

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO GRANT AWARDS AND SPONSORSHIP
3 AGREEMENTS; AMENDING SECTIONS 29.15 THROUGH 29.17 OF THE BROWARD
4 COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); REPEALING
5 PART IV OF CHAPTER 33 OF THE ADMINISTRATIVE CODE; AND PROVIDING FOR
6 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE
7 DATE.

8
9 WHEREAS, the Broward County Board of County Commissioners ("Commission")
10 has established grant programs and sponsorship opportunities to support arts, cultural,
11 and community-based events that enhance cultural vitality and economic development in
12 Broward County;

13 WHEREAS, Sections 29.15 through 29.17 of the Broward County Administrative
14 Code ("Administrative Code") establish the procedures for eligibility, approval, and
15 funding of such grant programs and sponsorships;

16 WHEREAS, the Cultural Division recommends certain amendments to the
17 Administrative Code, including updating review panel composition for the grant programs,
18 increasing approval and execution authority for grant awards and sponsorships, and
19 repealing obsolete provisions; and

20 WHEREAS, the Commission finds it appropriate to adopt the recommended
21 amendments, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Section 29.15 of the Broward County Administrative Code is hereby
amended to read as follows:

29.15. Eligibility; Evaluation; and Recommendations of Grant Awards.

~~(a)~~ a. *Review Panels; Composition and Process.*

~~(1)~~ 1. *General Operating Support Awards.*

a. (a) Applications for General Operating Support Awards will be reviewed
by a review panel consisting of no fewer than three (3) and no more
than five (5) members and scored based on the criteria described in
the Grant Guidelines.

~~b.~~ (b) The review panel shall be composed of members from the Broward
County community selected by the Council. Council members may
serve as members of the review panel if selected by the Council.

~~(2)~~ 2. *Program Support Grant Awards.* Applications for Program Support Grant
Awards will be reviewed by a review panel consisting of no fewer than
three (3) and no more than five (5) members and scored based on the
criteria described in the Grant Guidelines. The review panel shall be
composed of up to five (5) members from the Broward County community
selected by the Council. Council members may serve as members of the
review panel if selected by the Council.

~~(3)~~ 3. *C&A Facilities Capital Support Grant Awards.*

a. (a) Applications for C&A Facilities Capital Support Grant Awards will be reviewed by a five (5) member review panel and scored based on the criteria described in the Grant Guidelines.

b. (b) The review panel ~~will~~ shall be composed of:

(1) ~~Three~~ (3) members of the Broward County arts and cultural community, as selected by the Council;

(2) ~~The~~ Division Director or their written designee; and

(3) ~~The~~ Broward County Convention and Visitors Bureau President or their written designee.

~~(4)~~ 4. ~~Review Panels must comply with the following:~~ Requirements. Review panels must comply with the following:

a. (a) No panelist may have a Conflict of Interest as defined by any applicable Florida laws, Section 1-234 of the Broward County Code of Ordinances, or by any other applicable County ~~O~~rdinance(s).

b. (b) For all applications for Grant Awards, the applicable review panel shall document in writing, using the factors described in the Grant Guidelines: a recommendation to approve or deny the Grant Award; and, if approval is recommended, the details of the proposed Grant Award, including the monetary amount recommended to be provided, any benefits that the Recipient should be required to provide to Broward County as a condition of the Grant Award, and any other conditions related to the recommendation.

66 (b) b. Prior to final approval of any proposed Grant Award in excess of Five
67 Thousand Dollars (\$5,000) by the applicable award authority pursuant to Section 29.17,
68 the Council shall review the application and recommendation of the applicable review
69 panel and ~~provide~~ submit to the Director of the Division Director, ~~for provision to the~~
70 ~~applicable award authority,~~ a list of recommended Recipients, along with the Grant Award
71 amounts ~~being~~ recommended by the Council, for forwarding to the applicable award
72 authority.

73 Section 2. Section 29.16 of the Broward County Administrative Code is hereby
74 amended to read as follows:

75 **29.16. Arts and Cultural Event Sponsorships.**

76 (a) a. To assist in the promotion of Broward County as a supporter of cultural and
77 artistic events, and subject to the provisions of this section, the Division is authorized to
78 provide monetary and nonmonetary sponsorships ("Sponsorships") to organizations and
79 entities (each a "Sponsorship Recipient") to support events that ~~(i) are not being funded~~
80 ~~by a Grant Award because they were not currently scheduled at the time when~~
81 ~~applications were due for that fiscal year; and (ii) are open to the public and support the~~
82 ~~County's value of cultivating~~ cultivate community culture and the arts (collectively,
83 "Eligible Events"). The Sponsorships funded pursuant to this section may be awarded on
84 a rolling basis throughout the fiscal year, subject to the Division's Sponsorship budget ~~for~~
85 ~~Sponsorships,~~ or ~~with~~ from any unused Grant Award funding remaining in the Division's
86 budget ~~for that fiscal year after funding all Grant Awards awarded for that fiscal year; have~~
87 been funded; provided, however, that in no event shall a single Sponsorship, ~~and or~~ the
88 total of all Sponsorships awarded to any Sponsorship Recipient or for any Eligible Event,

89 ~~shall not exceed Fifty Thousand Dollars (\$50,000)~~ One Hundred Thousand Dollars
90 (\$100,000) for a fiscal year.

91 ~~(b)~~ b. *Sponsorship Programs.* The Division is authorized to administer the
92 following Sponsorship programs under this section: General Arts and Cultural
93 Sponsorship Program (“General Sponsorships”); and Arts and Cultural Festival and
94 Special Event Sponsorship Program (“Festival Sponsorships”).

95 c. *General Sponsorships.* General Sponsorships are Sponsorships provided
96 for Eligible Events that do not receive a Grant Award or a Festival Sponsorship. The
97 Division may provide General Sponsorships after internally evaluating the proposed
98 Eligible Event using the following factors to determine eligibility for a General Sponsorship
99 and, if eligible, the amount of the General Sponsorship:

- 100 ~~(1)~~ 1. The anticipated number of attendees;
101 ~~(2)~~ 2. The time of year of the Eligible Event;
102 ~~(3)~~ 3. The quantity and quality of marketing and promotional efforts that the host
103 organization represents it will make to attract attendees;
104 ~~(4)~~ 4. Potential positive economic impact to Broward County; and
105 ~~(5)~~ 5. Other County funding provided to the host organization.

106 d. *Art and Cultural Festival and Special Event Sponsorship Program.* Festival
107 Sponsorships are Sponsorships provided to entities hosting arts and cultural festivals or
108 special events that meet the requirements of the Festival Sponsorship guidelines. The
109 County Administrator is authorized to approve the Festival Sponsorship guidelines. The
110 Division must publish the approved Festival Sponsorship guidelines at least one hundred

111 twenty (120) days prior to the applicable application deadline(s). The Division shall
112 evaluate applications using the criteria stated in the Festival Sponsorship guidelines.

113 ~~(c) e.~~ Evaluation of Eligible Events. For all proposed Sponsorships, the Division
114 shall document in writing: (1) the recommendation to approve or deny ~~any~~ the proposed
115 Sponsorship; and (2) if approval is recommended, the details of the proposed
116 Sponsorship, including the monetary amounts to be provided, any nonmonetary or in-kind
117 benefits to be provided (and the fair market value of same), any benefits the Sponsorship
118 Recipient will be required to provide to Broward County as a condition of the Sponsorship
119 (e.g., promoting the County as a sponsor of the Eligible Event, etc.), and any other
120 conditions related to the recommendation.

121 ~~(d) f.~~ The Division Director and the County Administrator are authorized to
122 approve Sponsorships in accordance with the limitations stated in Section 29.17(d).

123 Section 3. Section 29.17 of the Broward County Administrative Code is hereby
124 amended to read as follows:

125 **29.17. Agreements; Award Authority; and Reports to the Board.**

126 ~~(a) a.~~ All Grant Awards and Sponsorships must be documented in a written
127 agreement executed by the Recipient (for Grant Awards) or Sponsorship Recipient (for
128 Sponsorships) and a representative of the County authorized to execute the agreement
129 per ~~sub~~Section 29.17(d) below. The form of the agreement must be approved as to legal
130 sufficiency by the ~~Office of the~~ County Attorney's Office.

131 ~~(b) b.~~ The timing and method of payment of the Grant Award or Sponsorship must
132 be included in the written agreement. Advance payment of all or part of a Grant Award or
133 Sponsorship may be made up to the following amounts: for Program Support Grant

Awards, up to fifty percent (50%) of the estimated program cost (which amount may be up to the full amount of the Grant Award); for General Operating Support Grant Awards, up to twenty-five percent (25%) of the Recipient's annual operating budget (which amount may be up to the full amount of the Grant Award); for Sponsorships, up to one hundred percent (100%) of the total Sponsorship amount; and for C&A Facilities Grant Awards, up to the full amount of the Grant Award.

(c) c. All Grant Award and Sponsorship agreements must include a right of the County to audit the Recipient's or the Sponsorship Recipient's operations and use of any funding provided by the County.

(d) d. After receipt and review of the recommendations of the applicable review panels and the Council (if required) pursuant to Section 29.15 for Grant Awards, and Division staff review as provided in Section 29.16 for proposed Sponsorships, the following individuals are authorized to approve Grant Awards and Sponsorships, whether as recommended or as modified by the approving authority:

(1) 1. The ~~Director of the Division~~ Director, for proposed Grant Awards (excluding C&A Facilities Capital Support Grant Awards) in amounts up to Five Thousand Dollars (\$5,000); and for Sponsorships in amounts up to ~~Twenty-five Thousand Dollars (\$25,000)~~ Fifty Thousand Dollars (\$50,000);

(2) 2. The County Administrator, for proposed Grant Awards (excluding C&A Facilities Capital Support Grant Awards) in amounts ~~greater than Five Thousand Dollars (\$5,000)~~ and up to Two Hundred Fifty Thousand Dollars (\$250,000); and for Sponsorships in amounts up to ~~Fifty Thousand Dollars (\$50,000)~~ One Hundred Thousand Dollars (\$100,000); and

(3) 3. The Board for all C&A Facilities Capital Support Grant Awards, any Sponsorship greater than One Hundred Thousand Dollars (\$100,000), and any proposed Grant Award greater than Two Hundred Fifty Thousand Dollars (\$250,000).

(e) e. Once approved pursuant to Section 29.17(d), the following individuals are authorized to approve and execute agreements for Grant Awards and Sponsorships as follows:

(1) 1. The ~~Director of the Division~~ Director, for General Operating Support and Program Support Grant Awards in amounts up to Two Hundred Fifty Thousand Dollars (\$250,000); and Sponsorships in amounts up to ~~Twenty-five Thousand Dollars (\$25,000)~~ Fifty Thousand Dollars (\$50,000);

(2) 2. The County Administrator, for General Operating Support and Program Support Grant Awards in amounts up to Five Hundred Thousand Dollars (\$500,000); and Sponsorships in amounts up to ~~Fifty Thousand Dollars (\$50,000)~~ One Hundred Thousand Dollars (\$100,000); and

(3) 3. All C&A Facilities Capital Support Grant Awards and any Grant Award or Sponsorship in excess of the amounts stated above shall require Board approval and signature by the Mayor, Vice-Mayor, or other delegated authority.

(f) f. *Breach of County Agreements.* If any Recipient or Sponsorship Recipient is deemed by the Director, the County Administrator, or the Board to have breached any agreement for a Grant Award, a Sponsorship, or any other agreement between the Recipient or the Sponsorship Recipient and the County, the County Administrator has the

authority to take any or all of the following actions, after giving written notice to the Recipient or the Sponsorship Recipient: (i) withhold any remaining payment of a Grant Award or Sponsorship and set off such amount, in full or in part, to satisfy any financial obligation owed to the County by the Recipient or the Sponsorship Recipient; (ii) terminate the Grant Award or Sponsorship agreement with the Recipient or the Sponsorship Recipient and not pay any unpaid amounts; and/or (iii) prohibit the Recipient or the Sponsorship Recipient from being considered for future Grant Awards and/or Sponsorships for a period of time, which may be up to ~~the~~ three (3) annual cycles or until the Recipient or the Sponsorship Recipient has satisfied all obligations to the County under the applicable agreement, as the County Administrator deems appropriate. Any Recipient or Sponsorship Recipient who has been prohibited from being considered for future Grant Awards or Sponsorships pursuant to this section may request reinstatement, which may be allowed by the County Administrator or the Board as either determines appropriate in their sole discretion. The remedies provided in this section are in addition to any legal or other remedies that the County may pursue against the Recipient or the Sponsorship Recipient.

~~(g)~~ g. *Reports.* Semiannual reports shall be filed by the Division with the Board no later than August 31 and February 28 of each year. Each semiannual report shall include the following: (i) the Grant Awards and Sponsorships approved during the reported period and, for each such Grant Award or Sponsorship, the approving authority; and the final approved amount; (ii) the execution dates for all agreements for Grant Awards and Sponsorships executed during the reporting period; (iii) for each Grant Award and

Sponsorship, the amount paid to date; and (iv) for the Division, the total amount paid during the reported period.

Section 4. Part IV, Chapter 33 of the Broward County Administrative Code, including Sections 33.30 and 33.31, is hereby repealed in its entirety.

Section 5. Severability.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this Administrative Code Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Administrative Code Resolution to any other individual, group, entity, property, or circumstance.

Section 6. Inclusion in the Broward County Administrative Code.

It is the intention of the Board of County Commissioners that the provisions of this Administrative Code Resolution become part of the Broward County Administrative Code as of the effective date. The sections of this Administrative Code Resolution may be renumbered or relettered and the word “resolution” may be changed to “section,” “article,” or such other appropriate word or phrase to the extent necessary to accomplish such intention.

