



Office of the City Manager

INFORMATION CALENDAR

January 29, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Referral Response: Establishment of a Festival Grants Program

INTRODUCTION

This report responds to a referral adopted by City Council on March 13, 2018 to establish a Festival Grants Program to allocate General Fund grants for special events and festivals via a regular and transparent process, for implementation beginning in the FY2020 budget year.<sup>1</sup> Staff worked with the Civic Arts Commission, festival producers and stakeholders, artists, arts organizations, and community members to develop program guidelines for the Festival Grants Program (Attachment 1), and to revise the Civic Arts Grants Program Guidelines for Arts Organizations (Attachment 2) and Individual Artist Projects (Attachment 3).

CURRENT SITUATION AND ITS EFFECTS

Currently there is no formal process for the awarding of festival grants. There are 17 festivals which have been receiving funding through the City's annual budgeting process. The amounts awarded are not correlated to specific criteria and therefore vary considerably from festival to festival. Although the City of Berkeley supports several high quality and beneficial festivals, the lack of a formal grant program has created an uneven playing field. Funding for new festivals has been inaccessible and currently funded festivals have continued to receive funding without an evaluation of their impact.

From October 2018 through January 2019, Civic Arts Program staff conducted outreach and consultation with a broad set of community stakeholders to inform the development of the Festival Grants Program Guidelines and make corresponding revisions to the Civic Arts Grant Guidelines for Arts Organizations and Individual Artist Projects to ensure that all grant programs managed by the Civic Arts Program are aligned and reflect a unified overarching grants strategy. The grant application period will open in February 2019.

BACKGROUND

On March 13, 2018, City Council referred to the City Manager the establishment of the City of Berkeley Festival Grants Program to allocate General Fund grants for special

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<sup>1</sup> [Festival Grants Program](#), Item 10, Berkeley City Council Meeting, March 13, 2018.

events and festivals via an annual process, for implementation beginning in the FY2020 budget year. The objective of creating this program is to distribute funding for festivals and special events equitably and transparently through a grant process managed by the Civic Arts Program.

The Festival Grants Program Guidelines establish definitions, eligibility, evaluation criteria, application review process, and other program standards. For the FY2020 budget cycle, Cultural Equity Impact has been incorporated into the evaluation criteria for each of the grant programs.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts related to the development of a grants program.

POSSIBLE FUTURE ACTION

Council will allocate funding for the Festival Grants Program through adoption of the FY2020 & 2021 budget in June 2019.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The FY 2019 budget allocated \$162,315 for grants for street events and festivals. Staff is recommending an allocation for the FY 2020 & 2021 budget cycle of \$158,315.

The administration of the Festival Grants Program requires the annual commitment of staff time. To minimize the impact, staff has aligned the Festival Grants Program with the workflow of the annual Civic Arts Grants Program.

CONTACT PERSON

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Attachments:

- 1: Guidelines for the Festival Grants Program
- 2: Civic Arts Grants Program Guidelines for Arts Organizations
- 3: Civic Arts Grants Program Guidelines for Individual Artist Projects
- 4: Festival and Civic Arts Grants Guidelines Review Process

## City of Berkeley Festival Grant Guidelines

FY20 Grant Cycle for Festivals and Special Events Taking Place: July 1, 2019 — June 30, 2020

### 1. DEFINITION, PURPOSE, ELIGIBILITY, GRANT AMOUNTS, USE, RESTRICTIONS, & FISCAL SPONSORS

#### 1.1 Definition

Festivals are defined as a wide variety of public events including arts festivals, celebrations of cultural heritage relevant to Berkeley residents, and other events that celebrate a community, a neighborhood or a shared cultural interest.

#### 1.2 Purpose

The purpose of the Festival Grant Program is to support community festivals and special events that: celebrate and preserve a rich variety of cultural opportunities for Berkeley's residents; bolster the city's vitality; and increase Berkeley's visibility and reputation as a desirable destination for visitors. The Festival Grant Program supports a range of events throughout the City from small-scale and first-time events to large scale and established festivals. Festival Grant Program-funded events must be open to the entire public and have free admission, although these events may include fee-based access to some portion of the event.

Having received City of Berkeley funding in prior years is no assurance that an organization will be awarded a grant in any given year.

#### 1.3 Eligibility

Applications that are complete and submitted by the deadline will be accepted from organizations that meet the following conditions:

- At least one of the applicant team members (applicant organization or event producer) must have produced at least two events at a comparable scale to the proposed grant-funded event.
- Designated as a not-for-profit corporation under Section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. Organization/fiscal sponsor 501(c) status must be current and may be verified by City staff.
- Organization (and its fiscal sponsor, if applicable) must be housed in the City of Berkeley with its corporate address in the City of Berkeley. Organization and fiscal sponsor address will be verified by City staff.
- Organization's event takes place at some point during July 1, 2019 – June 30, 2020 in the City of Berkeley and is a discrete event or special project.
- Organization a) is not a division/department within the City of Berkeley; and b) is in good standing on previous and/or current City of Berkeley grants and with other City departments.
- Demonstrate financial health, evidenced by:
  - Receiving outside sources of funding.
  - Managing a budget size and percentage of earned revenue appropriate to the activity.
  - Not carrying an accumulated debt greater than 25% of the proposed festival budget.
  - For large and mid-size festivals: Having more than one source of funding for event. Small festivals may rely on only one source of contributed income.

- Demonstrate sound administration and fiscal management, evidenced by:
  - An active advisory board or working committee that takes responsibility for event.
  - A budget and staff appropriate to the scale of the activity.
  - A reasonable plan to retire debt—if applicable.
- Declared ability to meet City requirements for funded events:
  - Be able to meet the City of Berkeley's insurance, business license and special event permit requirements. See Section 5. "Selected Grantee Contractual Requirements" for details.
  - Projects must be developed and presented in Berkeley and culminate in a local event or festival with meaningful, accessible engagement of the public within the grant period.

#### 1.4 Grant Amounts

The Festival Grant Program operates on a one-year cycle based on the City of Berkeley Fiscal Year (July 1-June 30). Awards will be contingent on the allocation of funds from the City Council each year. The total amount allocated to each of the three grant categories (Arts Organizations, Festivals, and Individual Artists) will be recommended by the Civic Arts Commission's Grants Committee after an evaluation of the review panel results and based upon the size of the applicant pools and the corresponding scores. The Grants Committee's recommendation will be forwarded to the full Civic Arts Commission for approval.

Festival Grants will be awarded accordingly:

Small Events with a proposed budget of up to \$5,000	Grants up to \$5,000
Mid-Size Events with a proposed budget between \$5,001 - \$50,000	Grants up to \$14,000
Large Events with a proposed budget over \$50,000	Grants up to \$17,000

Budget levels will be calculated based on cash income. In-kind donations may be listed but should be kept separately from the budget numbers used for calculating category eligibility.

#### 1.5 Funding Use Restrictions

- Grant funds may not be used for:
  - Previous year's operating deficit.
  - Administrative costs or other organizational costs unrelated to production of the event.
  - Capital improvement projects.
  - Programs in the schools during school hours.
  - Ongoing and continuous programs.
- No part of the grant shall be used to promote or inhibit religion nor for any political advocacy.
- Applicant organization cannot submit more than one application for the Festival Grant Program category. (This does not apply to fiscal sponsors who are submitting applications on behalf of different fiscally sponsored projects or event producers who may be producing other festivals.)
- Activities not available to the general public.
- Activities taking place outside the City of Berkeley.
- Events where fundraising is the primary purpose.

## 1.6 Fiscal Sponsors

Definition of Fiscal Sponsor: Fiscal sponsor is a 501(c) tax exempt and nonprofit organization that has been assigned the responsibility to process the funds of another organization. It is the responsibility of the fiscal sponsor organization to consult with a tax professional to determine whether their particular tax exempt designation allows them to fiscally sponsor another organization. Fiscal sponsorship may take the form of processing a single check or providing complex accounting services and project oversight and is unique to each circumstance.

Organizations applying for funding through a Fiscal Sponsor should take particular note of the following requirements that the Fiscal Sponsor must meet:

- Fiscal Sponsor shall be responsible for all fiscal obligations of the grantee's awarded funds.
- Fiscal sponsor must be based in Berkeley.
- A written contract or Letter of Agreement between the applicant and the Fiscal Sponsor specifying the conditions of the Fiscal Sponsor arrangement must accompany the grant application. **(This agreement must be between the Fiscal Sponsor and the organization; a memorandum or letter to the Civic Arts Commission is not sufficient).** See the Fiscal Sponsor Supplemental Information Sheet.
- If the Fiscal Sponsor is also an applicant to the Festival Grant Program for their own organization's festival grant applications, any funds awarded to the organizations that they fiscally sponsor will not be counted as part of the fiscal sponsor's application budget.
- Information submitted in the grant application, including all budget information, applies to the organization conducting the festival, not the Fiscal Sponsor.

## 2. GRANT APPLICATION MATERIALS

In order to be considered for funding applicants must submit fully completed grant applications and all required application materials. The Festival Grant Program application consists of the following components:

- General Organization and Event Information.
- Signed Declaration to meet City Special Event Requirements.
- Event Narrative.
- Sources of Funds Statement.
- Event Budget Form and Budget notes.
- Organization Budget.
- Community Impact.
- Board of Directors Roster, including occupation, city of residence and term of office.
- Event producer's Resume.
- Current 501(c) Letter.
- Supporting Materials: Maximum of three items total that reflect the applicant's event. Examples include PDF copy of the following: brochures, catalogues, programs or other collateral produced by the applicant and/or press reviews or articles from sources outside the organization.
- Staff may request that the applicant provide the following updated documents prior to the Panel Review:

- Current 501(c) determination letter from the Internal Revenue Service.
- Certified Articles of Incorporation and organization By-Laws.

### 3. EVALUATION CRITERIA & SCORING SYSTEM

#### 3.1 Evaluation Criteria and Weighting

Applications will be evaluated according to the following criteria which are described so that applicants may have an idea of how the panel will score each application:

Event narrative & significance & community impact \_\_\_\_\_ 25 percent

- Clarity of the event’s vision and how well the event relates to the applicant’s mission, purpose and goals.
- How well the event demonstrates celebration of cultural richness, historical significance and/or the significance of their neighborhood’s uniqueness.
- Evaluation of estimated attendance and participatory activities.
- Demonstrated community benefit through indicators such as: contribution to the City of Berkeley as a cultural destination, attraction of people and volume of activities in a specific location that result in the vibrancy of a geographic area, number of participating artists, and local organization participation.
- Extent of positive impact on neighborhood where event occurs. How well the event aligns with the culture of the neighborhood where event occurs. How well the event reaches the targeted audience.

Communications, marketing, and outreach \_\_\_\_\_ 20 percent

- Ability to build a greater community understanding of the event.
- Effectiveness of conducting outreach through public awareness campaigns (social media, press releases, flyers, posters, newspaper ads, speakers’ bureaus, etc.)

Financial and budgetary capabilities/leveraging of City funding \_\_\_\_\_ 20 percent

- Ability to produce a profitable or break-even event measured on a cash basis.
- Extent of diversified financial support and in-kind contributions and/or volunteer resources used to leverage the City’s grant funding.
- Evaluation of event’s dependence on City funds and City in-kind donations of services and City waiver of fees – Does the event receive simultaneous funds from multiple City of Berkeley funding sources including collaborators seeking funds from the City to work on different components of the same project? How much funding is being provided by City departments and individual Council members?

Ability to produce a quality, well-planned, safe event \_\_\_\_\_ 20 percent

- Organization/event producer demonstrates strong accomplishments, and provides examples of previous achievements that are relevant to the proposed event.
- Ability to acquire necessary permits in a timely fashion.
- Experience in producing and promoting well-planned, safe events.
- Depth of managerial and organizational capacity.

Cultural equity impact \_\_\_\_\_ 15 percent

- Demonstrated ability of the applicant to support Berkeley’s diverse cultural traditions and values, including capacity to support the City’s underserved communities.
- Applicant clearly articulates how their event is rooted in and reflective of historically marginalized communities and geographically underserved areas of the city.
- Event reaches out to economically disadvantaged communities and communities that lack conventional arts venues or formal arts programs.
- The applicant organization demonstrate a commitment to cultural equity. For example, strategic board development to ensure that the board of directors includes members from historically marginalized communities.

### 3.2 Rating System

When evaluating each criterion, panelists will use the following 10-point scale, which is then translated to the appropriate weight for each criterion:

- Exceptional (9 - 10 points)
- Somewhat Exceeds Expectations (8 – 8.9 points)
- Meeting Accepted Standards (7 – 7.9 points)
- Needs Improvement to Warrant Funding (6 – 6.9 points)
- Does Not Merit Funding (0 – 5.9 points)

An applications must receive an overall score of at least 70 percent of total possible points in order for the panel to consider it for funding. However, achieving a score of at least 70 percent of total possible points does not guarantee that the panel will recommend an application for funding, as funds may not be sufficient to recommend a grant for all applicants that score above the minimum threshold.

## 4. APPLICATION REVIEW PROCESS

### 4.1 Eligibility Screening

Civic Arts Program staff will review for completeness and eligibility all applications that meet the deadline. Applications that pass this initial review will then be evaluated for their strengths by a separate Grant Review Panel, which will review the applications and related materials submitted by applicants.

### 4.2 Grant Review Panel

Applications will be reviewed in three differentiated categories (Small, Medium and Large events) based upon proposed event budget in order to make the competition among applications more equitable.

The Review Panel will be comprised of individuals experienced in special event grant funding and City staff familiar with special events in Berkeley. An open call and application for potential review panelists will be advertised. Review panelists will be approved by the Civic Arts Commission.

Review Panelists must not have any conflict of interest, which is defined as a situation in which a panelist has a competing professional, financial, or personal interest, which might make it difficult to

fulfill his or her duties impartially and could impair an individual's ability to perform his or her duties and responsibilities objectively. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the selection process, the Grants Program, the Civic Arts Commission and the City. If a panelist has a conflict of interest, they must recuse themselves and they must notify the City staff in advance of the panel (so that they're not assigned a lead reader role for those cases) and they must leave the room during any panel discussions regarding the applicant with whom there is a conflict of interest so that the panelist does not influence the process.

Applicants are encouraged to attend the Grant Review Panel meeting which will be held during normal City business hours and will be publicly accessible. Staff will send the grant review schedule and meeting location to applicants before the Review Panel meeting.

Applicants are not permitted to address the Review Panel. Panel notes summarizing the Review Panel comments will be made available to applicants after the Grants Committee's review of the panel recommendations, but before the Civic Arts Commission's approval.

#### **4.3 Civic Arts Commission Approval and City Council Review**

After the Grant Review Panel has scored all applications, the Civic Arts Commission's Grants Committee meets to develop funding recommendations in alignment with the ranking of scores within each category and to align proposed grant awards with available funds and for consistency with granting policies and guidelines, before forwarding the recommendations to the full Civic Arts Commission.

The award amounts as recommended by the Grants Committee are made public at least five business days prior to the Civic Arts Commission approval. The Civic Arts Commission reviews the funding recommendations for approval and once approved sends the slate of selected grantees and grant amounts to City Council for review. Grant awards are subject to the City Council's adoption of the annual budget, which usually occurs in June.

### **5. SELECTED GRANTEE CONTRACTUAL REQUIREMENTS**

#### **5.1 Business License and Insurance Requirements**

All team members (fiscal sponsor, applicant organization and event producer) from the successful grant applicant team must have a current Berkeley Business License. In addition, successful grant applicants must comply with the City of Berkeley's insurance requirements demonstrating adequate insurance and liability coverage for their event.

#### **5.2 Invoices**

Grantees may invoice for 90% of the grant amount once they have submitted a complete Special Event Permit application with cursory approval by Special Event Permit staff. Grantee's invoice for remaining grant funds will be paid within 30 days of approval of the Final Report by Civic Arts staff.

#### **5.3 Final Report**



Festival grantees must submit a Final Report for the event on a City-provided form (to include a post-event evaluation, estimated attendance and final budget). While grantees may submit final reports as soon as the grant funded event has taken place, they must submit the final report no later than 60 days after the grant period ends at the latest. Grantees must be current on filing required reports before they can receive grant funding. Final report must demonstrate that the projects was developed and presented in Berkeley and culminated in a local event or festival with meaningful, accessible engagement of the public within the grant period.

#### **5.4 Financial Penalty for Late Final Reports**

If Final Reports are not submitted by the deadline, the City of Berkeley may assess a financial penalty of \$25 per day for each business day a submission is late beyond the submission requirements deadline. The penalty amount will be deducted from the final invoice payment. The penalty amount is capped at 10% of the total grant amount.

#### **5.5 Acknowledging City Support**

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a Civic Arts Grant for Festivals from the City of Berkeley" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say simply City of Berkeley Festival Grant. Grantees must display the City's logo wherever other sponsor logos are displayed, and in accordance with City logo use guidelines.

#### **5.6 Permits**

The awarding of funds does not imply that the City of Berkeley's Civic Arts Program or any other City department will produce, exhibit, or present the event or art created for the event. It is the responsibility of the festival grantee to secure the event venue and obtain the necessary event permits from the appropriate City departments and governmental agencies. The awarding of a Festival Grant does not guarantee event permit approval from the City. Organizations planning to conduct an event on outdoor public property in the City of Berkeley must submit a Special Event Permit Application to the City of Berkeley and are responsible for all permit fees and costs.

#### **5.7 Refund of City Funds if Event is not Permitted**

If grantee is unable to obtain a Special Event Permit from the City, the grantee must refund any grant payments received from the City for the funded but not-permitted project.

**City of Berkeley Arts Organizations and Arts Programs Grants Guidelines  
FY20 Grant Cycle for Berkeley-based Arts Nonprofit Organizations and Arts Programs of Service  
Nonprofits: July 1, 2019 — June 30, 2020**

**1. PURPOSE, ELIGIBILITY, STANDARDS, GRANT AMOUNTS, USE RESTRICTIONS & FISCAL SPONSORS**

**1.1 Purpose**

Recognizing that arts and culture are integral to the Berkeley's identity, history and desirability as a place to live and visit, the Berkeley Civic Arts Commission utilizes its grant making to foster a healthy civic arts ecosystem and to strengthen diverse cultural expressions in order to enrich the city as a whole. Civic Arts grant funds provide general operating support that is strategically targeted to: bolster the growth and stability of Berkeley's arts community; support a wide array of nonprofit arts organizations, and arts programs of service nonprofits throughout the City of Berkeley; and empower and promote equitable representation of cultural perspectives that have been historically marginalized.

**1.2 Eligibility**

Applications that are complete and submitted by the deadline will be accepted from ALL applicants that meet the following conditions:

- Organization (and its fiscal sponsor, if applicable) must be housed in the City of Berkeley with its corporate address in the City of Berkeley. Organization and fiscal sponsor address will be verified in GuideStar by City staff.
- Have a majority (at least 51%) of its arts activities in Berkeley for no less than two years.
- Demonstrated financial health for no less than two years as evidenced by:
  - Receiving diverse sources of funding and not being overly dependent on any one source of contributed income.
  - Managing a budget size and percentage of earned revenue appropriate to the programming or arts activity.
  - Not carrying an operating deficit unless it is strategically planned with reserves to cover the deficit.
- Applicant's grant funded operations, programs, or activities take place during July 1, 2019 – June 30, 2020.
- Applicant is in good standing on previous and/or current City of Berkeley grants and with other City departments. Note: Any previously awarded Civic Arts Grants programming must be completed and closed out and final report submitted before new grant funds will be disbursed.
- Demonstrate current nonprofit and tax-exempt status, as identified by Section 501(c)(3) of the Internal Revenue Code. The following additional documentation must be made available upon request: organizational by-laws, roster and meeting calendar for a functioning Board of Directors or advisory group, copies of meeting minutes and resolutions.
- Applicants WITHOUT tax-exempt 501(c)(3) status must acquire a nonprofit and tax-exempt 501(c)(3) fiscal sponsor based in Berkeley and must submit a letter of agreement between the applicant organization and fiscal sponsor.
- Applicant must be one of the following:
  - A nonprofit organization with a mission statement clearly focused on the

development, production, and/or presentation of arts and culture.

- An ongoing program of a non-arts or service-based nonprofit organization that is focused on the development, production, and/or presentation of arts and culture. The applicant's organizational budget category will be based on the arts-program budget only.
- Organizations that are not primarily arts or cultural providers are eligible to apply **only** if they are committed to the development of an ongoing, substantial, and integral arts program within their organization.
- The organization must operate and offer its arts programs in a non-discriminatory manner and in compliance with all applicable laws, including, without limitation, anti-discrimination laws covering protected classes.

### 1.3 Standards of Practice

The following Standards of Practice provide practical benchmarks to guide and measure organizational grant applicants relative to professional practices in the field which support the overall well-being of the arts ecosystem. An organization's adherence to these standards is taken into consideration by the review panel as part of the grant application evaluation as described Section 3.1: Evaluation Criteria and Weighting.

#### Recommended Minimum Standards of Practice for All Applicant Organizations

- Artists who are participating in programming in a substantial way are compensated with at least an honorarium, except for:
  - Artists enrolled as students who are receiving course credit for their involvement with the organization.
  - Artists who are amateur participants in a community arts organization such as a community chorus or a community orchestra.
  - Artists who are amateur participants in a non-accredited arts and cultural training program, such as a school of theater or school of dance.

#### Additional Recommended Standards for Applicant Organizations with average annual budgets above \$500,000

- At least the equivalent of one full-time paid employee with duties including executive and/or artistic management.
- Current practice of Annual Reviewed Year-End Financial Reports.
- Healthy ratio of budget spent on administration and overhead to programs and artist fees.
- Artists and staff compensated at generally accepted professional standards for the field within the San Francisco Bay Area.
- Provide reasonable accommodations for people with disabilities to ensure access to offices, rehearsal spaces, training and other facilities necessary to prepare programs.

### 1.4 Grant Amounts

The Arts Organizations Grants operate on a one-year cycle based on the City of Berkeley's Fiscal Year (July 1 – June 30). Awards are contingent upon the allocation of funds from the City Council each year. The total amount allocated to each of the three grant categories (Arts Organizations, Festivals, and

Individual Artists) will be recommended by the Civic Arts Commission's Grants Committee after an evaluation of the review panel results and based upon the size of the applicant pools and the corresponding scores. The Grants Committee's recommendation will be forwarded to the full Civic Arts Commission for approval.

Arts Organizations Grants are awarded according to the following categories:

Small Organizations with a 2-year average budget of up to \$100,000	up to \$10,000
Mid-Size Organizations with a 2-year average budget between \$100,000 - \$1,000,000	up to \$14,000
Large Organizations with a 2-year average budget over \$1,000,000	up to \$17,000

Budget levels will be calculated based on cash income. In-kind donations and volunteer work may be listed but should be kept separately from the budget numbers used for calculating eligibility.

**Important Note:** Grants are awarded on a competitive basis. Past grant awards are no assurance of future awards.

### 1.5 Funding Use Restrictions

The following restrictions apply to **ALL applicants**:

- Applicant organization may not be an agency or department within the City of Berkeley.
- Applicant organizations may only apply for one Arts Organizations Grant.
- Any previously awarded Arts Organizations Grant programming must be completed and closed out and final report submitted before new grant funds will be disbursed.
- Public and private K-12 schools and school districts are not eligible for funding. Organizations may apply to work in after-school programs, but grant funded activities may not be part of the school day curriculum.
- The awarding of funds does not imply that the Civic Arts Program or any other City department will produce, exhibit, or present the art created. It is the responsibility of the applicant to secure a venue and any required permits for public activities.

The City of Berkeley DOES NOT fund the following:

- Organizations or activities that are part of the curriculum of colleges or universities (this does not apply to artistic presenting units of a university or college that are working on a program outside of the curriculum).
- For-profit organizations.
- Start-up costs/seed money for new organizations or businesses.
- Social service-oriented projects that are not primarily arts focused.
- Operating expenses for private commercial facilities.
- Programs taking place in school during the daily curriculum.
- Out-of-state travel.
- Programming or activities taking place outside of the grant window.
- Capital construction and/or acquisitions (except for ADA accessibility improvements).
- Equipment purchases.
- Events where fundraising is the primary purpose.

- Deficit or debt reduction.

## 1.6 Fiscal Sponsors

Definition of Fiscal Sponsor: Fiscal sponsor is a 501(c)(3) tax exempt and nonprofit organization that has been assigned the responsibility to process the funds of another organization. This can take the form of processing a single check or providing complex accounting services and project oversight and is unique to each circumstance.

Organizations applying for funding through a Fiscal Sponsor should take particular note of the following requirements that the Fiscal Sponsor must meet:

- Fiscal Sponsor shall be responsible for all fiscal obligations of the grantee's awarded funds.
- Fiscal sponsors must be based in Berkeley.
- A written contract or Letter of Agreement between the applicant and the Fiscal Sponsor specifying the conditions of the Fiscal Sponsor arrangement must accompany the Grant application. **(This agreement must be between the Fiscal Sponsor and the organization; a memorandum or letter to the Civic Arts Commission is not sufficient).** See the Fiscal Sponsor Supplemental Information Sheet.
- If the Fiscal Sponsor is also an applicant to the Arts Organizations Grants Program for their own organization, any funds awarded to the organizations that they fiscally sponsor will not be counted as part of the fiscal sponsor's application budget.
- Information submitted in the grant application, including all budget information, applies to the organization conducting the program, not the Fiscal Sponsor.

## 2. GRANT APPLICATION MATERIALS

In order to be considered for funding, applicants must submit fully completed grant applications and all required application materials. The Arts Organizations Grants Program application consists of the following components:

Small to Mid-Size Organizations with a budget of up to \$500,000:

- General Application.
- Narrative Description.
- Short Budget Form, including budget notes.
- 501(c)(3) Federal Tax Exempt Status Letter (unless fiscally sponsored).
- Staff and/or Project Personnel Bios (relevant to program focus).
- List of Board of Directors.
- Work Samples and Descriptions of Art Programs/Activities from within the last two years.
- **If fiscally sponsored:** Fiscal Sponsor Supplement including a letter of agreement between applicant and fiscal sponsor and the fiscal sponsor's Federal Tax Exempt Status Letter.

Large Organizations with a budget of \$500,000 or above:

- General Application.
- Narrative Description.
- 2-Year Budget Form, including budget notes.
- 501(c)(3) Federal Tax Exempt Status Letter.
- Staff and/or Project Personnel Bios (relevant to program focus).

- Board of Directors.
- Program Calendar (last, current, and projected year).
- Work Samples and Descriptions of Art Programs/Activities from within the last two years

### 3. EVALUATION CRITERIA & SCORING SYSTEM

#### 3.1 Evaluation Criteria and Weighting

Applications will be evaluated according to the following criteria which are described so that applicants may have an idea of how the panel will score each application:

Artistic Merit & Professional Quality \_\_\_\_\_ **25 percent**

- The applicant’s art and cultural work demonstrates high quality and strong artistic merit or promise through its artistic history, accomplishments, and examples of previous work.

Quality of Identified Goals and Strategy \_\_\_\_\_ **25 percent**

- Applicant’s programmatic and operational goals align with organization’s mission and programmatic trajectory; processes to implement work are clear; and work demonstrates high quality and relevance to identified communities. Given its mission, the applicant’s ability to define and achieve appropriate artistic goals, its commitment to creativity and quality and, if appropriate to its mission, the development of new work.

Capacity \_\_\_\_\_ **25 percent**

- Applicant demonstrates qualifications and capacity of staff and board relative to programming and operational goals; overall fiscal health of applicant is good and organization demonstrates ability to obtain necessary funding.
- Given the applicant’s budget size and age, the general state of its governance and organizational development, management, and operational and financial soundness, ability to achieve appropriate audience and fundraising goals; extent of operational innovativeness and adaptability to external trends.
- Adherence to Standards of Practice outlined in Section 1.

Cultural Equity Impact \_\_\_\_\_ **15 percent**

- Demonstrated ability of the applicant to support Berkeley’s diverse cultural traditions and values, including capacity to support and empower the City’s underserved communities.
- Applicant clearly articulates how their program, project or artistic expression is rooted in and reflective of historically marginalized communities and geographically underserved areas of the city.
- Programming and other activities that reach out to economically disadvantaged communities and communities that lack conventional arts venues or formal arts programs.
- The organization demonstrates a commitment to cultural equity. For example, strategic board development to ensure that the board of directors includes members from historically marginalized communities.

Community Impact \_\_\_\_\_ **10 percent**

- Applicant clearly articulates programs and outreach appropriate to their identified audience(s); programs clearly and significantly support the communities, partners, and artists identified.
- The reach of the applicant’s core programs and the extent to which they engage audiences and provide opportunities for participatory involvement in the arts, including targeted engagement and lifelong arts learning opportunities (i.e., youth, seniors, etc.); the effectiveness of its audience-development activities and its plans for reaching a diverse, broad-based audience and the contribution it makes to sustaining a local community of artists.

### **3.2 Rating System**

When evaluating each criterion, panelists will use the following 10-point scale, which is then translated to the appropriate weight for each criterion:

- Exceptional (9 - 10 points)
- Somewhat Exceeds Expectations (8 – 8.9 points)
- Meeting Accepted Standards (7 – 7.9 points)
- Needs Improvement to Warrant Funding (6 – 6.9 points)
- Does Not Merit Funding (0 – 5.9 points)

An application must receive an overall score of at least 70 percent of total possible points in order for the panel to consider it for funding. However, achieving a score of at least 70 percent of total possible points does not guarantee that the panel will recommend an application for funding, as funds may not be sufficient to recommend a grant for all applicants that score above the minimum threshold. Prior success in receiving an Arts Organizations Grant is no assurance that an applicant will be awarded another grant.

## **4. APPLICATION REVIEW PROCESS**

### **4.1 Eligibility Screening**

Civic Arts Program staff will review for completeness and eligibility all applications that meet the deadline. Applications that pass this initial review will then be evaluated for their strengths by a separate Grant Review Panel, which will rely on the application and related materials submitted by applicants.

### **4.2 Grant Review Panel**

Applications will be reviewed in categories differentiated into three categories (Small, Mid-Size Organizations, and Large Organizations) in order to make the competition among applications more equitable.

The Review Panel is comprised of individuals with substantial background in the arts and a demonstrated commitment to cultural equity, usually drawn from the ranks of experienced and skilled managers and board members of greater Bay Area arts organizations, professional practicing artists from visual and performing arts fields, and experienced arts grant-makers from the philanthropic and public sectors. An open call and application for potential review panelists will be advertised. Review panelists will be approved by the Civic Arts Commission.

Review panelists must not have any conflict of interest, which is defined as a situation in which a panelist has a competing professional, financial, or personal interest, which might make it difficult to fulfill his or her duties impartially and could impair an individual's ability to perform his or her duties and responsibilities objectively. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the selection process, the Grants Program, the Civic Arts Commission and the City. If a panelist has a conflict of interest, they must recuse themselves and they must notify the City staff in advance of the panel (so that they're not assigned a lead reader role for those cases) and they must leave the room during any panel discussions regarding the applicant with whom there is a conflict of interest so that the panelist does not influence the process.

The City may engage an experienced consultant to conduct an in-depth examination of aspects of selected applications, in which case the consultant's reports will also be provided to the Review Panel. In addition, the City may provide prior grant report information and other officially gathered information to the Review Panel.

Applicants are encouraged to attend the Grant Review Panel meeting which will be held during normal City business hours and will be publicly accessible. Staff will send the grant review schedule and meeting location to applicants before the Review Panel meeting.

Applicants are not permitted to address the Review Panel. Panel notes summarizing the Review Panel comments will be made available to applicants after the Grants Committee's review of the panel recommendations, but before the Civic Arts Commission's approval.

#### **4.3 Civic Arts Commission Approval and City Council Review**

After the Grant Review Panel has scored all applications, the Civic Arts Commission's Grants Committee meets to develop funding recommendations in alignment with the ranking of scores within each category and to align proposed grant awards with available funds and for consistency with granting policies and guidelines, before forwarding the recommendations to the full Civic Arts Commission.

The award amounts as recommended by the Grants Committee are made public at least five business days prior to the Civic Arts Commission approval. The Civic Arts Commission reviews the funding recommendations for approval and once approved sends the slate of selected grantees and grant amounts to City Council for review. Grant awards are subject to the City Council's adoption of the annual budget, which usually occurs in June.

### **5. SELECTED GRANTEE CONTRACTUAL REQUIREMENTS**

#### **5.1 Business License and Insurance Requirements**

Successful grant applicants must have a current Berkeley Business License. This includes the organization and the fiscal sponsor if using one. In addition, successful grant applicants must submit a certificate of insurance satisfactory to City of Berkeley Risk Management in order for their grant awards to be processed.



## **5.2 Invoices**

Grantees may invoice for up to 90% of the grant amount once they have entered into a grant agreement with the City of Berkeley. Grantees may invoice for remaining grant funds upon approval of the Final Report by Civic Arts staff.

## **5.3 Final Report**

All Grantees must complete and submit the City's Final Report form for the grant no later than 60 days after the fiscal year end. Grantees must be current on filing required reports before they can receive grant funding. Programs and projects must have been developed and presented in Berkeley with meaningful, accessible engagement of the public during the grant period.

## **5.4 Financial Penalty for Late Final Reports**

If Final Reports are not submitted by the deadline, the City of Berkeley may assess a financial penalty of \$25 per day for each business day a submission is late beyond the submission requirements deadline. The penalty amount will be deducted from the final invoice payment. The penalty amount is capped at 10% of the total grant amount.

## **5.5 Acknowledging City Support**

It is important that the Berkeley community know that their local tax dollars make it possible for them to enjoy the caliber of arts produced in Berkeley. All grantees should recognize Civic Arts Grants in the same manner in which it recognizes other contributors in terms of benefits, type size on publications, and frequency of acknowledgement. Failure to comply with this request may affect future grant opportunities.

Grant recipients must acknowledge the City's financial support in all appropriate materials and media. The acknowledgement should read, "Supported in part by a Civic Arts Grant for Arts Organizations from the City of Berkeley" or similar language, unless the City is a part of a list of supporters. In the latter case, the acknowledgement may say simply City of Berkeley. Grantees must display the City's logo whenever other sponsor logos are displayed, and in accordance with City logo use guidelines.

## **5.6 Project Notification**

Grantees must provide a 30 day advance notice to their City Council Office and Civic Arts Program to invite representatives to the public presentation of the funded program.

## City of Berkeley Individual Artist Project Grant Guidelines

FY20 Grant Cycle for Berkeley-based Artists' Projects: July 1, 2019 — June 30, 2020

### 1. PURPOSE, ELIGIBILITY, GRANT AMOUNT, USE RESTRICTIONS & FISCAL SPONSORS

#### 1.1 Purpose

The Individual Artist Project Grants support individual artists living and producing art in Berkeley culminating in a local public presentation of their work for the benefit of the community within the grant period. Such activities may include, but are not limited to: performances of dance, music or theater; visual art presentations, exhibitions or public art projects; social practice projects; media arts or film screenings; literary presentations; or artist talks. The public presentation can be of a work-in-progress or of the final, polished piece. Grant funds are to be used to generate new work, not to stage pre-existing work.

#### 1.2 Eligibility

Applications that are complete and submitted by the deadline will be accepted from applicants that meet the following conditions:

- Artist is a continuous resident of the City of Berkeley since January 1, 2017. Applicants must submit paperwork demonstrating Berkeley residency with their application.
- Artists in any phase of their artistic career may apply including emerging, midcareer, and established artists.
- Artist may not be enrolled as a full-time student at the time of the application or during the grant period.
- Artist may not be an employee of the City of Berkeley, nor plan to be employed by the City of Berkeley at any time during the grant window.
- Applicants cannot receive funding for two consecutive grant cycles in the Individual Artist Project category. Individual Artist Grantees are required to sit out for one year after each funded grant cycle. In addition, grantees are required to close out a grant before applying for new funding.

#### 1.3 Grant Amount

Grant amounts are up to \$5,000.

**Note:** Although a budget is not required for the grant application, applicants should be aware of the tax implications upon receiving the award and maintain the documents required for reporting on state and federal income taxes.

#### 1.4 Funding Use Restrictions

Grant funds may not be used for the following:

- Project activities outside of the City of Berkeley.
- Projects for which the main intent is curation, archiving, or journalism.
- Deficit or debt reduction.

## 2. GRANT APPLICATION MATERIALS

In order to be considered for funding, applicants must submit fully completed grant applications and all required application materials. The Individual Artist Grant application consists of the following components:

- General Application.
- Resume.
- Proof of Residency.
- Work Samples and Descriptions.
- Project Description.

## 3. EVALUATION CRITERIA & SCORING SYSTEM

### 3.1 Evaluation Criteria and Weighting

Applications will be evaluated according to the following criteria which are described so that applicants may have an idea of how the panel will score each application:

Artistic & Professional Quality \_\_\_\_\_ **35 percent**

- The applicant's art and cultural work demonstrates high quality or promise through its artistic history, accomplishments, and examples of previous work.

Quality of Proposed Project \_\_\_\_\_ **40 percent**

- Project goals and processes are clearly defined, demonstrate originality, clarity and depth of concepts.
- Artist demonstrates that the proposed project will impact their development and future opportunities.

Cultural Equity Impact \_\_\_\_\_ **15 percent**

- Demonstrated ability of the applicant to support Berkeley's diverse cultural traditions and values, including capacity to support the City's underserved communities.
- Applicant clearly articulates how their project or artistic expression is rooted in and reflective of historically marginalized communities and geographically underserved areas of the city.
- Public Programming or other activities that reach out to economically disadvantaged communities and communities that lack conventional arts venues or formal arts programs.

Community Impact \_\_\_\_\_ **10 percent**

- The proposed public presentation is appropriate to the project goals and feasible in its potential to share the work with a defined Berkeley audience. Artist has identified at least one venue for public presentation.

### 3.2 Rating System

When evaluating each criterion, panelists will use the following 10-point scale, which is then translated to the appropriate weight for each criterion:

- Exceptional (9 - 10 points)
- Somewhat Exceeds Expectations (8 – 8.9 points)
- Meeting Accepted Standards (7 – 7.9 points)
- Needs Improvement to Warrant Funding (6 – 6.9 points)
- Does Not Merit Funding (0 – 5.9 points)

An application must receive an overall score of at least 70 percent of total possible points in order for the panel to consider it for funding. However, achieving a score of at least 70 percent of total possible points does not guarantee that the panel will recommend an application for funding, as funds may not be sufficient to recommend a grant for all applicants that score above the minimum threshold.

#### **4. APPLICATION REVIEW PROCESS**

##### **4.1 Eligibility Screening**

Civic Arts Program staff will review for completeness and eligibility all applications that meet the deadline. Applications that pass this initial review will then be evaluated for their strengths by a separate Grant Review Panel, which will rely on the application and related materials submitted by applicants.

##### **4.2 Grant Review Panel**

The Review Panel is comprised of individuals with substantial background in the arts, usually drawn from the ranks of experienced and skilled managers and board members of greater Bay Area arts organizations, professional practicing artists from visual and performing arts fields, and experienced arts grant-makers from the philanthropic and public sectors. An open call and application for potential review panelists will be advertised. Review panelists will be approved by the Civic Arts Commission.

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whenever other sponsor logos are displayed, and in accordance with City logo use guidelines.

### **5.5 Project Notification**

Grantees must provide a 30 day advance notice to their City Council Office and Civic Arts Program to invite representatives to the public presentation of the funded project.

### **5.6 City Permits and Permissions**

The awarding of funds does not imply that the Civic Arts Program or any other City department will produce, exhibit, promote or present the art created. It is the responsibility of the applicant to secure a venue, appropriate insurance and any required permits for public presentations.

If the proposal includes components that require City permits or approval such as publicly installed art, street closures, sound amplification in public space, or murals, the applicant will be solely responsible for securing the necessary permits, permissions, and approvals. This planning should be reflected in your project timeline.

Please note that any art installed with these grant funds on property owned by the City of Berkeley must be reviewed and approved by the Civic Arts Commission starting with the Public Art Committee of the Commission. This applies to murals, public sculpture, and similar projects. It will be the responsibility of the grantee to build this process into their grant plan and timeline. Please contact Civic Art Program staff if you have questions.



Civic Arts Program

## **FESTIVALS & CIVIC ARTS GRANTS GUIDELINES REVIEW PROCESS**

Civic Arts Program staff worked with the Civic Arts Commission and other stakeholders through a public process to develop the Festival Grant Program Guidelines and make some corresponding revisions to the Civic Arts Grant Guidelines for Arts Organizations and Individual Artist Projects to ensure that all grant programs managed by the Civic Arts Program are aligned and reflect a unified overarching grants strategy. The three month-long public process for development of the grant guidelines included numerous opportunities for input prior to final approval by Civic Arts Commission on January 23, 2019.

### **Opportunities for Public Input and Stakeholder Engagement:**

October 10, 2018	Festivals & Arts Organizations Draft Guidelines (v 1) Discussed at Civic Arts Commission Policy Committee Meeting
October 15, 2018	Festivals & Arts Organizations Draft Guidelines (v 1) Discussed at Civic Arts Commission Grants Committee Meeting
October 24, 2018	Festivals & Arts Organizations Draft Guidelines (v 1) Discussed at Civic Arts Commission Meeting
November 5, 2018	Festivals & Arts Organizations Draft Guidelines (v 2) Discussed with Berkeley Cultural Trust Steering Committee & Berkeley Cultural Trust Equity and Inclusion Committee
November 14, 2018	Festivals & Arts Organizations Draft Guidelines (v 2) posted to website for public comment from Berkeley Cultural Trust and Civic Arts Grantees
November 14, 2018	Arts Organizations Draft Guidelines (v 2) Discussed at Berkeley Cultural Trust (Civic Arts Grantees invited)
November 27, 2018	Festivals & Arts Organizations (v 2) & Individual Artist (v 1) Draft Guidelines Discussed at joint Civic Arts Policy/Grants Committee
November 28, 2018	Festivals & Arts Organizations (v 2) & Individual Artist (v 1) Draft Guidelines Discussed at Civic Arts Commission Meeting
December 5, 2018	Festivals Draft Festivals Guidelines (v 2) discussed with festivals stakeholders
December 6, 2018	Final Draft Guidelines for all categories posted to website for public comment
January 8, 2019	Final Draft Guidelines for all categories presented to joint Civic Arts Policy/Grants Committee for approval
January 23, 2019	Final Draft Guidelines for all categories to Civic Arts Commission for approval
January 29, 2019	Referral Response: City Council

For more information, please contact Jennifer Lovvorn, Chief Cultural Affairs Officer.

[JLovvorn@CityofBerkeley.info](mailto:JLovvorn@CityofBerkeley.info) or (510) 981-7533

