

**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.

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

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

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15  
16 WHEREAS, the Cultural Division recommends certain amendments to the Administrative Code, including updating review panel composition for the grant programs, increasing approval and execution authority for grant awards and sponsorships, and repealing obsolete provisions; and

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

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

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

26 **29.15. Eligibility; Evaluation; and Recommendations of Grant Awards.**

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

28 ~~(1)~~ 1. *General Operating Support Awards.*

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

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

36 ~~(2)~~ 2. *Program Support Grant Awards.* Applications for Program Support Grant  
37 Awards will be reviewed by a review panel consisting of no fewer than  
38 three (3) and no more than five (5) members and scored based on the  
39 criteria described in the Grant Guidelines. The review panel shall be  
40 composed of up to five (5) members from the Broward County community  
41 selected by the Council. Council members may serve as members of the  
42 review panel if selected by the Council.

43 ~~(3)~~ 3. *C&A Facilities Capital Support Grant Awards.*

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

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

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

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

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

53 ~~(4)~~ 4. ~~Review Panels must comply with the following: Requirements. Review~~  
54 ~~panels must comply with the following:~~

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

58 b. (b) For all applications for Grant Awards, the applicable review panel  
59 shall document in writing, using the factors described in the Grant  
60 Guidelines: a recommendation to approve or deny the Grant Award;  
61 and, if approval is recommended, the details of the proposed Grant  
62 Award, including the monetary amount recommended to be  
63 provided, any benefits that the Recipient should be required to  
64 provide to Broward County as a condition of the Grant Award, and  
65 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

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

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

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

148 (1) 1. The ~~Director of the Division~~ Director, for proposed Grant Awards (excluding  
149 C&A Facilities Capital Support Grant Awards) in amounts up to Five  
150 Thousand Dollars (\$5,000); and for Sponsorships in amounts up to ~~Twenty-~~  
151 ~~five Thousand Dollars (\$25,000)~~ Fifty Thousand Dollars (\$50,000);

152 (2) 2. The County Administrator, for proposed Grant Awards (excluding C&A  
153 Facilities Capital Support Grant Awards) in amounts ~~greater than Five~~  
154 ~~Thousand Dollars (\$5,000)~~ and up to Two Hundred Fifty Thousand Dollars  
155 (\$250,000); and for Sponsorships in amounts up to ~~Fifty Thousand Dollars~~  
156 ~~(\$50,000)~~ One Hundred Thousand Dollars (\$100,000); and



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

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

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

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

206 Section 5. Severability.

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

214 Section 6. Inclusion in the Broward County Administrative Code.

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

