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## ***KickstArt Funding Guidelines***

***Fiscal Years 2017-2020***

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### **PURPOSE**

To provide support to El Paso recurring arts, cultural and sporting events that activate and enrich downtown El Paso, in particular the Downtown Arts District, with high quality public experiences that are innovative, accessible and promote both tourism and local interest in downtown El Paso. KickstArt is a funding category under the Museums and Cultural Affairs Department's Cultural Funding Program (CFP).

### **FUNDING LEVEL**

Applicants may apply for up to \$20,000.

### **WHAT WILL BE FUNDED**

KickstArt Downtown funds can be used for project related expenses such as production costs, permits, artistic/talent fees, coordination (including non-permanent event staffing), audience development, and marketing for recurring arts, cultural and sporting events that promote tourism.

### **PREVIOUSLY SUPPORTED KICKSTART DOWNTOWN EVENTS**

- Plaza Classic Film Festival
- Neon Desert Music Festival
- Sun City Pride Festival
- El Paso Marathon
- KLAQ Street Fest
- El Paso Comic Con

### **DEADLINE**

All applications must be submitted online at <http://elpasoarts.cgweb.org> by **11:59 pm MST on May 11, 2018**. KickstArt is awarded annually and applicants may submit applications for funding on an annual basis. After the application deadline passes, no further requests for funding will be considered.



## **PROGRAM ELIGIBILITY CRITERIA**

### **FIRST-TIME APPLICANTS TO MCAD FUNDING PROGRAM**

Throughout these guidelines, the term “first-time applicant” refers to applicants submitting proposals to the KickstArt Downtown Program for the first time, as well as to applicants that have applied in the past, but are not currently funded through the program

Applicants must meet all of the following criteria:

- Have a demonstrated capacity of at least three (3) years of successful public arts, cultural or sports programming
- Have qualified artistic/administrative leadership capable of completing the proposed project with a commitment to funding artists and artistic products or sporting events and promoting tourism
- Proposed activities must start no earlier than September 1 and end no later than August 15, of the applicable City of El Paso fiscal year
- Proposed project must be conducted within the boundaries of Downtown El Paso, with an added incentive for events held within the Downtown Arts District (see enclosed map for accurate Arts District and Downtown El Paso boundaries). In the event a funded project moves outside of the Downtown El Paso boundaries at any point during the contract period, the project will be deemed noncompliant and the contract will be considered null and void, and no longer eligible to receive any remaining funding, without exception
- Proposed project must be a recurring annual event
- Proposed project must be able to demonstrate a draw to tourists
- Awardees must submit a final report following each event and include a budget summary

### **MCAD will not fund:**

- One-time events/programs or events that are primarily operated as fundraisers are ineligible
- Applicants who are recipients of another MCAD cultural funding award for the same project in the current fiscal year
- Events or program series that occur on a monthly basis
- Events that take place outside of the Downtown Arts District or Downtown El Paso Boundaries
- Applicants who have forfeited KickstArt funding in the past three years due to contract non-compliance. Applicants will be eligible after the three (3) year cycle under which they applied has terminated.
- MCAD Employees and their family members living in the same household



## **AWARD, FUNDING LIMITS AND MATCHING FUNDS**

- The maximum initial award for this program is \$20,000. The total award will not exceed more than 50% of the proposed project's budget.
- Successful applications will receive a three (3) year, tiered award (funding each year is dependent on available funding allocations).
- A 1:1 match is required for all awards. In-kind contributions will not be considered for match.

### **For non-profit organizations:**

The maximum request may not exceed 50% of the organization's previous year's cash revenues as determined by the IRS 990/990EZ FORM for the two most recently completed fiscal years.

### **For businesses:**

The maximum request may not exceed 50% of the previous year's cash revenues as determined by the most recent year-end balance sheet.

### **For individuals:**

The maximum request may not exceed 50% of funds currently deposited as determined by the submitted personal financial statement.

## **FUNDING SCHEDULE**

For successful applications, the 3-year award cycle will be released as follows:

- 100% Award Amount for Year 1
- 75% of Initial Award Amount for Year 2
- 50% of Initial award Amount for Year 3

Once a project has completed and cycled through three (3) years of KickstArt Downtown funding, it is only eligible to reapply for funding if the project satisfactorily meets the required funding criteria over the course of the three (3) years of funding.

## **FUNDING CRITERIA**

New Applicants must demonstrate that the proposed event offers:

- A unique artistic and cultural experience that is not offered by another local event.



- Diverse and new programming, mixing more familiar genres and performers with those that are less well known to a degree that is uncommon in many arts venues.
- A gateway to new arts and culture activities by creating an informal atmosphere that encourages audiences to experience new art forms and styles.
- The ability to foster partnerships with other arts and cultural organizations and businesses downtown should help extend audience outreach with nurture collaborative event programming.
- Professional development and a sense of community for artists and athletes.
- Programming which engages local artists and athletes and provides unique opportunities for participation.
- Contributions to the community's identity, local economy, increased hotel occupancy, and civic engagement.
- Opportunities to encourage tourism and successfully draw a majority (over 50%) of participants from outside of El Paso.

**Renewing Applicants must demonstrate:**

- The growth of the event for out of town participants over the three (3) year funding cycle.
- Additional sources of funding and title sponsorship for the event have been secured.
- A marketing plan which targets out of town visitors and reach a wide geographic spectrum for event participation.
- ARTS and SPORTING events who wish to reapply for funding must provide the following information with their application for review and consideration:
  - Impact of the event on Downtown Hotel Occupancy
  - Supporting documentation from three downtown hotels that explain the impact of your event on hotel occupancy by answering the following question:
    - Over the last three years, has the percentage of hotel occupancy coinciding with the dates of the event (a) increased (b) decreased (c) remained the same (d) don't know
  - Evidence and examples of national press garnered in favor of the event's success during the course of the three (3) funded years. Press can be uploaded in attachments.
  - Data on out-of-town attendance which reflect numbers and percentages for both overall attendance and out-of-town attendance for each year the event was funded.
  - Past award recipients must provide one letter of support from local business owners in the downtown area who can speak to the impact the event has had on their business. Applicants will provide an economic impact report and description of their past events.



## **APPLICATION REVIEW**

MCAD will convene a review panel of downtown stakeholders and local arts partners who will review and rank applications in June 2016. Applicants are not required to be present during the panel review.

KickstArt funds are generated through the local Hotel Occupancy Tax (HOT). Applicant proposals will be reviewed according to the **Texas Tax Code 351.101(a)** that allow HOT revenue to “**be used only to promote tourism and the convention and hotel industry.**” Specifically, events will be considered for funding if they meet the following criteria:

### **Arts Events:**

That promote 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.

Texas Tax Code Section 351.101(a)(4).

### **Sporting Events:**

For a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants (over 50%) are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity.

Texas Tax Code Section 351.101(a)(6).

## **APPLICANT SCORING**

Panelists will review complete applications and score them according to a 100 point system. The system will be broken down by:

- **Excellence and Innovation (50 points)**
- **Capacity (25 Points)**
- **Impact on Downtown Tourism (25 points)**
- **Bonus Points**
  - New projects (5 points)
  - Projects sited within the El Paso Downtown Arts District (5 Points)



## **APPEAL PROCESS**

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

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

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

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

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

## **CONFERENCE**

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

## **CONCLUSION**

Every effort will be made by MCAD to mitigate the issue at hand. If the findings of the conference delineate grounds for an appeal, MCAD will re-evaluate the application and supplemental material, and initiate the award process as set forth in the Cultural Funding Program Guidelines.

## **CANCELLATION OF CONTRACT**

Individual filmmakers that fail to provide contractual services or meet program eligibility and reporting requirements will be considered to be in breach of their contract. Failure of an individual artist to satisfactorily address the current contract will result in a recommendation of no funding or a reduction in funding for the next fiscal year. The City will maintain a list of all artists and organizations that have breached contract requirements.



## **CULTURAL SERVICES CONTRACT**

An award letter of notification will be sent to the organization or individual and a cultural services contract will be executed for successful applicants.

The contract will be executed using the legal name provided by the applicant on the KickstArt application. Funding decisions will not be discussed with third parties or individuals who are not listed on the application.

### **Scope of Services**

Services must be recurring events or programs with long-term sustainability. Services that are to be provided to the City will be specific in number and type to be provided. When the award letter is received, you will have five (5) working days to review the scope of work and the funding level of the award. The revised scope of work will be included in the contract.

**NOTE: Should it become necessary to alter the contracted services during the contract term, a written request must be submitted and approved by the MCAD Director before the changes are implemented.**

### **Proof of Liability Insurance**

A Certificate of Liability Insurance must be returned with the contract that includes the City of El Paso as an additional insurer. Whenever a policy expires and is renewed, a new copy must be submitted to the Museums and Cultural Affairs Department. Funds cannot be disbursed without proof of insurance.

### **Revisions**

Once the contract document has been executed, any changes in the project scope (either programmatic or financial) must be approved in advance by the MCAD Director. All requests for revisions must be submitted for approval in writing and at least two (2) weeks prior to implementation of proposed changes.

## **SCHEDULE OF PAYMENTS**

### **Arts/Cultural Events**

- Once the contract is executed, a certificate of insurance has been submitted, and a purchase order generated by MCAD, grantees are required to submit an invoice for 80% of the first year's contract amount, listing the actual services performed.
- If the organization's program has not begun, list the producing or coordinating activities related to the program on the invoice.
- The remaining 20% balance can only be invoiced after the successful conclusion of the event in full compliance with guidelines, which includes submission of a final report.

### **Sporting Events**

- At the conclusion of the event (and after the contract is executed, certificate of insurance and purchase order generated), grantees are required to submit an invoice for 100% of the first year's contract amount along with a final report, listing the actual services performed and proof of 50% of participants' travel from out of town.



- Per Texas Tax Code 351.101(a), if more than 50% of participants in a sporting event were local, use of HOT funds is not permissible and award will be rescinded.

NOTE: For both arts and sporting events, the invoice must be numbered and make reference to the purchase order number. The City of El Paso has a thirty (30) business day window to process invoices.

**Payments may be delayed or withheld at the discretion of the City if determined that the organization is not in full compliance with the terms of the contract document.** All financial obligations of the City shall be subject to appropriation of funds by City Council. Contractors agree and understand that the full scope of services and/or amounts payable under the contract terms is subject to amendment and revision. Any such revision must comply with pertinent sections of the El Paso City Code.

### **KICKSTART EVALUATION**

All funded applicants must provide:

- **Complimentary Tickets**
  - All funded organizations must inform MCAD staff of all programs and activities during the funding period. Each year it is required of the awardees to provide **eight (8) complimentary tickets** to be made available for the MCAD staff for each program, production, exhibition, or other activities sponsored by the organization, where tickets are required.
  - Complimentary tickets must be delivered to the MCAD office no later than five (5) business days before the date of the event.
  - This requirement applies to the funded project *only* and not to other events.
- **Correspondence with City Representatives:**
  - MCAD encourages each organization to keep its elected and appointed City Representatives (e.g., Museums and Cultural Affairs Advisory Board) informed of its activities, and how its services are impacting the different communities within each District and city-wide.
- **Final Report:**
  - A final evaluation report (including expenditures, a summary of activities for the contract period, scope of service for remaining funded years of project and analysis of any changes necessary to 5-year plan) must be submitted no later than fifteen (15) days after the completion of the project, on the form provided by MCAD, along with an invoice for the remaining contract amount.
  - The final report can be accessed by logging into <http://elpasoarts.cgweb.org>.
  - **NOTE:** Failure to submit the report in a timely manner or submission of an incomplete report will result in delayed payment of the final contract installment, as well as affect eligibility on payment for future contracts.



## **CULTURAL DIVERSITY/OUTREACH**

It is the intent of the City's cultural policy to contract with cultural organizations that demonstrate a commitment to diverse community representation on their boards and staff. In addition, the organizations are expected to demonstrate a commitment to cultural diversity in all aspects of their operations and programming. Proposed events must be respectful of diverse audiences.

NOTE: If the mission of the organization is to provide programming specific to a particular ethnic group or groups, the organization is not expected to diversify programming beyond that mission.

## **NON-COMPLIANCE**

### **Cancelation of Contract**

Organizations that either move a funded event outside of the Downtown boundaries, fail to provide contractual services or meet program eligibility and reporting requirements may be considered to be in breach of contract. Failure of an organization to satisfactorily address the City's concerns within the contract notice period may result in a termination of the current contract or a recommendation of no funding or a reduction in funding for the next fiscal year. The City will maintain a list of all organizations that have breached the contract requirements.

### **The City Reserves the Right**

The Contractor shall keep complete and accurate books and records indicating when, how, by whom, and for what purposes the funds received under the Contract are spent by the Contractor, and the Contractor shall make such books and records available to the City for examination upon request. All Funds disbursed under this Contract shall be handled by the Contractor in accordance with the standards of the American Institute of Certified Public Accountants, which include provisions for sound fiscal practices and fiscal reporting. In addition, the Contractor shall furnish the City at its request with balance sheets and statements of operation, which accurately account for expenditure of Contract funds, and a written narrative report reflecting same. The City reserves the right to audit the books and records of the Contractor, upon reasonable notice to the Contractor and during regular working hours, in order to ensure fiscal and programmatic compliance with the assurances in this contract.

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

### **Americans with Disabilities Act (ADA)**

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

## KickstArt Downtown Boundaries are within Downtown El Paso and the Downtown Arts District

