

AG copy
for 11/24 review

- 1 State Arts Board
- 2 Adopted Rules Governing Review of Requests for and Distribution
- 3 of Grants, Loans and other Forms of Assistance
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- 18 5 MCAR S 5.011 Provisions affecting grantees.
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- 20 5 MCAR S 5.013 Public participation in agency matters.
- 21 5 MCAR S 5.002 Purpose of the rules. The purpose of these rules
22 is to set forth procedures and standards to be followed by the
23 board in receiving, considering and reviewing requests for and
24 distribution of grants. Any actions taken by the board, its
25 staff and advisory committees related to the review and
26 distribution of grants must be clearly based on the standards in
27 rule form. Explanation of actions requested by applicants must
28 be offered in the context of the standards in rule form.
- 29 5 MCAR S 5.003 Whom the rules govern. These rules govern the
30 board; advisory committees; regional arts councils; and all

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1 individuals, organizations, departments, and agencies of the
2 state and political subdivisions who wish to receive grants or
3 other forms of assistance from the board.

4 5 MCAR S 5.004 Definitions. For the purpose of these rules, the
5 following terms shall have the meanings given to them:

6 A. "Advisory committee" means a group of citizens appointed
7 by the board to review and make recommendations on grants
8 assistance offered by the board or make recommendations on
9 public arts policy matters.

10 B. "Block grant" means grants to regional arts councils for
11 the purpose of providing services, re-grants, and direct
12 programming for local/regional arts development.

13 C. [Unchanged.]

14 D. "Certified audit report" means a document prepared and
15 signed by a Certified Public Accountant showing the total fiscal
16 activity of the organization regarding a project or program.

17 E. "Direct programming" means the implementation of arts
18 production or arts sponsorship activities by a regional arts
19 council.

20 F. "General support" means a program that provides
21 unrestricted operational grants assistance to eligible
22 organizations which meet the standards contained in these rules.

23 G. "Local/regional arts development" means programs or
24 projects which are for the development or enhancement of local
25 or regional artists, art resources, or art audiences.

26 H. "Other forms of assistance" means publications, staff
27 consultation or workshops with individuals or groups who have
28 developed, or are interested in developing, projects or programs
29 in the arts but need advice on matters such as, but not limited
30 to, budgeting, administration, production and technology.

31 I. "Program information" means any document(s) issued
32 describing programs and services of the board which includes
33 instructions, deadlines, and other aids for the applicant
34 seeking board grants assistance. Program information may
35 clarify and explain standards contained in rule form, but such
36 clarification shall not be considered standards or criteria

1 itself.

2 J. "Project" means an activity or series of closely related
3 activities for which funds are requested from the MSAB or a
4 regional arts council. The activity or series of activities
5 must be completed within 24 months of the notification of the
6 receipt of a grant in support of the activities.

7 K. "Regional" means program or service distribution and
8 organizational impact within the geographic area served by a
9 regional arts council. Formal combinations of two or more
10 development regions under one regional arts council will be
11 regarded as one region for this purpose.

12 L. "Regional arts council" means an organization or a group
13 designated by the board to make final decisions on the
14 utilization of block grant funds granted to them for
15 local/regional arts development.

16 M. "Regional arts task force" means an advisory committee of
17 the board which reviews applications for local arts development
18 projects serving the region(s) the arts task force represents.
19 A regional arts task force may also be an advisory committee to
20 a regional development commission or the Metropolitan Council.

21 N. "Re-granting" means the process of allocating block grant
22 funds for the purpose of funding arts projects or programs or
23 services described in the applications to regional arts councils.

24 O. "Services" means non-grant activities including, but not
25 limited to, information services, technical and consultative
26 services, planning, reporting, evaluation, and other program
27 development efforts that are provided by the Minnesota State
28 Arts Board and/or regional arts councils.

29 P. "Sponsor assistance" means a program which provides
30 grants assistance to eligible organizations, which meet the
31 standards contained in these rules, that host arts events by
32 contracting for the services of another organization or
33 individual to provide arts programming to their community.

34 Q. "State-wide" means program or service distribution and
35 organizational impact throughout most or all of the regions of
36 the state.

1 5 MCAR S 5.005 [Repealed.]

2 5 MCAR S 5.005 Advisory committees.

3 A. The board may appoint advisory committees to review grant
4 applications.

5 B. The board may discontinue any advisory committee, as it
6 deems necessary.

7 C. Members of each advisory committee shall have expertise
8 and/or experience in a particular area of the arts, arts support
9 or administration. Committee members will be selected by the
10 board from among practitioners, administrators, educators,
11 volunteer directors of arts organizations, trustees of arts
12 organizations and other participants in the arts.

13 D. Appointments to advisory committees shall be made by
14 majority vote of the board. Members shall serve at the pleasure
15 of the board for appointment-terms of no longer than three
16 years. Appointments to advisory committees shall be made so
17 that the appointment-terms of at least one-third of the
18 membership of each committee shall expire in each year.

19 E. At least sixty days prior to expiration of the
20 appointment-terms of any advisory committee member, the board
21 will publish, distribute and post notice of such openings.
22 Nominations will be actively solicited and accepted by the
23 board. Nominations must be in writing and should include all
24 pertinent information including nominees' qualifications and
25 experience in the arts.

26 F. Advisory committees will, insofar as reasonably possible,
27 be geographically balanced.

28 G. Members of the advisory committees and regional arts task
29 force shall be compensated for expenses incurred to attend
30 advisory committee meetings as provided in Minn. Stat. ~~ch.~~ S
31 15.059, subd. 3, except that they shall not be eligible for the
32 per diem.

33 H. Any member of an advisory panel with a direct financial
34 or employment interest relating to any grant application before
35 the advisory panel, or with a professional, employment or

1 financial interest relating to any individual artist applicant,
2 which interest is reasonably likely to affect his/her
3 impartiality or judgement in the review will be instructed to
4 inform the board of such an affiliation prior to the review of
5 grant applications. -----

6 1. Affiliation of an advisory panel member with an
7 applicant includes:

8 a. Receipt of direct financial benefit from the
9 applicant organization or project being reviewed;

10 b. Serving as an employee or governing board member of
11 an applicant organization being reviewed;

12 c. Serving with or without payment as a consultant to
13 an applicant on the application being reviewed;

14 d. Familial relationship with an applicant or a staff
15 or board member of an applicant organization;

16 e. Recent ~~recipient~~ receipt of free tickets or other
17 benefits from an applicant being reviewed. -----

18 2. The MSAB will annually screen panel members for
19 affiliations which may constitute conflict-of-interest.

20 5 MCAR S 5.006 Eligibility requirements for individuals applying
21 for grant assistance.

22 A. Subject to 5 MCAR S 5.012 and the other provisions
23 contained in these rules an individual artist is eligible for
24 grants assistance only if that artist is:

25 1. A resident of Minnesota according to the voting
26 requirements of the state;

27 2. Not involved in executing work initiated or completed
28 by another individual or organization as their agent, or not
29 solely involved in the organization or presentation of other
30 artists' works.

31 B. An individual artist who has received a Minnesota State
32 Arts Board individual artist grant may not apply for another
33 individual artist grant until one fiscal year after the receipt
34 of such grant.

35 C. An individual artist may not submit more than one
36 application each fiscal year.

1 5 MCAR S 5.007 Eligibility requirements for organizations,
2 governmental units and schools applying for grant assistance.

3 A. Subject to 5 MCAR S 5.012 and the other provisions of
4 these rules, non-profit, tax-exempt organizations, schools,
5 governmental units and departments and agencies of the state are
6 eligible to apply for:

7 1. Local/regional arts development assistance from
8 regional arts councils if:

9 a. This assistance is for the creation and production
10 of arts programs or projects which are for the development or
11 enhancement of local or regional artists or arts organizations.

12 b. This assistance is for local arts sponsorship
13 projects in which \$3,000 or less is requested.

14 c. The project submitted is not limited in access to,
15 or only serves, those attending schools, including the staff.

16 2. Sponsor assistance from the Minnesota State Arts Board
17 if:

18 a. ~~Schools are seeking arts-in-education assistance~~
19 ~~for the support of artist residency projects of one week (5~~
20 ~~school days) or longer~~ All applicants identified in A. submit
21 projects which are within the definition of sponsor assistance
22 in 5 MCAR S 5.004 P. of these rules.

23 b. The project submitted is not limited in access to,
24 or only serves, those attending schools, including the staff.

25 c. This assistance is for projects in which more than
26 \$3,000 is requested.

27 d. In those cases in which a school is an applicant
28 and is seeking arts-in-education assistance, the project to be
29 supported must be an artist residency project of one week (5
30 school days) or longer.

31 3. General support from the Minnesota State Arts Board if:

32 a. The organization seeking support is an arts
33 producing, or exhibiting organization. Public broadcasting
34 stations, schools, universities and other organizations which
35 primarily present rather than create or produce arts programs,
36 colleges, libraries, governmental units, chambers of commerce and

1 other community service organizations are not eligible to apply
 2 -----
 2 for this type of assistance.

3 b. The organization has been in existence in its
 4 current form two full years prior to applying.

5 c. The organization has a certified audit of its
 6 accounts for two full years prior to applying.

7 d. The organization has a commitment to paid
 8 -----
 8 professional management--at least one full-time paid management
 9 (not clerical) position for 12 months per year.

10 e. Have an annual budget of \$100,000, less any other
 11 MSAB or regional arts council grants, for the fiscal year
 12 completed prior to applying for Group II, and The organization
 13 has a cash revenue budget of at least \$700,000 for its fiscal
 14 -----
 14 year completed prior to applying for Group I, and at least
 15 -----
 15 \$100,000, but less than \$700,000, for its fiscal year completed
 16 -----
 16 prior to applying for Group II. This budget shall be
 17 -----
 17 substantiated by certified audit.

18 B. Organizations may only request up to 10% of their annual
 19 budgets from the general support program.

20 C. Organizations which receive grants for general support
 21 are ineligible to apply for special project and sponsor
 22 assistance grants from the Minnesota State Arts Board and all
 23 grants from regional arts councils.

24 D. Applicants for grants assistance from the Minnesota State
 25 Arts Board and regional arts councils must be able to show
 26 evidence of match through cash, revenue or grants in order to be
 27 eligible for any type of grants assistance.

28 5 MCAR S 5.008 Process for obtaining grants in all categories
 29 -----
 29 except regional arts council block grants.

30 A. Definitions. For the purpose of this rule the following
 31 terms shall have the meanings given to them.

32 1. "Applicant" means

33 (a) a. Any Minnesota resident who submits an
 34 -----
 34 application for a grant, or

35 (b) b. Any organization, department or agency of the
 36 -----
 36 state or political subdivision on whose behalf an application

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1 for a grant is submitted.

2 2. "Authorizing official" means

3 ~~{a}~~ a. A person, empowered to enter into contracts for
4 and who signs the grant application of an organization,

5 political subdivision, or department or agency of the state, or

6 ~~{b}~~ b. In the case of individual artist applications,
7 an individual artist who signs the grant application.

8 3. "Co-sponsor" means a partnership of two or more
9 organizations and/or governmental units to present arts
10 activities within a community or school which submits one grant
11 application.

12 4. "Fiscal agent" means any Minnesota non-profit, tax-
13 exempt organization or governmental unit which applies to the
14 board on behalf of an organization or group not meeting the
15 non-profit, tax-exempt requirements. The fiscal agent must sign
16 the application and, if a grant is received, sign the grant
17 letter/contract. The fiscal agent is legally responsible for
18 the completion of the project and for the proper management of
19 the grant funds.

20 5. "Grant" means an allocation of funds to an applicant
21 which is to be used for the purpose(s) described in the
22 application ~~which~~. The funds are not repaid.

23 6. "Grant contract" means the legally binding document
24 signed by an authorizing official of an organization or an
25 individual artist who has received a grant obligating him/her to
26 perform grant activities and to fulfill the requirements
27 stipulated in the contract.

28 7. "Grantee" means an applicant whose application is
29 approved for funding by the board.

30 8. "Matching funds" means share of the financial support
31 for a project or program raised by applicant from sources other
32 than MSAB. Match for a project or program cannot be made up
33 solely of in-kind contributions. The sources for matching funds
34 may be one or more of the following: cash, in-kind items,
35 revenue or other grants.

36 a. "Cash" means cash as shown by availability of bank

1 statements, or other indication of cash on hand and budgeted for
2 the project or program.

3 b. "In kind" means items such as materials, labor and
4 space which can be given a dollar value. Applicant must be able
5 to prove that in-kind match is committed to the project or
6 program.

7 c. "Revenue" means anticipated or actual receipts from
8 sale of tickets or products.

9 d. "Other grants" means grants received from other
10 grant-making agencies, public or private.

11 9. [Unchanged.]

12 10. "Project director" means person designated by an
13 organization, political subdivision or department or agency of
14 the state as the individual responsible for overseeing the
15 implementation of the project or program for which the
16 application is made.

17 B. All applications for grants must be made ~~an~~ on official
18 application forms for the appropriate program available at the
19 offices of the board. Applicants must use grant application
20 forms for the appropriate fiscal year. Requests for other forms
21 of assistance may be made directly to the board at its offices.

22 C. A copy of these rules and appropriate program information
23 will be provided upon request to all applicants and the public.

24 D. All applications must be postmarked by the deadlines set
25 forth by the board in the current program information.

26 E. The application form will request the specific data
27 needed to determine the eligibility of the individual or
28 organization and to review the application according to the
29 review standards.

30 F. All applications submitted by individual artists to the
31 board for grants must include examples of works of art of the
32 applicant submitting. The type of examples required and the
33 maximum number of examples to be submitted will be specified in
34 current program information of the board. No exceptions will be
35 made to these requirements ~~may be made on application to the~~
36 ~~Board.~~

1 G. All applications of an organization, political
2 subdivision or agency or department of the state must name a
3 project director.

4 H. The staff will review all applications submitted by the
5 deadline for completeness.

6 1. The applicant is responsible for the completeness of
7 the application.

8 2. An incomplete application is not eligible for review
9 by the advisory committee or the board.

10 I. A late application will not be considered for review by
11 the advisory committee or the board.

12 1- The applicant is responsible for the completeness of
13 the application.

14 2- An incomplete application is not eligible for review
15 by the advisory committee or the board.

16 J. A complete application includes the following:

17 1. The appropriate application form with all spaces
18 completed;

19 2. Authorizing signature(s) on the application form;

20 3. A complete data summary form;

21 4. All required resumes attached;

22 5. Applications from organizations have named a project
23 director;

24 6. Applications from individual artists must have
25 included required supporting materials;

26 7. Where applicable, a copy of the contract with the
27 fiscal agent;

28 8. ~~Postmarked~~ Postmark or delivered delivery by the
29 stated deadline(s) in program information.

30 K. The applicant is responsible for the quality and the
31 nature of the responses in the application form and the
32 supporting materials.

33 L. Advisory committees, when reviewing applications under
34 the standards listed in 5 MCAR S 5.010, shall submit as
35 recommendations:

36 1. Full funding,

1 2. Partial funding, except for individual artist grants,
2 which can only be for the full requested amount, or,

3 3. No funding.

4 M. The board shall give considerable weight to the
5 recommendations of the advisory committees.

6 N. The board may request comments and recommendations from
7 the staff on all aspects of applications.

8 O. The board may request a revised budget and/or project
9 description before taking final action on grant applications.

10 P. The board shall make all final decisions as to approval
11 or rejection of grant applications or requests for other forms
12 of assistance.

13 Q. If the board awards a grant which is smaller than the
14 amount requested, the applicant will be notified by mail, and
15 will be required to submit a revised budget before a grant
16 contract will be sent.

17 R. All applicants will receive a notification letter of
18 acceptance or rejection within 45 days after final review of the
19 application by the board, except when a revised budget is
20 necessary. In that case, applicants will receive a grant
21 contract and notification letter within 45 days after the
22 receipt of the revised budget by the board.

23 S. In the event a grant is awarded to a fiscal agent, the
24 fiscal agent must sign the grant letter. The fiscal agent must
25 have a written contract with the group implementing the
26 project/program which specifies the responsibilities of each.
27 This contract must be submitted with the application form.

28 T. The board will not assume responsibility for any loss or
29 damage to materials submitted with applications.

30 5 MCAR S 5.009 Process for obtaining regional block grants;
31 regional plan review; regional arts council review; re-granting
32 and reporting requirements.

33 A. To be eligible to receive a regional block grant an
34 organization shall:

35 1. Develop a biennial plan to be submitted by an
36 announced date, determined by the board.

1 2. The plan will include:

2 a. A mission statement of goals established by the
3 organization. The mission statement shall describe the overall
4 philosophy and aims of the organization concerning
5 local/regional arts development.

6 b. A needs assessment which will be carried out in a
7 manner which ensures input from the arts community and the
8 arts-involved public. This needs assessment will be updated at
9 intervals determined and announced by the board and the results
10 included in the plan. The needs assessment will be conducted to
11 determine the need to develop new or continued program
12 activities, services and grants assistance offered by the
13 regional arts council.

14 c. Description of the planning process including a
15 list of the steps in the development of the plan and the
16 participants in the planning process. Before the plan is
17 submitted to the board for final approval at least one public
18 meeting must be held for the purpose of soliciting public
19 reaction to the plan.

20 d. Work plan including a description of services,
21 programs and grants assistance available from the organization
22 and the goals and objectives of these activities as related to
23 the needs assessment.

24 e. Program information which describes grants and
25 other forms of assistance available, the methods for such
26 assistance, eligibility requirements, review standards, the
27 review process, the terms of the grant contract with grant
28 recipients, the time needed and process followed in paying ~~rent~~
29 grant recipients, and the responsibilities of the grantees.

30 f. The organizational structure which must include
31 bylaws, an identification of the arts experience and background
32 requirements for the members and job description of the staff of
33 the organization, a description of the rotation system which
34 will ensure replacement of members on a regular basis, and an
35 outline of the open nominations process used to appoint the
36 members.

1 g. Where applicable, a memorandum of agreement with
2 the regional development commission(s) or the Metropolitan
3 Council, a letter of agreement between the organization and a
4 fiscal agent or the tax-exempt letter for non-profit
5 organizations will be included. A memorandum of agreement shall
6 include that application decisions on artistic merit, applicant
7 ability, and need for project or program must be reserved for
8 consideration only by citizen advisory committees appointed for
9 their expertise and experience in the arts. The memorandum need
10 only be submitted to the MSAB once, at the start of the
11 operation of an organization as a regional arts council.

12 h. A budget which will be a total projected budget
13 identifying all local, regional, state and federal sources of
14 support, public and private.

15 i. A grant monitoring and evaluation process
16 description and an evaluation process description of the council
17 itself.

18 B. The review of a block grant application is as follows:

19 1. All regional plans/block grant applications shall be
20 reviewed by a regional arts development advisory committee of
21 the board.

22 2. The committee will review plans/block grant
23 applications using the review standards of merit of the proposed
24 activities, ability of the applicant and need for the proposed
25 activities by the organization or audience it serves as
26 contained in 5 MCAR S 5.010 A.

27 3. The regional advisory committee shall submit as
28 recommendations to the board one of the following:

29 a. Full funding based on the Minnesota State Arts
30 Board allocation formula;

31 b. Partial funding; or,

32 c. No funding.

33 4. A representative of the applicant organization shall
34 have the opportunity to present the plan and respond to
35 questions raised by either the regional arts development
36 advisory committee, the board staff, or the board.

1 5. The Regional Arts Development Advisory Committee shall
2 submit its recommendations to the board for final review.

3 6. The board shall approve, defer or reject plans
4 submitted by the regional block grant applicants.

5 C. After the board review, the applicant organization shall
6 have at least 30 days to make any revisions in the plan required
7 by the board.

8 D. The board will award only one regional block grant in
9 each region during a fiscal year.

10 E. Each applicant organization receiving a regional block
11 grant shall be designated a regional arts council.

12 F. Allocated funds for regions not served by a regional arts
13 council will be administered by the MSAB with the advice of a
14 regional arts task force.

15 G. Copies of the board approved regional arts council plan
16 will be available for distribution to the public by the regional
17 arts council.

18 H. Regional arts councils are eligible to apply only for
19 block grants for the purposes of local/regional arts development.

20 I. Regional arts councils receiving block grants from the
21 board are required to follow board rules pertaining to
22 eligibility requirements and review standards in distributing
23 local/regional arts development grants, process for obtaining
24 grants, provisions affecting grantees and miscellaneous
25 provisions. These rules are 5 MCAR SS 5.007, 5.008, 5.010,
26 5.011 and 5.012.

27 J. Regional arts councils must base decisions on
28 local/regional arts development grant applications received
29 through re-granting programs on the review standards listed in 5
30 MCAR S 5.010 A.1-. These decisions must be made by citizen
31 committees appointed for their expertise and experience in the
32 arts according to 5 MCAR S 5.005 C.

33 K. Organizations which receive a grant from a regional arts
34 council are subject to the provisions of 5 MCAR S ~~5-001~~ 5.011,
35 Provisions affecting grantees. -----

36 L. Each regional arts council shall submit an annual report

1 within 90 days, after the end of the regional arts council's
2 fiscal year which shall include:

3 1. Total fiscal statement, not an audit, for the years in
4 which the plan was in effect.

5 2. Description of the relationship between the approved
6 plan and the actual grants, and other forms of assistance
7 provided during the year with Arts Board block grant funds.

8 3. Report of the grants awarded, services provided and
9 programs disseminated.

10 5 MCAR S 5.009 Appeals process. [Repealed.]

11 5 MCAR S 5.010 Standards for review of requests for grants and
12 other forms of assistance. -----

13 A. Applications for special projects, sponsor assistance,
14 local arts development and regional block grants will be
15 reviewed primarily according to:

16 1. The merit and artistic quality of project or program.
17 In the case of service programs and projects the merit and
18 quality of the service being provided to the arts will be
19 reviewed.

20 2. If the application is determined to be of sufficient
21 merit and artistic quality as to indicate further review the
22 following standards will be applied:

23 a. The ability of the organization to accomplish the
24 project or program they describe or the organizational goals as
25 presented. This is demonstrated by providing evidence of a
26 planning process, qualifications of artistic and/or
27 administrative personnel, publicity efforts and previous
28 successful efforts.

29 b. Applicants must demonstrate demand or need for the
30 project or program by the organization applying or the group it
31 serves.

32 B. In the event that more applications are recommended for
33 funding than funds are available, the advisory committee may
34 rate the recommended applications individually to determine
35 funding priorities. This procedure will be outlined by the MSAB

1 and the regional arts council for each fiscal year.

2 C. Applications for general support will be reviewed
3 ~~primarily~~ according to:

4 1. Artistic excellence and leadership.

5 a. Service to the organization's principal art
6 form(s), i.e., preservation of artistic heritage(s),
7 presentation of new works, new artists.

8 b. Serving as an example of excellence for
9 others-setting standards. Recognition and impact in community,
10 region, state and nation.

11 c. Uniqueness of service, in nature or method.

12 d. Sharing of expertise.

13 e. Variety of program offering.

14 f. Qualifications and achievements of artistic
15 leadership.

16 g. Qualifications, achievements and methods of
17 selection of other principal artistic personnel and
18 administrative personnel.

19 2. The application is then reviewed according to the
20 following standards:-

21 5 MCAR S 5.010 C.2.-5. [Renumber as 5 MCAR S 5.010 C.3.-6.]

22 7. Size and distribution of audience/public.

23 a. Numbers served, by program type, if possible.

24 b. Numbers of subscribers and/or regular members;
25 enumeration of individuals served.

26 c. Numbers of persons served in headquarters
27 facilities and those served away from home facility.

28 d. Indications of audience/public demographics, if
29 available.

30 e. Special efforts to serve special constituencies.

31 D. Individual artists' applications will be reviewed
32 ~~primarily~~ for the quality of the artistic activity as
33 demonstrated in the examples of the work submitted. If the
34 artistic activity is determined to be of sufficient quality as
35 to indicate further review the following standards will be
36 applied:

1 1. The merit of the proposed activity as this relates to
2 the artist's ability to execute the proposed activity and an
3 examination of the artist's proposal, submitted work and career
4 brief.

5 2. Explanation of the amount requested.

6 E. Because it is anticipated that there will be more
7 qualified applicants than funds available, funding decisions
8 may be made by the board on the basis of the board's and
9 advisory ~~committees determination~~ committees' determinations of
10 the artistic quality as evidenced in the work submitted relative
11 to the artistic work submitted in other applications.

12 5 MCAR S 5.011 Provisions affecting grantees.

13 A. The grantee or authorizing official must sign and return
14 to the board, within 45 days from date of mailing, one copy of
15 the grant contract and necessary attachments if notification is
16 of grant approval. No action is required on notification of
17 applications not recommended for funding.

18 B. The grantee must acknowledge assistance by the board on
19 all written materials relating to the project or program such as
20 programs, news releases and posters. Grantee must use the
21 acknowledgement statement as found in the grant contract.
22 Grantees of regional arts councils must also use the board
23 acknowledgement statement on all materials relating to the
24 project or program.

25 C. The grantee must notify the board in writing at any point
26 if the program or project is changed from the way in which it
27 was described in the grant application. This notification
28 letter will be reviewed by the staff to ensure that the change
29 does not make a project or program ineligible for support as
30 eligibility is specified in these rules. Grantee will be
31 notified in writing of the approval or non-approval of the
32 program or project change(s).

33 D. [Unchanged.]

34 E. The grantee may be required to submit a certified audit
35 report of the organization or a project funded by the board.

36 F. For purposes of evaluation, grantees must permit the

1 board reasonable access to all activities supported by Arts
2 Board funds.

3 5 MCAR S 5.011 F.-H. [Reletter as 5 MCAR S ~~5.001~~ 5.011 G.-I.]

4 J. A grant commitment to a grantee may be rescinded by the
5 board if one of the following conditions exists:

6 1. The grantee does not return the signed grant contract
7 and/or attachments ~~with~~ within 45 days of the date specified by

8 the board letter or in program information.

9 2. The grantee does not return a revised budget and/or
10 project description within 30 days of the date of the
11 notification of board action by letter.

12 3. The grantee does not request the grant amount within
13 45 days of the date of the grant contract.

14 K. Grantee must submit a final report, within 60 days of the
15 date stated in the application as the end of the project or
16 program. This report is to be completed by grantee in the
17 requested format provided by the board. Failure to submit any
18 final reports will adversely affect the grantee's receipt of
19 Minnesota State Arts Board grant funds.

20 L. Grantee must start grant activities in the same fiscal
21 year in which the grant is received.

22 M. The board will annually review the regional block grant
23 allocation formula.

24 N. The board may recall uncommitted regional block grant
25 funds at the end of ~~the~~ the board's fiscal year. A written

26 request must be made by the regional arts council and submitted
27 to the MSAB for approval to carry-forward unexpended funds from
28 one fiscal year of the board to the next. This request from a

29 regional arts council must be made by May 1 of the same fiscal
30 year of the board and must outline the proposed allocation for

31 any unexpended funds in narrative form and contain a budget for
32 such use.

33 O. The board may institute systems of grant payments in
34 which such payments are contingent upon the receipt of final
35 reports and/or board evaluation of the grantee.

AG
10/13 memo
#2

1 5 MCAR S 5.012 Miscellaneous provisions.

2 A. The board may initiate new assistance categories or
3 pilots in which applicants for assistance may be selected
4 specifically for the way in which the board can learn from their
5 experience.

6 1. No pilot assistance category will continue for longer
7 than 2 years without the category being established on a
8 permanent basis, or discontinued.

9 2. All pilot assistance categories will be specifically
10 described as such in MSAB program information.

11 B. Applications for organizational and individual grants
12 assistance will not be accepted for review when one of the
13 following conditions exists:

14 1. Artists are required to pay entry or exhibition fees
15 in order to exhibit and/or perform in the project or program for
16 which funding is sought.

17 2. Funds are requested for capital improvement or
18 construction, purchase of real property or endowment funds.

19 3. Funds are requested to account for fund deficiencies
20 in projects begun prior to the project start date specified by
21 the Minnesota State Arts Board and regional arts councils in
22 program information.

23 4. Funds are requested to pay fees for touring costs,
24 performances or exhibitions carried out exclusively by student
25 organizations or schools.

26 5. Funds are requested to support activities which are
27 essentially for the religious socialization of the participants.

28 C. Applications for individual artist grants assistance will
29 not be accepted for review when one of the following conditions
30 exists:

31 1. Funds are requested by individuals for tuition or
32 other fees related to the pursuit of an academic degree.

33 2. Funds are requested by individuals to develop
34 curriculum plans, teaching materials or to teach classes.

35 3. Funds are requested by individual artists to engage in
36 activities such as establishing an arts organization or a

1 commercial venture.

2 D. Organizations which receive grants for general support
3 may apply for grants in pilot programs offered by the State Arts
4 Board if the organizations meet the stated eligibility
5 requirements of such pilot programs.

6 E. The board, in addition to the criteria set forth above,
7 may award all or most of the available grant funds at the first
8 deadline of each fiscal year.

9 F. The board may give priority to one form of assistance
10 over others during a fiscal year.

11 5 MCAR S 5.013 Public participation in agency matters.

12 A. Any applicant who disputes the decision of the board
13 regarding his or her grant application on any issue other than
14 artistic quality or merit may appeal the decision of the board.
15 This appeal to the board will be conducted in the following way:

16 1. The applicant will submit a written request for
17 consideration of his or her appeal within 45 days of
18 notification of the board's decision on the application.

19 2. This request must state the reason(s) for the appeal.

20 3. The board will review the written request appealing
21 its decision at its first meeting following the receipt of the
22 request.

23 4. The board may take one of the following actions in
24 response to the request for an appeal:

25 a. Determine that the applicant does not show
26 sufficient cause for an appeal.

27 b. Direct the staff to investigate the applicant's
28 appeal and bring a resolution of the claim to a subsequent
29 meeting of the board.

30 c. Request that the applicant appear before the board
31 at a subsequent meeting and address his or her appeal at that
32 time.

33 d. Determine that the applicant does show sufficient
34 cause for appeal and offer ~~resolution~~ settlement to the
35 applicant at the meeting.

36 e. Refer the appeal to a hearing examiner as a

1 contested case.

2 5. ~~If the applicant for a grant does not receive~~
3 ~~satisfactory resolution of~~ Following the appeal to the board if
4 the applicant continues to dispute the decision of the board
5 ~~regarding his or her appeal from the board, or if the board~~
6 refers the appeal to a hearing examiner, this appeal will be
7 conducted as a contested case pursuant to the Administrative
8 Procedures Act, Minn. Stat. SS 15.0418-15.0422 and 15.052.

9 B. There is no right of appeal for disputes of decisions of
10 the board and/or its advisory committees with respect to
11 artistic quality or merit, artistic excellence and leadership,
12 and the quality of the artistic activity of the work of an
13 individual artist.