excused from displaying the banner if it is unavailable or if no Arts Commission member is available to deliver it. This requirement shall not apply to year-long events or public permanent art grants

4. The grantee shall provide a booth to the Arts Commission if requested by the Arts Commission. One or more Arts Commission member(s) shall be appointed to represent the Arts Commission at the booth for the duration of the event. The grantee may be excused from this requirement if the grantee can show that a booth would interfere with the artistic value of the event or otherwise hinder the event. This requirement shall not apply to year-long events or public permanent art grants.

#### B. Single Event - Only one event or public permanent art

No later than 45 days after the completion of the event the grantee may request the remaining grant funds by submitting Exhibit A (Evaluation Report), corresponding Exhibit B's (Expense Summary) and supporting documentation (see section 605 for definition of supporting documentation) for the entire grant year. If City staff has any questions or requests additional documentation, the request must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Evaluation Report will be processed as is if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Final Evaluation will be

considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Evaluation, and all other contract conditions have been met. If the Evaluation is not received in the Finance Department by close of business on the 45<sup>th</sup> day (as identified per the grantee's signed contract or Budget Adjustment Request form) after the completion of the event, the grantees grant reimbursement may be reduced 10% per business day past the deadline. The Evaluation must include Exhibit A, all relevant Exhibit B's, and supporting documentation (see definition of supporting documentation in section 605). Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department as soon as received.

C. Multiple Events (other than year-long) – More than one event, but not occurring throughout the course of twelve months.

No later than 45 days after the completion of each specific event, the grantee may request the remaining grant funds for the specific event by submitting to city staff Exhibit A (Evaluation Report), corresponding Exhibit B's (Expense Summary), and supporting documentation (see section 605 for definition of supporting documentation). City staff will review the request before payment is disbursed. If City staff has any questions or requests additional documentation, the requests must be fulfilled by the grantee within 10 business days. After the 10-day window expires, the Evaluation Report will be processed as is if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Evaluation will be considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Evaluation, and all other contract conditions have been met. If the Evaluation is not received in the Finance Department by close of business on the 45<sup>th</sup> day (as identified per the grantee's signed contract or Budget Adjustment Request form) after the completion of the event, the grantees grant reimbursement may be reduced 10% per business day past the deadline. The Evaluation must include Exhibit A (Evaluation Report), all relevant Exhibit B's and their supporting documentation. Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department staff as soon as received.

D. Year-long Event – Events occurring over the course of twelve months.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Final Evaluation, and all other contract conditions have been met. If the Evaluation is not received in the Finance Department by close of business on the 45<sup>th</sup> day (as identified per the grantee's signed contract or Budget Adjustment Request form) after the completion of the final event, the grantees grant reimbursement may be reduced 10% per business day past the deadline. The Evaluation must include Exhibit A, all relevant Exhibit B's and their supporting documentation. Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department staff as soon as received.

605. Record Keeping and Supporting Documentation

- A. All recipients of Arts Commission Grants will be required to establish records detailing the use of the funds under the program. These records are subject to examination and audit by the City of Killeen and by the State of Texas.
- B. Supporting documentation, as referenced in this document, is defined as evidence that costs were incurred and paid by the grantee. Generally, this will take the form of an invoice, receipt, or contract, supported by a copy of a cancelled check/electronic copy or other document, for example, bank statements, electronic reference, cashier's checks, money orders, etc., supporting that the transaction occurred. Note that all copies of cancelled checks, submitted as documentation, should include both the front and back of the check. If the back side is not available, a copy of the respective bank statement can be submitted. For reimbursement of the grantee's staff salaries (Category 1), personnel activity reports are required. The personnel activity report must contain enough detail to identify the portion of staff salaries devoted to the event/project. The reports must be signed by the employee and the employee's supervisor.

606. Acknowledgement of City Funding for Arts Commission Grants

The recipient shall acknowledge the City of Killeen's participation in the funding of the event or public permanent art in all promotional materials using the context below. This shall include and not be limited to printed programs, posters, mailers, advertisements, social media, audio, video and internet promotions.

Printed Items: "This event/program/performance/exhibition/public permanent art is supported, in part, by funds from the City of Killeen, Texas, Municipal Hotel Occupancy Tax Revenues and other funding sources as stated in the contract." The font used in print materials shall be proportional to the advertisement style.

Printed materials also shall use the official logo of the Killeen Arts Commission or the following statement: "Sponsored in part by the City of Killeen, Texas, Arts

Commission.” The font used for the logo must be sized the same as sponsors that have contributed amounts similar to the grant from the Arts Commission.

Radio/Audio ONLY: "Sponsored in part by a grant from the City of Killeen, Municipal Hotel Occupancy Tax Revenues."

607. Application Workshop

All grant applicants must have informed representation at the Killeen Arts Commission Application Workshop. A makeup session may be provided by City Staff within 30 days of the original workshop. If the applicant does not have informed representation at the Application Workshop or the makeup session the application will be disqualified for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. Failure to do so will cause the organization to be ineligible for consideration of funding.

608. Marketing Workshop

If city staff hold a marketing workshop, all grant applicants must have informed representation at the Killeen Arts Commission Marketing Workshop. A makeup session may be provided by City Staff within 30 days of the original workshop. If the applicant does not have informed representation at the Application Workshop or the makeup session the application will be disqualified for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. Failure to do so will cause the organization to be ineligible for consideration of funding.

609. Grant Review Workshop

All grant applicants will be required to have informed representation at the Killeen Arts Commission Grant Review Workshop. Failure to attend this workshop will disqualify the application for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the grant application to answer any questions about it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for consideration of funding.

610. Application Review for Approval

All grant applicants will be required to have informed representation when their application is being reviewed for approval by the Killeen Arts Commission. Failure to attend this review will disqualify the application for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the grant application to answer any questions about

it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for consideration of funding.

If it is determined that an applicant submitted false information on their application, the application will be denied for the current grant cycle and the grantee will be ineligible to apply for the two (2) subsequent grant cycles.

611. Evaluation Report Review

All grant recipients are required to have informed representation when their Evaluation Report is being reviewed for approval by the Killeen Arts Commission. Failure to attend this review will result in the evaluation being placed on a future agenda. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the Evaluation Report to answer any questions about it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for funding consideration. A 1-2 minute visual presentation compatible with city equipment must be submitted with the completed evaluation form.

612. Non-compliance with Program

Any grant applicant or grant recipient that does not timely and fully comply with the Killeen Arts Commission Rules and Regulations, Recipient Contract and all local, state and federal laws may be ineligible for funding for the current grant cycle and the grantee may be ineligible to apply for the two (2) subsequent open grant cycles. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

## **VII. Arts Commission Sponsored Cultural/Arts Activities**

The Arts Commission may choose to produce a Cultural/Arts event itself, rather than merely being a grant source for others.

701. Criteria

A Cultural/Arts Event must meet the criteria of section v.501.A and have the majority of its involvement within the City limits of Killeen. Moreover, the event must be of artistic quality as determined by the Commission and be responsive to the arts/cultural needs of the City.

702. Funding

A. Allocations budgeted for Arts Grants, through other state, federal or private grants may be used, as well as private gifts, donations, and admission fees charged for the event. The Commission shall comply with the terms and conditions attached to any grant, gift or donation upon acceptance.

- B. Nothing herein prevents the use of funds, raised under this Section VII, as Arts Commission Grants provided for in Section V.
- C. The Purpose of a Cultural/Arts event shall be the same mission as stated in Section 351.101(4) of the Tax Code. The purpose of such Cultural/Arts event shall not be manifestly to create profit but to cover cost of the event.

### **VIII. Motions**

A motion may be made by any Commissioner other than the presiding officer. A motion to approve any matter before the Commission or to recommend approval or disapproval shall require a simple majority approval vote.

### **IX. Certification and Amendments**

#### 901. Certified Copy

A certified copy of these rules and regulations and any amendments shall be filed in the office of the City Secretary within ten (10) business days of their adoption.

#### 902. Amendments

Amendments to these rules and regulations may be adopted at any time at a public meeting, upon the affirmative vote of the simple majority of the commissioners, provided the amendment is proposed at a previous meeting and stated in the minutes of such meeting.

The amendment will not become effective until the next regular meeting. Amendments regarding guidelines and criteria for applicants requesting funding shall be approved by the City Council.