



Broward County

Legislation Details (With Text)

File #: 21-1942 **Version:** 1

Status: Agenda Ready

In control: County Administration - Libraries Division

On agenda: 2/7/2023 **Final action:** 2/7/2023

Title: A. MOTION TO RETROACTIVELY APPROVE African American Historical and Cultural Grant Agreement No. 23.s.aa.900.055, between the State of Florida and Broward County for the term July 1, 2021, through June 30, 2023, in the amount of \$479,956, with funding provided by the Federal Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program established by the American Rescue Plan Act of 2021 (ARPA), \$180,000 for the design of a “Museum of Black Broward” and \$299,956 to replace theatre seating at the African American Research Library and Cultural Center; authorize the County Administrator to execute the Agreement, the required restrictive covenant, and any amendments thereto that do not increase the financial obligation of the County, subject to review for legal sufficiency by the Office of the County Attorney; and to take the necessary administrative and budgetary actions for the implementation of the grant award.

ACTION: (T-10:40 AM) Approved.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

B. MOTION TO ADOPT budget Resolution in the amount of \$479,956, for the design project “Museum of Black Broward” and replacement of theatre seating at the African American Research Library and Cultural Center in the federal grants fund for the Libraries Division.

ACTION: (T-10:40 AM) Approved Resolution No. 2023-039.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Grant Agreement-Museum of Black Broward, 2. Exhibit 2 - Budget Resolution

| Date | Ver. | Action By | Action | Result |
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Broward County Commission Regular Meeting

Director's Name: Monica Cepero

Department: County Administration

Division: Libraries

Information

Requested Action

A. MOTION TO RETROACTIVELY APPROVE African American Historical and Cultural Grant Agreement No. 23.s.aa.900.055, between the State of Florida and Broward County for the term July 1, 2021, through June 30, 2023, in the amount of \$479,956, with funding provided by the Federal Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program established by the American Rescue Plan Act of 2021 (ARPA), \$180,000 for the design of a “Museum of Black Broward” and \$299,956 to replace theatre seating at the African American Research Library and Cultural Center;

authorize the County Administrator to execute the Agreement, the required restrictive covenant, and any amendments thereto that do not increase the financial obligation of the County, subject to review for legal sufficiency by the Office of the County Attorney; and to take the necessary administrative and budgetary actions for the implementation of the grant award.

ACTION: (T-10:40 AM) Approved.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

B. MOTION TO ADOPT budget Resolution in the amount of \$479,956, for the design project “Museum of Black Broward” and replacement of theatre seating at the African American Research Library and Cultural Center in the federal grants fund for the Libraries Division.

ACTION: (T-10:40 AM) Approved Resolution No. 2023-039.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

Why Action is Necessary

Board approval is required to budget grant revenue not anticipated in the budget and to approve Grant Agreement.

What Action Accomplishes

This action provides funds for the design for a “Museum of Black Broward” and replacement of theatre seating at the African American Research Library and Cultural Center.

Is this Action Goal Related

Yes

Previous Action Taken

None

Summary Explanation/Background

THE LIBRARIES DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTION.

Approval of this item will support the Board’s Value to provide diverse artistic, cultural, educational, and historical amenities and programs that contribute to a vibrant, multi-cultural and economically viable community, including an annual signature event.

Through the American Rescue Plan Act of 2021, the State of Florida, Department of State, Division of Arts and Culture will use grant program funds from the SLFRF, to provide funding for construction projects at facilities in Florida that highlight the contributions, culture, or history of African Americans. The grant awards Broward County Board of County Commissioners for and on behalf of Broward County Libraries Division \$479,956. The Libraries received the Grant Agreement on October 18, 2022; the State has indicated amendments to extend the term will be allowed.

Grant funds will be used to renovate a museum/gallery space in Fort Lauderdale, Florida. Work items include design work, and purchase and installation of theatre seating. This will be accomplished by using \$180,000 to support the design phase of The Museum of Black Broward in the African American Research Library and Cultural Center’s current 6,500 sq. ft. of museum space; \$299,956

will support the purchase and installation of the 300-seat theatre. The Museum of Black Broward will tell the story of how the many people and cultures of the Black diaspora came to be in Broward County. The Museum will also provide a dedicated space in Broward that speaks to the complicated history of race in our country. The goal is that the Museum will become a trusted site for engagement to help our community learn from history to create a more informed empathetic world.

Grant deliverables to receive funds include: Libraries will provide the draft contract with a professional architectural/engineering consultant; project timeline to the Department for review and approval; photographic documentation of installed project identification sign with Grant Funding Acknowledgement; complete and submit Application and Certificate for Payment and Schedule of Contract Values; documentation to support all paid expenditures including detailed paid invoices, bank records, and canceled checks. In addition, an executed Restrictive Covenant filed with the County Clerk shall be submitted prior to final payment. In addition, an executed Restrictive Covenant filed with the County Clerk shall be submitted prior to final payment. The Restrictive Covenant will run with the land for a period of ten years and must include the following substantive terms:

- a. County must maintain the property as a building that is to be used primarily for the programming, production, presentation, exhibition, or any combination of the above functions of any of the cultural disciplines defined in Section 265.283(7), Florida Statute. These disciplines include, but are not limited to music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, and other such allied, major art forms;
- b. County agrees that no modifications will be made to the property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Department; and
- c. If County violates the Restrictive Covenant, County will be subject to the following financial penalty: if the violation occurs within the first five years of the effective date of the covenant, the Department shall be entitled to return of the entire grant amount; if the violation occurs after the first five years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five.

This item would authorize the County Administrator to approve and execute that restrictive covenant, subject to review for legal sufficiency by the Office of the County Attorney.

The grant application was submitted to the State in November 2021. The award notification was received in October 2022. The grant timeline is two years (July 1, 2021, through June 30, 2023); extension and amendment requests are allowed per guidelines in the agreement. Given the delay in notification, the State has agreed to provide the County extensions pursuant to the guidelines in the agreement to allow for completion of the deliverables.

The Office of the County Attorney has approved the Agreement as to form and ask that the Board note that the Agreement is on a form codified in the State Administrative Code and includes clauses that vary from the County's standard terms, including the venue for any litigation being in Leon County, Florida. Additionally, given the nature of the grant award, the State has indicated it is amenable to extending the term of the Grant Agreement through December 21, 2023, and will process an amendment extending the term once the County executes the Grant Agreement.

Source of Additional Information

Allison Grubbs, Director, Libraries Division, 954-357-7377

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact to the county, as the project is 100% grant funded.