

**NOTICE OF MEETING
CITY COUNCIL OF THE CITY OF GALVESTON
THURSDAY - JANUARY 25, 2018 - 9:00 A.M.
ROOM 204 - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510**

WORKSHOP

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
2. ROLL CALL
3. DISCUSSION ITEMS
 - 3.A. Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items.
 - 3.B. Discussion Of The Arts And History Fund Advisory Board Criteria And Selection Procedures For Contributions Of Hotel Occupancy Tax To Arts And Historical Preservation (Brown/Yarbrough - 30 Minutes)

Documents:

[NEW AH DOCUMENT FINAL WORKING DRAFT.PDF](#)

- 3.C. Receive And Discuss An Update On Solid Waste Items (C. Dewitt - 45 Minutes)
 1. Franchise Agreement
 2. Recycling
 3. Operation of the Transfer Station
- 3.D. Receive And Discuss An Update On The Asset Review (B. Maxwell - 15 Minutes)
- 3.E. Discussion Of Broadcasting The Planning Commission Meetings On G-TV And Facebook Live, And Posting And Indexing The Video Recordings On The City's Website. (Maceo/Yarbrough - 15 Minutes)
- 3.F. Schedule A Special Meeting To Discuss And Consider An Item Related To TIRZ 13 (Yarbrough - 5 Minutes)
4. EXECUTIVE SESSION
 - 4.A. Pursuant To Texas Gov't Code 551.071- Consultation With Attorney, An Executive Session Will Be Conducted To Discuss And Receive Legal Advice Concerning Pending Litigation And/Or A Settlement Offer, Or On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With This Chapter, Related To The Following:
 - 4.A.1. Case No. 16-CV-0701; Jackie Cole, Elizabeth Beeton And Jos Writers V. Galveston Island RDA; 10th Judicial District
 - 4.A.2. Case No. 09-35324: In Re Estate Of Sonya Porretto, Chapter 7, In The United States Bankruptcy Court For The Southern District Of Texas

4.A.3. Consideration Of The Initiation Of Litigation Against Comcast Corporation Regarding Franchise Fees

5. ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on January 19, 2018 at 3:30 P.M.
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Manuela "Nellie De La Fuente", Assistant City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510).



This program shall begin for 2019-2020 Fiscal Year.

EXHIBIT 'A'

**ARTS AND HISTORY FUND ADVISORY BOARD CRITERIA AND
SELECTION PROCEDURES FOR CONTRIBUTIONS OF HOTEL
OCCUPANCY TAX TO ARTS AND HISTORICAL PRESERVATION**

The purpose of the Arts and History Fund Advisory Board of the City of Galveston (Advisory Board) is to allocate hotel motel occupancy tax (HOT) funds to arts and historic preservation groups pursuant to section 33-92(5) of **The Code of the City of Galveston, 1982, as amended.**

All applicants and current recipients are required to attend mandatory meetings. All meetings will be posted by the City Secretary's Office, which shall follow the laws as set out in the Texas Open Meetings Act.

1. Eligibility Requirements for all applicant organizations

Applicant organizations must:

1. demonstrates tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code or other non profits the City of Galveston deems appropriate;
2. have been in operation for at least one (1) calendar year before the grant application deadline;
3. produce financial statements showing activity for one (1) calendar or fiscal year before the grant application deadline;



4. the organization be headquartered in Galveston. An organizational history/philosophy statement shall be attached to the application;
5. provide programs and events available to City residents;
6. demonstrate that the request for hotel tax funds does not constitute more than 20 percent of the organizational budget.
7. comply with all City ordinances and City procurement procedures when using funds received from the City of Galveston

2. Financial Documentation Required to Apply for Funding

All organizations shall include with their application to the Advisory Board a proposed annual budget. The proposed budget shall include an itemized description of how the organization shall spend the hotel tax funds during the award year.

3. Criteria for Evaluation

The following criteria are intended to encourage organizations to reach the highest artistic, programmatic and organizational standards. All applications shall be ranked by the Board based on the following criteria:

- Program quality (40 points) and;
- Visitor appeal (40 points) and;
- Administrative ability (20 points)

The Advisory Board shall use the above criteria and award points based on the organization's application.



Following are general guidelines applicable to each component of the Advisory Board's criteria:

A. Program Quality (40 Points):

- ° Activities are of high artistic and/or programmatic quality as perceived by peers, critics and others, as appropriate;
- ° innovative and creative programs;
- ° vision and leadership demonstrated by the organization;
- ° activities that further applicant's artistic and/or programmatic goals and objectives;
- ° effective use of community resources; and
- ° quality of marketing materials used for promotional purposes, and the scope of distribution of those materials. (Organizations should provide examples with the applications).

B. Visitor appeal (40 points):

- ° Organization's commitment to attract visitors;
- ° verifiable information regarding the organization's ability to attract visitors with proof of actual attendance of the event, program, or attraction, with details regarding attendance from off-island and on-island visitors, and, if possible, number of room nights related to the event;
- ° number of days per year attractions are open to the public; number of events



and/or programs open to the public. (Organizations should provide a list of programs and activities with applications).

C. Administrative ability (20 points):

- A continuing history of growth, stability and vision;
- a long-range and/or short-range plan;
- a governing board that is representative of the community, meets regularly and sets policies for the organization;
- evidence of ability to deliver services effectively, including qualified staff and volunteers;
- realistic budget and accurate appropriate financial reports;
- diverse funding sources, both earned and unearned and both public and private;
- effective use of available resources;
- demonstrated effective use of hotel tax funds in the past and/or effective proposed utilization of future tax funds, with credible references.
- a demonstration of efforts to involve individuals of diverse ethnic backgrounds;
- demonstrated willingness to collaborate with other groups;
- responsiveness to needs of culturally under-served audiences; and



- ° community contributions to the organization.

4. Evaluation and Award of Funds

. The Advisory Board will coordinate the process of selecting recipients for funds for this program. Advisory Board members shall review the applications, ascertaining that all required documentation has been provided. A minimum of two Advisory Board members shall be assigned to each applicant organization, ensuring that at least two Advisory Board members are intimately familiar with the operations and the application of each organization.

A. The Advisory Board shall schedule public hearings on or around May 15th of each year in which applicants shall be allowed to publicly address the Advisory Board. All applicants will be notified of the hearing date and all applicants shall address the Advisory Board during the public hearings. **The Advisory Board shall make funding recommendations to City Council, based on the ranking of organizations pursuant to the award of criteria points, in the first available City Council meeting in July. City Council shall make the decision on which entities are awarded funds, and the amount of such funds. The City Council's decisions shall be final.**

B. Each recipient shall execute a contract with the City of Galveston and comply with all City and State expenditure reporting requirements.

C. The Advisory Board shall hold a mandatory meeting for all entities who have been awarded funding by City Council in August following City Council's decision. The purpose of the meeting shall be to instruct all recipients on the reporting requirements of both the Advisory Board and to give an overview of the process of distribution. Each recipient shall have two (2) representatives present at the meeting who shall have authority to execute the contract with the City of Galveston. The Advisory Board shall hold the meeting at a time agreed to by the Board and the entity.



D. It is the sole responsibility of the recipient to comply with all requirements of disbursement of hotel/motel occupancy funds and to obtain the funds within the year of allocation. All entities that are awarded funds must obtain and spend all disbursed funds by the end of the fiscal year. Recipients are subject to be audited by the City of Galveston at any time to ensure compliance.

5. Allocations.

Allocated funds will be disbursed on a fixed dollar amount for two year periods and will be based on a pro rata adjustment of the 6/8 made available, as provided in the City Code. The City will allocate up to ninety-five percent (95%) of available funds to qualifying organizations. Funds will be distributed on a quarterly basis. No entity shall be awarded more than \$250,000 in any fiscal year.

Up to \$50,000 of available funds may be used to fund public art as recommended by the Arts Commission.

The remaining five percent (5%) shall be placed in a reserve fund balance.

All forfeited funds will be placed in the reserve fund for future use consistent with this program.

Two Year Allocations

1. Applicant organizations shall meet the general eligibility requirements in Section 1. The Advisory Board shall evaluate the applicant organizations based on the criteria for evaluation established in Section 2.
2. End of year report. Each entity receiving funding shall submit an end of



year report to the City Finance Department on or before April 1st of each year by end of the business day. The End of Year report shall cover the fiscal year of the entity which has received funds. In the event April 1st falls on a weekend or City holiday, the end of year report shall be due the next available business day. The annual report shall include a complete and duly executed copy of the Report Form. The end of year report shall be prepared on the cash basis of accounting, shall include budgets based on approved annual itemized HOT revenues and expenditures, and shall state the organization's intended use of the funds has not changed from the use indicated on the entity's original application. Failure to submit the end of year report will result in that entity not being considered for funding for the subsequent award year.

6. Use of Funds

Organizations shall use all funds allocated for the:

- Purpose of increasing tourist visitation in the areas of historical preservation and restoration, commemoration of historic events or locations, in the encouragement, promotion, improvement and application of the arts, including music (instrumental and vocal), dance, drama, folk art, creative writing, architecture design and allied fields, painting sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, theater arts, and the arts related to the presentation, performance, execution and exhibition of these major art forms. The use of these funds shall be in compliance with allowable uses of HOT under Texas state law.

Organizations, in the use of funds received from the City, shall follow all federal, state, and local procurement laws, rules, and regulations.

7. Forfeit of award:



(A) Allocated funds shall be forfeited to the City in the event the following occurs:

- (1) the organization awarded the funds uses the funds for a purpose not approved by the City as noted under this chapter or subsequent contract;
- (2) the organization awarded the funds fails to use the funds by the end of the City's fiscal year for which the funds were awarded,
- (3) an organization ceases to qualify for the allocated funds. An organization may cease to qualify for the allocated funds by a failure to follow the procedures as set out in this ordinance.