

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 24, 2010
] by the

Oregon Business Development Department- Oregon Cultural Trust
Agency and Division

Date prior to or same as filing date
123-500
Administrative Rules Chapter Number

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to become effective [March 1, 2010]. Rulemaking Notice was published in the [February 1, 2010] Oregon
Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Rules define standards and application process for Oregon Cultural Trust Grants
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.
ADOPT: 123-500-0010, 123-500-0015, 123-500-0035, 123-500-0045, 123-500-0055, 123-500-0075, 123-500-0080, 123-500-0150, 123-500-0160, 123-500-0170, 123-500-0175

OBDP 6-2010

AMEND: 123-500-0000, 123-500-0005

REPEAL:

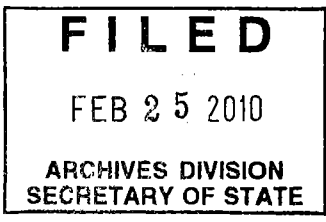
RENUMBER:

AMEND & RENUMBER: 123-500-0020 to 123-500-0090, 123-500-0030 to 123-500-0100, 123-500-0040 to 123-500-0110, 123-500-0050 to 123-500-0120, 123-500-0060 to 123-500-0130

Stat. Auth.: ORS 285A.075

Other Auth.:

Stats. Implemented: ORS 359.400 through 359.444



RULE SUMMARY

These rules help to protect and stabilize Oregon Cultural resources, creating a solid process for administering cultural participation grants. The rules define who is eligible for participation grants and the cultural development grant program as well as core partner agencies. These rules also set out cultural planning expectations for communities who can then access the participation grants.

Lynn Schoessler
Printed name

February 25, 2010
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005

OREGON BUSINESS DEVELOPMENT DEPARTMENT

DIVISION 500

OREGON CULTURAL TRUST GRANTS

123-500-0000

Purpose

The Arts Program, under the direction of the Cultural Trust Board, awards grants for the Oregon Cultural Trust through three grant programs: Cultural Development Grants to cultural organizations, Community Cultural Participation Grants to county and tribal cultural coalitions and Cultural Partner Grants to statewide cultural partner entities.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

123-500-0005

Definitions

(1) "Cultural Organization" means an organization defined in ORS 359.400.

(2) "Cultural Trust Board" means the board established by ORS 359.410.

(3) "Cultural Coalition" is a group organized in an Oregon county or within a federally recognized Indian Tribe, in Oregon to identify priorities and specific strategies for building public participation in culture. Each coalition will include representation from the arts, heritage, humanities and other organizations relevant to community cultural participation, including without limitation, educational institutions, libraries, media or businesses, and reflect the diversity of the County or Tribe. The primary purpose of the coalition is to develop a cultural plan for the area served and to award and monitor grant funds awarded to address cultural goals.

(4) "Cultural Plan" means a local plan that identifies priorities and specific strategies to build public participation in cultural disciplines and organizations within the local area. Plans will include benchmarks to measure progress against stated goals.

(5) "Core Partner Agencies" means the agencies described in ORS 359.400(2).

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

CULTURAL DEVELOPMENT GRANT PROGRAM

123-500-0010

Purpose

(1) The purpose of the Cultural Trust's Cultural Development Grant program is to provide state recognition and support to cultural organizations undertaking significant cultural programs and projects, preserving and enhancing Oregon's diverse arts, heritage and humanities efforts. "Cultural Development Grant Program" means the program created by ORS 359.431.

(2) Cultural Development Grants are awarded annually on a competitive basis pursuant to a process that is initiated when the Cultural Trust Board issues a request for proposals (RFP). The RFP will request proposals that address one or more of the following themes:

(a) Access: Making culture broadly available to Oregonians

(b) Preservation: Investing in Oregon's cultural heritage by recovering and preserving historic assets and achievements

(c) Creativity: The making or presentation of artistic or scholarly work, and the development of artists, cultural experts and scholars

(d) Capacity: The strengthening of cultural organizations to build stability and generate public confidence

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

123-500-0015

Applications and Eligibility

(1) Applications must be submitted in the form required, and by a deadline set, in the RFP.

(2) Applicants for Cultural Development Grants must be an Oregon cultural organization.

(3) Proposals submitted by institutions of higher learning must be for programs and activities that focus on, benefit, and are open to the general public, and the general public must form the majority of the total audience.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

123-500-0035

Evaluation Criteria

Cultural Development Grant applications are evaluated according to how they address the themes described in OAR 123-500-0010(1). Additional evaluation criteria include:

- (1) Significance of the activity or the project, including the quality of the organization(s), structures, works of art, or services that will be involved;
- (2) The potential to broaden or deepen public knowledge, understanding, appreciation of, and access to culture;
- (3) The appropriateness of the budget, the quality and clarity of the project goals and design, the resources involved, and the qualifications of the project's personnel;
- (4) Evidence of sound fiscal management;
- (5) Evidence of public or private matching funds or in-kind services;
- (6) The process by which the project will be evaluated and plans in place to sustain or maintain the activity or project, if appropriate, following the period of the grant.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

123-500-0045

Use of Grant Funds

- (1) Cultural Development Grant funds must be used:
 - (a) To address significant opportunities to advance, preserve or stabilize cultural resources;
 - (b) To invest in the development of new resources;
 - (c) To support proposals that have a broad cultural impact beyond the applicant itself; and,
 - (d) To support proposals from applicants with culture as a priority within the mission of the organization.
- (2) Cultural Development Grant funds may not be used for:
 - (a) Indirect costs;
 - (b) Tuition assistance or scholarships for college, university, or other formal courses of study;

(c) Projects that have been substantially completed by August 1, the start date of the grant period;

(d) Grants to offset previous project deficits; and

(e) Events whose primary focus is to raise funds for a non-cultural cause.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

123-500-0055

Grant Award Process; Administration of Grants

(1) Applications submitted to the Oregon Cultural Trust pursuant to its RFP will be reviewed by staff to determine whether the applicant is eligible to receive a Cultural Development Grant. Ineligible applications will be returned to applicants with an explanation.

(2) Applications from applicants eligible to receive a Cultural Development Grant will be reviewed by a panel of cultural professionals designated by the Cultural Trust Board who will make funding recommendations to the Cultural Trust Board.

(3) The Cultural Trust Board evaluates qualified proposals and determines final grant awards. Announcement of grants are made as provided in the RFP.

(4) Grants are administered by the Arts Program of the Oregon Business Development Department.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

123-500-0075

Grant Contract; Final Reports

Grant recipients are required to enter into a contract with the Arts Program of the Oregon Business Development Department. Pursuant to that contract, each grant recipient must complete a final expense and narrative report. Final financial reports must reflect the application budget as originally submitted unless the budget is revised with the approval of the Cultural Trust Board or its designee. Grant reports must be submitted within thirty (30) days of the end date of the grant period.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

COMMUNITY CULTURAL PARTICIPATION GRANTS

123-500-0080

Purpose

The purpose of the Cultural Trust's Community Cultural Participation Grant program is to provide funds to counties and federally recognized Indian Tribes to support local cultural activities involving the arts, heritage and humanities.

- (1) This program is intended to increase public participation in culture to actively support and enjoy the cultural resources in their communities and foster the development of a unique cultural identity for counties and tribes.
- (2) The program's focus is on local cultural planning, with each county, and each federally-recognized Indian Tribe, building participation in, gaining access to, and shaping priorities of local culture.
- (3) The program encourages inter-organization and inter-disciplinary collaboration, along with support for excellence.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444

123-500-0090

Eligibility

- (1) Each Oregon county, and each federally-recognized Indian Tribe, may establish a Cultural Coalition responsible for developing, implementing and monitoring a local cultural plan.
- (2) The Cultural Trust will award Cultural Participation Grant funds annually to each cultural coalition working within a cultural plan that has been approved by the Cultural Trust Board.
- (3) In accordance with its plan, the Cultural Coalition may decide how these funds are allocated locally.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444
Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09]

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444

123-500-0100

Structure of Cultural Coalition

(1) The structure of the Cultural Coalition reflects the cultural needs, assets and resources of each county and tribe.

(2) To qualify for grant funds, a Cultural Coalition must:

(a) Include representation from the arts, heritage, and humanities activities in their area;

(b) Include representation of other organizations that are relevant to community cultural participation, including without limitation educational institutions, libraries, media or businesses;

(c) Reflect the diversity of the population of the county or tribe.

(3) The size of the Cultural Coalition will vary depending on local needs. There should be sufficient numbers to represent arts, heritage and humanities plus other "at large" members from the community, including but not limited to business, education, media and libraries.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

123-500-0110

Fiscal Oversight

(1) Coalitions that are recognized by the Internal Revenue Service as a 501-c-3 private non-profit organization, or are a local public entity is eligible to receive Community Cultural Participation Grants directly from the Cultural Trust.

(2) Those coalitions that do not have IRS 501-c-3 non-profit status must identify a fiscal sponsor to accept grant funds on behalf of the coalition. The Cultural Trust Board will review and approve the proposed fiscal agent prior to the release of grant funds.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

123-500-0120

Standards for Cultural Plans

(1) Cultural Participation Grant funds may be awarded to any Oregon cultural coalition that operates under a cultural plan that has been approved by the Cultural Trust Board.

(2) A cultural plan may be approved by the Cultural Trust Board if it has determined that a local cultural plan:

(a) Identifies priorities and specific strategies for building public cultural participation across cultural disciplines and organizations. The strategies may include the involvement of partners outside of the cultural sector such as business organizations, schools and health and human service organizations;

(b) Identifies annual benchmarks to determine the impact of grant funds; and

(c) Specifies local leadership and governance for grant fund management and for ongoing planning and development of benchmarks.

(3) Local cultural plans shall be broadly disseminated within each county or tribe. The local cultural plans shall be used to encourage public discussion, planning and collaboration among cultural entities and to stimulate County and Tribal cultural programs, including collaborations with other entities.

(4) Grant funds received by a county or tribe shall be distributed locally as specified in the approved local cultural plan.

(5) A portion of the grant funds received each fiscal year by a county or tribe may be used for costs associated with grant management, community technical assistance and accounting.

(6) The Trust for Cultural Development Board shall allocate grant amounts for counties and tribes using a base amount, plus a per capita amount for each county or tribe that has adopted a cultural plan approved by the Trust for Cultural Development Board.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444

Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

123-500-0130

Cultural Participation Grant Allocation Process

(1) Annually, on a date established each year by the Cultural Trust Board and on a form or online system provided by the board, a cultural coalition must submit to the board current contact information for the coalition chair, coalition members and fiscal sponsor, if applicable.

(2) The Cultural Trust Board will allocate final grant awards pursuant to a formula determined by the board. The formula includes a base allocation per county and tribe plus an additional amount factored on population.

(3) The Arts Program, under the direction of the Cultural Trust Board, shall distribute the grant amounts to the cultural coalitions.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444
Hist.: EDD 3-2009, f. 4-30-09, cert. ef. 5-1-09

CULTURAL PARTNER GRANTS

123-500-0150

Purpose

The Arts Program, under the direction of the Cultural Trust Board, awards grant funds to five statewide cultural entities to promote arts, heritage and humanities programs across Oregon and leverage existing resources to benefit more Oregonians.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444

123-500-0160

Distribution of Funds

(1) The Arts Program, under the direction of the Cultural Trust Board, shall distribute the amount disbursed from the Trust for Cultural Development Account under ORS 359.426 (3)(c) to the core partner agencies as follows:

(a) 20 percent of the amount disbursed under ORS 359.426 (3)(c) for joint efforts by the core partner agencies in fostering cooperative cultural projects, including but not limited to cultural education, cultural tourism and other cultural activities; and

(b) 80 percent of the amount disbursed under ORS 359.426 (3)(c) to the core partner agencies for the purposes described in ORS 359.444. The Cultural Trust Board shall determine the amount or percent of available funds that each core partner agency shall receive under this paragraph.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444

123-500-0170

Limitations

The core partner agencies are not eligible to apply for grants from the Community Cultural Participation Grant Program or the Cultural Development Grant Program.

Stat. Auth.: ORS 359.416
Stats. Implemented: ORS 359.400 - 359.444

123-500-0175

Allowable uses of funds by core partner agencies.

(1) A core partner agency may use Cultural Partner Grant funds to:

- (a) Carry out the mission and mandate of the agency;
- (b) Serve more grantees; and
- (c) Encourage new cultural undertakings.

(2) Each core partner agency shall expend a portion of the amount received under ORS 359.426 as determined by the Cultural Trust Board each fiscal year to fund development of qualitative benchmarks and culture within Oregon.

Stat. Auth.: ORS 359.416

Stats. Implemented: ORS 359.400 - 359.444